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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Fairs Operating Under the Agricultural Fair Act
- 2) Code Citation: 8 Ill. Adm. Code 260
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
260.5	Amend
260.10	Amend
260.15	Amend
260.20	Amend
260.30	Amend
260.35	Amend
260.40	Amend
260.45	Amend
260.50	Amend
260.55	Amend
260.60	Amend
260.70	Repeal
260.80	Amend
260.85	Repeal
260.87	Add
260.95	Amend
260.100	Amend
260.105	Amend
260.110	Amend
260.200	Amend
260.205	Amend
260.207	Amend
260.210	Amend
260.220	Amend
260.225	Amend
260.300	Amend
260.305	Amend
260.400	Amend
260.405	Amend
260.410	Amend
260.415	Amend
260.420	Amend
260.505	Amend
260.510	Amend
260.515	Amend

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260.520	Amend
260.522	Amend
260.524	Amend
260.525	Amend
260.530	Amend
260.535	Amend
260.537	Amend

- 4) Statutory Authority: The Agricultural Fair Act [30 ILCS 120]
- 5) A Complete Description of the Subjects and Issues Involved: The Bureau of County Fairs and Horse Racing is submitting additions, amendments or repealing sections of the Fairs Operating Under the Agricultural Fair Act rules. The issues involve simplifying and clarification of reporting requirements, accountability and audit finding solutions for county fair associations or agricultural societies, fair and exposition associations or authorities, 4-H clubs and vocational agriculture sections.
- 6) Will this rulemaking replace any emergency rulemaking in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: These amendments do 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 will begin on the day this notice of rulemaking appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking 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

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Illinois County Fairs, 4-H clubs and Vocational Agricultural Section Fairs
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER j: FAIRS

PART 260

FAIRS OPERATING UNDER THE AGRICULTURAL FAIR ACT

SUBPART A: FAIRS OPERATING UNDER THE
AGRICULTURAL PREMIUM FUND

Section	
260.5	Definitions
260.10	Appropriations
260.15	Declaration of Intention
260.20	<u>Premium</u> State Aid Payable on the Authorized Base
260.25	Denial of State Aid Claim (Repealed)
260.30	Premiums and Receipts for Premiums Paid
260.35	Stall or Pen Fees
260.40	Entry Fees <u>and Entry Fee Certification Form</u>
260.45	County Fair Organization and Operation
260.50	Exhibits and Livestock; Presence on the Fairgrounds and Early Release Procedure
260.55	Premium Book
260.60	Horse Racing – Harness and Running
260.65	Heavy Horses <u>(Repealed)</u>
260.70	Light Horses and Western Horses <u>(Repealed)</u>
260.75	Western Horse Shows (Repealed)
260.80	Livestock Classification <u>and Registration Papers</u>
260.85	Registration Papers <u>(Repealed)</u>
<u>260.87</u>	<u>Open and Junior Jackpot Shows</u>
260.90	Inspections and Inspectors Reports (Repealed)
260.95	Junior <u>ClassesShows</u>
260.100	<u>Premium Grand SummaryA State Aid</u> Report
260.105	Growth Incentive Program
260.110	Pro Rata (Grant) Payments and Justification
260.115	Petitioning for Base Adjustments (Repealed)
260.117	Administrative Rules (Formal Administrative Hearings, Contested Cases, Petitions, and Administrative Procedures)

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PARTICIPATING IN THE REHABILITATION FUND

DEPARTMENT OF AGRICULTURE

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- 260.200 Appropriation
- 260.205 Ownership of Grounds
- 260.207 Rehabilitation Declaration of Intent (Repealed)
- 260.210 Rehabilitation Claims
- 260.215 Major Building Projects (Repealed)
- 260.220 ~~A~~ Rehabilitation Report and Receipts
- 260.225 Pro Rata Payments and Justification

SUBPART C: PROCEDURES FOR PARTICIPATION
IN THE 4-H FUND

- Section
- 260.300 Appropriation and Eligibility
- 260.305 A 4-H Claim Report
- 260.310 Pro Rata Payment and Justification (Repealed)

SUBPART D: PROCEDURES FOR PARTICIPATION
IN THE VOCATIONAL AGRICULTURE FUND

- Section
- 260.400 Appropriation
- 260.405 Eligibility for Premiums
- 260.410 List of Premiums Sent to Bureau (Repealed)
- 260.415 Detailed Report of Premium Awards ~~Financial Statement~~
- 260.420 Pro Rata Payments
- 260.425 Fiscal Accounting (Repealed)

SUBPART E: FAIRS OPERATING UNDER THE
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- Section
- 260.500 Appropriation (Repealed)
- 260.505 Eligibility
- 260.510 Ownership or Leasing of Grounds
- 260.515 Declaration of Intention and Construction Plans/Specifications
- 260.520 Transfer of Funds (Repealed)
- 260.522 Entry Fee Certification Form and Premium Books
- 260.524 Premium State Aid Payable on the Authorized Base

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- 260.525 ~~Distribution of Funds, Declaration of Intention, Penal Bond, and Audit~~
260.530 Expenditure of Funds
260.535 Accumulation of Funds for Major Building Projects (Repealed)
260.537 Premium Grand Summary Report and Fair and Exposition Financial Statement and Receipts
260.540 Administrative Rules (Formal Administrative Hearings, Contested Cases, Petitions, and Administrative Procedures)

AUTHORITY: Implementing and authorized by the Agricultural Fair Act [30 ILCS 120].

SOURCE: Rules and Regulations Governing Fairs Operating Under The Agricultural Fair Act, filed December 6, 1977, effective January 1, 1978; codified at 5 Ill. Reg. 10529; amended at 6 Ill. Reg. 4109, effective April 6, 1982; amended at 9 Ill. Reg. 3233, effective March 1, 1985; amended at 10 Ill. Reg. 7654, effective April 28, 1986; amended at 11 Ill. Reg. 10175, effective May 15, 1987; amended at 21 Ill. Reg. 2139, effective January 29, 1997; amended at 26 Ill. Reg. 5122, effective April 1, 2002; amended at 28 Ill. Reg. _____, effective _____.

SUBPART A: FAIRS OPERATING UNDER THE
AGRICULTURAL PREMIUM FUND

Section 260.5 Definitions

"Act" means the Agricultural Fair Act [30 ILCS 120].

"Bureau" means the Bureau of County Fairs and Horse Racing, Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281. The telephone number for the Bureau is 217/782-7411.

"Class" is a group, set or kind of animal or exhibit which shares common attributes (e.g., Herefords, Belgians, Dorset, Hamburg, championship, milk and cream, Duroc, barrows, corn, apples, arrangement, clothing, and ceramics).

"Department" means a general grouping of animal species or general categories of exhibits. Departments are listed in Section 260.55(a)(2).

"Premium number" means the number assigned to the class or the event.

"Premium State aid" means reimbursement by the Illinois Department of Agriculture to county fairs for premiums paid.

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

Section 260.10 Appropriations

- a) Eligibility of fair associations or agricultural societies to participate in appropriations from the Agricultural Premium Fund shall be as set forth in Sections 3, 5 and 7 of the Act. Any newly organized fair association or agricultural society must receive an appropriation for their first year's fair as set forth in Section 6 of the Act, and in subsequent years the Department of Agriculture shall include the appropriation for that fair as part of its annual budget.
- b) Appropriations made to the Department of Agriculture for disbursement to fair associations or agricultural societies shall not be used to pay for personnel, premiums and expenses of acts which are primarily for the entertainment of persons (e.g., grandstand shows, variety acts, bands, clowns, queen contests, showmanship events, machinery shows, demolition derbies, parades, balloon races, auto races, motorcycle races, human races, baton twirling, boccie ball, and amateur contests), except for those exhibits and events relating to agriculture as identified in Section 9 of the Act. 4-H Club fairs and exhibitions receive an appropriation in accordance with Section 14 of the Act and, therefore, 4-H Club classes do not qualify for reimbursement of State Aid for premiums paid.
- c) *Appropriations shall not be used for salaries of officers of the fair or for personnel hired or contracted for by the fair officers* (Sections 9 and 22 of the Agricultural Fair Act, 30 ILCS 120/9 and 22).
- d) Contributions, such as money, ribbons, trophies, rosettes, blankets, or wreaths, made by and/or expenses incurred by persons or organizations sponsoring events or classes, other than the fair association or agricultural society, are not eligible for ~~premium State aid~~State Aid.

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

Section 260.15 Declaration of Intention

- a) On or before December 31 of the year preceding the year in which a fair association or agricultural society will participate in the Agricultural Premium Fund appropriation, the fair association or agricultural society shall file a Declaration of Intention with the Bureau. A fee of \$25 will be deducted each day

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~~the Declaration is late from the total premiums claimed.~~ The Bureau shall mail Declaration of Intention forms to each fair association or agricultural society that participated in the previous year's appropriation and to any newly organized fair that receives an appropriation in accordance with Section 6 of the Act. ~~Failure to receive this form shall not relieve the fair association or agricultural society from filing the Declaration of Intention.~~

- b) The following information shall be submitted on the Declaration of Intention:
- 1) Names and addresses of the fair's officers.
 - 2) The location of the fair.
 - 3) The dates of ~~the next year's fair exhibition.~~
 - 4) The approximate amount of premiums to be offered in each department and the maximum amount of premiums to be offered by the fair.
 - ~~5) Estimated costs of trophies, ribbons and rosettes, including engraving, for those classes that are eligible for State Aid in accordance with Section 9 of the Act.~~
 - ~~56)~~ Name, address and telephone number of the person who is responsible for filing the ~~premium grand summary State Aid~~ report if this person is other than the secretary of the fair association or agricultural society.
 - ~~7)~~ ~~Which Division (Division I or Division II) shall be used for the 100% reimbursement of the first \$2,000. This reimbursement may be divided on a 50/50 basis or any combination thereof between the two divisions. If this information is omitted, the 100% reimbursement of the first \$2,000 shall be taken in Division I.~~
 - ~~68)~~ Signatures of the officers (i.e., President, Secretary and Treasurer) of the fair association or agricultural society.
- e) ~~The Declaration of Intention shall be notarized by a notary public.~~
- ~~cd)~~ The secretary or the designated contact person for the fair shall notify the Bureau in writing when changes occur in the fair's officers and/or the person designated as the contact person.

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- de) Once the Declaration of Intention is filed with the Bureau, the dates of exhibition may be changed only due to an emergency or because the wrong dates were submitted. Before the fair association or agricultural society may change the dates of exhibition or advertise such change, the fair association or agricultural society must notify the Bureau in writing and request the dates of the fair be changed, giving the new dates and the reason for such change. The Bureau shall approve the change in the dates when an emergency exists (e.g., the fair cannot get a carnival, events conflict with a neighboring fair or the State Fair, rehabilitation or repair projects are not completed, or severe weather caused destruction to the facilities) or if the change in the dates will avoid conflict with neighboring fairs or the State Fair.
- ef) Before any change is made in the amount of premiums offered in the fair's program from that amount as originally submitted on the Declaration of Intention, the fair association or agricultural society shall ~~contact request approval of such change in writing from~~ the Bureau. ~~Within 10 days after the receipt of the fair's request, the Bureau shall notify the fair secretary or designated contact person of the Bureau's decision on whether to permit a change in the amount of premiums offered.~~ The Bureau shall approve changes in the amount of premiums offered when the number of participants in or lack of participation in classes indicates such change is needed or when costs, such as for trophies, ribbons, rosettes, or engraving, were omitted from the Declaration of Intention until the fair's premium book is printed.

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

Section 260.20 Premium State Aid Payable on the Authorized Base

- a) Premium State aid~~State Aid~~ shall be paid to the fair association or agricultural society based upon each fair's authorized base. The authorized base shall be determined in accordance with the provisions of Section 10(a) and (b) of the Act. The authorized base for newly organized fairs shall be the same as the first year's appropriation for that fair.
- b) The distribution of premiums must be in compliance with the provisions of Section 9(a) of the Act in order to be eligible for premium State aid~~State Aid~~.
- c) The premium grand summary~~State Aid~~ report shall be filed with the Bureau in accordance with provisions of Section 12 of the Act and Section 260.100.

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- d) Failure to comply with the provisions of this Section shall cause all premiums awarded in those classes where the violation occurred to be ineligible for ~~premium State aid~~ State Aid.

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

Section 260.30 Premiums and Receipts for Premiums Paid

- a) All premiums shall be paid by the fair association or agricultural society to the winners and persons who placed in each class prior to the filing of the premium grand summary ~~State Aid~~ report. A receipt showing the amount of each premium paid ~~and the exhibitor's social security number~~ shall be signed by the exhibitor who won or placed in the class and was paid the premium. ~~If the exhibitor is unable to personally pick up the premium money, the person picking up or mailing the check shall sign the exhibitor's name and write "by" and his or her name and address. Falsifying a receipt by someone else signing the exhibitor's name, except as provided above, or obtaining signed receipts before premiums are paid shall result in denial of State Aid for the amount of that premium.~~
- b) All receipts for premiums paid shall accompany the premium grand summary ~~State Aid~~ report in support of claims. If, in a few cases, the secretary or the person designated to file the premium grand summary ~~State Aid~~ report is unable to obtain a signed receipt, the cancelled check or a photostatic copy of the cancelled check shall be attached to the unsigned receipt. The cancelled check (or copy of the cancelled check) shall remain as a part of the premium grand summary ~~State Aid~~ report and shall not be returned to the fair association or agricultural society. The original of the receipt shall accompany the premium grand summary ~~State Aid~~ report, a copy of the receipt shall be given to the exhibitor, and a copy of the receipt shall be retained for ~~threetwo~~ years by the fair association or agricultural society.
- c) Each exhibitor's receipt shall be totaled separately. The receipts shall be kept separated according to each department.
- d) Premium State aid ~~State Aid~~ will be paid on a maximum of two premiums awarded to the same exhibitor under the same premium number. Where only one exhibit is entered in a class, the exhibit shall be declared first place and be paid the first place premium. ~~Except for stake races in Division II, only one premium shall be eligible for reimbursement of State Aid in each sweepstake or champion~~

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~~class. Premium State aid~~State Aid shall be paid on a maximum of 10 placings under any one premium number. ~~Premiums awarded under the Danish system (where premiums are based upon the number of entrants) or group system of placing are not eligible for State Aid.~~ The premium amounts must be on a graduated scale.

- e) The costs of ribbons, rosettes and trophies, including engraving, are eligible for ~~premium State aid~~State Aid when they are awarded in classes that are eligible for ~~premium State aid~~State Aid. An itemized invoice showing only the items as before stated that are eligible for ~~premium State aid~~State Aid shall accompany the ~~premium grand summary~~State Aid report. Invoices for trophies, ribbons, or rosettes must show the business from which they were purchased. Where the ribbon, rosette, trophy and/or the engraving on the trophy is paid by an organization or person sponsoring the event, these costs are not eligible for ~~premium State aid~~State Aid.
- f) In order to qualify for premiums, entries must show in their proper classes (i.e., according to age, sex, breed, or other qualifications as established for the exhibit or event by the fair association or agricultural society; five-gaited horses cannot show as three-gaited, and polled herefords cannot show in the horned hereford class). Combining of classes, such as the polled herefords with the horned herefords, will disqualify such combined classes for ~~premium State aid~~State Aid, except where the classes were advertised as combined classes in the premium book.

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

Section 260.35 Stall or Pen Fees

Stall or pen fees shall be set ~~and charged~~ by the fair association or agricultural society. Stall or pen fees must be published in the premium book (see Section 260.55) and once they are published they cannot be changed. The fair association or agricultural society may set stall or pen fees as one sum which will cover all the days of the fair. ~~The stall or pen fee that may be charged shall be set by the fair association or agricultural society.~~

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

Section 260.40 Entry Fees and Entry Fee Certification Form

- a) An entry fee shall not be more than 10% of the purse offered under one premium

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number, nor more than 75% of the smallest premium offered. Where either percentage is violated, the amount of the excess entry fee that was charged shall be deducted from the amount of premiums paid in that particular class when determining State Aid reimbursement.

- b) The amount of the entry fee charged must be printed in the premium book for each department and shall be shown separately from stall or pen fees that are charged by the fair association or agricultural society. The entry fee shall be for each class entered and not for each animal.
- c) All fairs participating in the Agricultural Premium Fund must submit an entry fee certification form to the Bureau of County Fairs and Horse Racing, on a form provided by the Bureau, signed by the fair president, secretary and treasurer stating that all entry fees are in compliance with Section 260.40(a). The entry fee certification form is to be submitted to the Bureau of County Fairs and Horse Racing at least 10 days prior to the opening day of the fair together with two premium books. A fee of \$25 will be deducted each day the form is late from the total premiums awarded at the fair. Reimbursement shall be delayed until such time the certification is received by the Bureau.

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

Section 260.45 County Fair Organization and Operation

- a) A fair association or agricultural society may be open to the world or confined to the county or an adjacent county or counties contiguous thereto or other defined grouping of counties and shall be designated in the fair's premium book. The Department of Agriculture shall grant written permission upon receipt of written request for any exceptions to this rule, unless the premium books have been printed.
- b) All events and exhibits in order to be eligible for premium State aid~~State Aid~~ must be held on the fairgrounds during the advertised dates of the fair.

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

Section 260.50 Exhibits and Livestock; Presence on the Fairgrounds and Early Release Procedure

- a) Exhibits and livestock are required to be in place for exhibition ~~and livestock is~~

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~~required to be~~ on the fairgrounds for a minimum of three days, except for exhibits and livestock in Departments C, D, E, Q, R, S, T, V and Z. The county fair board may required specified exhibits and livestock to stay beyond the minimum 72-hour exhibition time. 4-H Club shows, Junior Shows, and one-day shows, such as Horse show, Steer show or Barrow show. The number of days the exhibit or livestock must be on the fairgrounds for exhibition shall be indicated in the Premium Book (see Section 260.55). If recommended by the county fair's veterinarian and approved requested by fair management, early dismissal of livestock may be granted ~~by the Bureau~~ for the following reasons: disease outbreak, severe hot weather, or other existing conditions which may result in the death of livestock. The Bureau may also grant early dismissal of livestock and other exhibits in emergency situations upon recommendation of fair management in the case where facilities have been lost due to fire, wind or heavy rain damage to tents and barns, or loss of electrical power, or if facilities cannot accommodate livestock due to space limitations.

- b) Junior shows shall comply with Section 260.95(c) regarding the presence of livestock and exhibits on the fairgrounds.
- c) 4-H Club shows shall comply with Section 260.300(h) regarding the presence of livestock and exhibits on the fairgrounds.

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

Section 260.55 Premium Book

- a) A premium book showing the classes of exhibits and the premiums offered for each class/species must be made available by the fair association or agricultural society to the public upon request and two copies~~a copy~~ sent to the Bureau at least 10 days prior to the opening day of the fair~~and another copy shall accompany the State Aid Report. A fee of \$25 will be deducted from the premiums claimed for each day the premium books are late. Premium reimbursement shall be delayed until the premium books are received. Along with the premium books, the entry fee certification form must be signed and submitted (see Section 260.40(c)). For those fairs utilizing other computer programs to supply the Bureau's reporting requirements, the 10% and 75% report must also accompany the fairs premium books and certification and another copy shall accompany the premium grand summary report.~~ The premium book shall contain the following information:
 - 1) The ~~estimated~~total amount of premiums that are offered in each

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department.

- 2) Each department shall be identified as follows:

Department A – Beef Cattle
Department B – Dairy Cattle
Department C – Heavy Horse
Department D – Equine Pulling Contest
Department E – Jacks, Jennets and Mules
Department F – Sheep
Department G – Swine
Department H – Junior Department – Livestock
Department I – Poultry, Rabbits, and Ratites
Department J – Agricultural Products
Department K – Horticulture
Department L – Floriculture
Department M – Fine Arts and Textiles (Fine arts may be designated as M-1 and textiles as M-2)
Department N – Education and Natural History
Department O – Dairy, Apiary and Culinary
Department P – Junior Department (other than Livestock)
Department Q – Tractor Pulls and Pick-up Truck Pulls
Department R – Light Horse and Western Department – Equine Events
Department S – Harness Races
Department T – Running Races
Department U – Goats and Llamas
Department V – Miscellaneous
Department Z – Rodeos

- ~~3) The class number. The first class in the premium book shall be numbered 1 and the remaining classes numbered consecutively throughout the entire book. Numbers may be left blank to allow for future expansion of classes or breeds.~~
- 34) The entry requirements and the graduated premiums offered for each class/species.
- 45) The ~~minimum~~maximum number of days that the exhibits or livestock must remain on the fairgrounds.

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- ~~56)~~ The time and date for the release of livestock and exhibits.
- ~~67)~~ Stall or pen rent charged.
- ~~78)~~ Entry fee charged.
- b) All departments and classes must be published in the premium book to be eligible for ~~premium State aid~~State Aid.
- c) Should it be necessary to make corrections in the premium book after it is printed, these corrections must be made available to the public ~~and must be indicated on the copy which accompanies the State Aid report~~.
- ~~d) Department I shall include other birds that are raised in domestic production or for exhibition purposes, such as pigeons, pheasants, guineas, peafowl, ostrich, rheas, and emus.~~
- ~~e) Any classes that do not come under Departments A through Z as listed in Section 260.55(a)(2) shall be listed under Department V.~~

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

Section 260.60 Horse Racing – Harness and Running

- a) In order to qualify for ~~premium State aid~~State Aid, harness horse races shall be confined to standardbred horses; running horse races shall be confined to thoroughbred and quarter horses. Quarter horse races are reported under Department-Equine Races, Department T, on the ~~premium grand summary~~State Aid report.
- ~~b) Entry fees shall be as set forth in Section 260.40. Stall fees shall conform with Section 260.35.~~
- ~~be)~~ Contributions, such as money, blankets, ribbons, wreaths, trophies, rosettes or engraving, made by other persons or organizations (e.g., colt associations, the promoter of the races, the State Fair, or Standardbred and Thoroughbred Breeding and Racing Programs) are not eligible for ~~premium State aid~~State Aid. The actual amount of monies expended for horse racing by a fair association or agricultural society is eligible for ~~premium State aid~~State Aid reimbursement. Horse racing

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entry fees may be included in the amount requested for ~~premium State aid~~~~State Aid~~ reimbursement.

- ~~c~~d) The party paid the purse shall sign the receipt showing each purse and total purse won. The receipt shall be submitted with the ~~premium grand summary~~~~State Aid~~ report.
- ~~d~~e) A racing program marked to indicate the placings in each race shall accompany the ~~premium grand summary~~~~State Aid~~ report.

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

Section 260.65 Heavy Horses (Repealed)

~~In order for an event to qualify for State Aid, heavy purebred horses (draft horses) shall be registered with a national registry association, as evidenced by a certificate of registry. It shall be the responsibility of the county fair association or agricultural society to check registration certificates. Heavy horses shall be listed in Department C on the State Aid report (see Section 260.55(a)(2)).~~

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

Section 260.70 Light Horses and Western Horses (Repealed)

- ~~a) In order to qualify for State Aid, a purebred western or light horse shall be registered with a national registry association, as evidenced by a certificate of registry. It shall be the responsibility of the county fair association or agricultural society to check registration certificates.~~
- ~~b) Light or western horses shall be listed in Department R on the State Aid report (see Section 260.55(a)(2)).~~

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

Section 260.80 Livestock Classification and Registration Papers

- a) ~~Herd~~~~Unless herd~~, flock or group classes of livestock ~~shall be~~ defined by the fair association or agricultural society ~~by other criteria~~ and ~~the classifications~~~~such~~ criteria ~~shall be~~ published in the premium book.; ~~The~~~~the~~ fair association or agricultural society may follow the current classifications as defined by the

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national breed organizations.

- b) ~~Registration papers are required for all purebred livestock. Poultry classifications shall be limited to the popular farm varieties and ratites in the area where the county fair is held in order to be eligible for State Aid as determined by the county fair association or agricultural society. Poultry classifications shall be published in the premium book.~~

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

Section 260.85 Registration Papers (Repealed)

~~Registration papers are required for all purebred livestock.~~

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

Section 260.87 Open and Junior Jackpot Shows

- a) Where the county board elects to have both a junior and open fair, jackpot shows are eligible for premium State aid. The estimated purse, plus any monies added by the fair (i.e., entry fees), including graduated percentage placings for premiums, must be listed in the premium book to be eligible for premium State aid. The premium book must also list whether the shows are open or are closed to participants from that county only. Sanction fees are not eligible for premium State aid.
- b) Where a county board elects to have strictly a junior fair, only junior jackpot shows closed to that county are eligible for premium State aid and the premium book must list the exhibition as a junior jackpot show. The estimated purse, plus any monies added by the fair (i.e., entry fees), including graduated percentage placings for premiums, must be listed as a closed show in the premium book to be eligible for premium State aid. Sanction fees are not eligible for premium State aid.

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

Section 260.95 Junior Classes Shows

- a) Junior classes Shows are eligible for premium State aid~~State Aid~~ only if they are open to boys and girls who are at least 8 years of age or in third grade as of

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~~January 1 and not yet 19 years of age on or before September 1 of the year the fair is held. between 8 and 18 years of age as of January 1 of the year the fair is held. The same classes which are eligible for State Aid in the open show are eligible for State Aid in the Junior Show.~~ All animals (i.e., individual, herd or flock classes) shown in junior classes~~Junior Shows~~ must be the property of the boys ~~and~~ girls showing them. If the same animals are shown in both the open classes and junior classes~~Junior Show~~, they shall be shown under the same exhibitor's name (for example, the father is not permitted to show an animal in the open class and the son or daughter to show the same animal in the junior classes~~Junior Show~~).

- b) ~~Exhibitors may be assisted in herd or flock classes during the judging process only by other boys and girls who meet the age requirement set forth in subsection (a). A fair that is composed entirely of Junior Show classes and does not have open classes shall use the standard department classifications (e.g., Department A—Beef Cattle) as stated in Section 260.55(a)(2). However, fairs that have both Junior and open classes shall report livestock showing in the Junior Show in Department H and all other Junior Show classes, such as poultry, agricultural products, horticulture, floriculture, educational, fine arts and textiles, dairy products, apiary and culinary, shall be reported in Department P.~~
- c) Where the county board elects to have strictly a Junior Show, livestock and exhibits must be on the fairgrounds on the opening day of the fair until the close of the fair, unless earlier release of the livestock is authorized by the Bureau. Where both a Junior Show and open show are held, livestock and exhibits entered in the Junior Show shall follow the standards for the open show set forth in Section 260.50(a).
- d) Junior Show classes must be separate and distinct classes from the open show classes ~~and the Junior Show dates shall appear on the Declaration of Intention.~~

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

Section 260.100 Premium Grand Summary~~A State Aid Report~~

- a) In accordance with Section 12 of the Act, the premium grand summary~~State Aid~~ report shall be filed with the Bureau in person or postmarked on or before October 15 of each year. A fee of \$25 will be deducted from the total premiums claimed by the fair for each day the report is late. A premium book shall accompany the premium grand summary report. This information may be supplied by computer printout. Premium grand summary reports and paid receipts should be retained for

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three years by the fair association or agricultural society.

- b) The Bureau shall mail each fair association or agricultural society a copy~~two copies~~ of the premium grand summary~~State Aid~~ report form to be used in submitting the information required by Sections 10 and 12 of the Act. A~~One~~ copy of the report should be retained by the fair association or agricultural society for its~~their~~ records.
- c) Receipts for trophies, ribbons, rosettes, engraving and premiums paid as outlined in Section 260.30 shall accompany the premium grand summary~~State Aid~~ report.
- d) The receipts for each department must be accompanied by an adding machine tabulation, tabulated in chronological order, showing the premiums paid and the total for each department. ~~This information may be supplied by computer printout or other electronic data transfer system if approved by the Bureau.~~
- e) In order for the Bureau to prepare and publish a recapitulation report and county fair date list that~~which~~ can be used by a fair in evaluating its program and for planning next year's fair, as well as for the Department of Agriculture and the Illinois General Assembly to use to evaluate appropriation needs, the following information shall be submitted by the fair association or agricultural society on the premium grand summary~~State Aid~~ report:
- 1) The year for which the report is being submitted~~;~~
 - 2) The name of the fair association or agricultural society (exactly how the check should be made out)~~;~~
 - 3) The city or town where the fair was held~~;~~
 - 4) County where the fair was held~~;~~
 - 5) The names, titles (if applicable) and mailing address for all officers and directors of the fair association or agricultural society~~;~~
 - 6) The date the fair was organized~~;~~
 - 7) The date the fair association or agricultural society was incorporated, if applicable~~;~~

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- 8) The number of acres in the fairgrounds and whether the fairgrounds are owned or leased. If the fairgrounds are leased, the number of years remaining under the terms of the lease and the expiration date of the lease;:-
 - ~~9) The cash value of the fairgrounds and improvements.~~
 - ~~9)10) The dates of the current year's fair was held;:-~~
 - ~~10) The dates of next year's fair;~~
 - 11) Verification statement that exhibitors have been paid in full;:-
 - 12) Estimated attendance and gate admission fees charged;:-
 - 13) Name of carnival;:-
 - 14) ~~A The Grand Summary shall include a~~ breakdown of the following information for each department listed in Section 260.55(a)(2):
 - A) Number of animals or articles entered/~~shown~~;:-
 - B) Amount of premiums offered;:-
 - C) Entry fees collected; ~~and-~~
 - D) Amount of premiums paid;:-
 - 15) Totals for the information requested in ~~subsection Section 260.100~~(e)(14) for each division and the grand total; ~~and-~~
 - 16) A financial statement for the current year showing receipts, expenditures and the total operating profit or loss. The amount of money spent for real estate and capital or permanent improvements for the current year shall also be provided.
- f) *No one department or class shall be paid premiums awarded in excess of 30% of the total premiums awarded by the county fair except those departments or classes limited to junior exhibitors [30 ILCS 120/9]. The grand total of Column 4 (Amount of Premiums Paid Each Department) on the premium grand summary*

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~~report~~Grand Summary is the amount on which the 30% is figured. ~~The grand total of Column 4 shall not exceed the grand total as shown on the Declaration of Intention.~~ The Bureau shall deduct the excess from the grand total premiums paid. ~~that amount in excess of the amount shown as the grand total on the Declaration of Intention.~~

- g) Income shown on the financial statement shall include gate admission, grandstand admission, auto parking, stall and pen fees, fees paid by concessionaires, commercial exhibits and the carnival, entry fees, estimated premium State aid~~State Aid~~ for the current year, estimated rehabilitation aid for the current year, aid from the county, if any, rental fees for the buildings and grounds for periods other than the fair, and any other income that was received by the fair but not included in the other categories mentioned. Borrowed money shall not be reported as income. Expenses of the fair shall include premiums paid, costs of grounds improvements, charges for music and attractions, judges' and assistants' fees, administrative and office payrolls, personnel expenses for gates, grandstand help, policy and parking vehicles, general and common labor payrolls, advertising expenses including the costs of the premium book, federal admission tax paid, and other operating expenses, such as interest on indebtedness, that were not listed in the categories mentioned. The financial statement on file with the Department of Agriculture is subject to audit by auditors investigating Department of Agriculture accounts.
- h) The premium grand summary ~~State Aid~~ report shall be signed and notarized by a notary. The President and the Secretary of the fair association or agricultural society shall sign the premium grand summary report.
- i) ~~The State Aid report shall be personally delivered or mailed by first class, registered or express mail to the Bureau. The report should be wrapped securely and placed in the expanding folder which was sent to the fair association or agricultural society by the Bureau. A premium book shall accompany the State Aid report (see Section 260.55). This information may also be supplied by computer printout or other electronic data transfer system if approved by the Bureau.~~

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

Section 260.105 Growth Incentive Program

If the appropriation allows, fairs~~Fairs~~ that qualify shall participate in the Growth Incentive

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Program. Qualification requirements for participation in the Growth Incentive Program and the procedure for determining the amount of eligible claims shall be as set forth in Section 10.1 of the Act. This payment will be made to a participating fair following the payment of all State Aid claims.

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

Section 260.110 Pro Rata (Grant) Payments and Justification

- a) If, after ~~premium State aid~~~~State Aid~~ and/or Growth Incentive payments have been made, there remain any funds in the appropriations, pro rata (grant) payments shall be made to all fairs that are participating in the ~~premium State aid~~~~State Aid~~ program in accordance with Section 10(c) of the Act. This payment will be made after all eligible claims are paid from the Growth Incentive Program.
- b) All fairs receiving pro rata (grant) payments are required to file with the Bureau a fiscal accounting of the expenditure of these grant monies. This accounting will be due at the same time each fair files its ~~premium grand summary report~~~~State Aid Report~~ (Section 260.100(a)) ~~for~~ the year in which such monies were received.
- c) Pro rata (grant) monies received by a fair association or agricultural society shall only be used for ~~premiums and awards~~.
 - 1) ~~Premiums and Awards (including that amount in excess of the grand total on the Declaration of Intention, if any, that was deducted as set forth in Section 260.100(f))~~
 - 2) ~~Judges' Fees~~
 - 3) ~~Other expenses incurred by the fair association or agricultural society which are directly related to the operation of the fair (e.g., manure and rubbish removal, rental of garbage containers, entry tags, advertising, supplies, tickets, and printing of premium books).~~
- d) Pro rata (grant) monies shall not be used for rehabilitation purposes (see Subpart B of the rules of this Part).
- e) Pro rata (grant) money shall not be used to reimburse expenses incurred by and/or contributions made by other persons or organizations in promoting the fair.

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- f) Section 22 of the Act prohibits pro rata (grant) money from being used to pay salaries.

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

SUBPART B: FAIRS PARTICIPATING IN THE REHABILITATION FUND

Section 260.200 Appropriation

Each fair association or agricultural society shall receive an annual appropriation, in an amount ~~as~~ set forth in Section 13 of the Act, ~~that which~~ shall be used for rehabilitation of its grounds, purchase of land, construction projects, maintenance projects and repair projects. The Bureau shall approve rehabilitation claims in accordance with Section 13 of the Act and ~~this~~ the rules of Subpart B. The fair association or agricultural society shall file a rehabilitation report as required by Section 13 of the Act and Section 260.220. In accordance with Section 17 of the Act, a fair ~~that which~~ has been participating in the Fair and Exposition Fund and notifies the Bureau in writing by January 1 that it elects to participate in the Agricultural Premium Fund shall not be eligible for participation in the rehabilitation appropriation until the next fiscal year.

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

Section 260.205 Ownership of Grounds

Expenditures for rehabilitation of fairgrounds, purchase of land, construction projects, maintenance projects and repair projects are not eligible for reimbursement from rehabilitation funds ~~when~~ unless the fair association or agricultural society or State, city, village or county government body owns the fairgrounds or has a long-term lease for the use of the fairgrounds upon which the expenditures were made. Except as allowed by the Director, iff the fair association or agricultural society leases the fairgrounds, the lease shall be for a period of 2015 years, the terms of which require the lessee to have continuous possession of the land during every day of the lease period, or longer and it shall contain a clause that those buildings constructed with rehabilitation funds shall be the property of the fair. Should ~~should~~ the lease be terminated before the expiration date, the ownership of the buildings and improvements constructed with, or equipment purchased with, rehabilitation funds lies with the fair association or agricultural society and the fair association or agricultural society has the right ~~rights~~ to remove buildings, improvements and equipment purchased with rehabilitation funds.

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

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Section 260.207 Rehabilitation Declaration of Intent (Repealed)

- a) ~~In order to be eligible for reimbursement for rehabilitation projects, each fair association or agricultural society must submit a Declaration of Intent for these funds to the Bureau.~~
- b) ~~The following information shall be submitted on the Declaration of Intent:~~
 - 1) ~~Signatures of the officers (i.e., President, Secretary and Treasurer) of the fair association or agricultural society.~~
 - 2) ~~Description of equipment purchases and repairs and maintenance with projected costs.~~
 - 3) ~~Amount projected for casualty and liability insurance (this should not include personal liability insurance).~~
 - 4) ~~Descriptions of construction or purchase of permanent facilities and systems stored on the fairgrounds, including the projected costs.~~
 - 5) ~~Amount to be paid for labor on the grounds.~~
 - 6) ~~Amount to be paid for interest on loans (operating loans are not eligible).~~
 - 7) ~~Amounts to be spent and descriptions of building materials and supplies.~~
- e) ~~The Declaration of Intent shall be notarized by a notary public.~~

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

Section 260.210 Rehabilitation Claims

- a) Rehabilitation claims may include the cost of land purchase, both materials and labor expended for rehabilitation of the fairgrounds, its buildings, facilities and for construction projects. Maintenance and/or repair projects shall include improvements made for the purpose of restoring and/or maintaining the fairgrounds, buildings and facilities for long term uses.
- b) The purchases of tractors, drags, water wagons and other equipment used to maintain or repair the track, show arenas, and the grounds or buildings, ~~and the~~

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~~initial purchase or upgrade of a computer, printer and related items if done on or after April 17, 1996,~~ are eligible for rehabilitation reimbursement. The Department of Agriculture shall reimburse fair associations for equipment that is necessary for the maintenance and repair of projects, except computer equipment, that have received rehabilitation reimbursement. Any repairs to this equipment shall also be reimbursed. The reimbursement rate for the total of all above expenses shall be 100% of the first \$5,000, ~~and~~ 75% of the next \$20,000, ~~and~~ 50% of the next \$20,000 (example: spend \$45,000 – receive \$30,000 per fiscal year). Equipment purchased with rehabilitation funds shall remain on the fairgrounds at all times. When a fair association or agricultural society disposes of ~~anysuch~~ equipment, it shall maintain disposal records for a period of five years, notify the Bureau in writing. If, during an inspection by a Department of Agriculture inspector, ~~thethis~~ equipment is not found on the fairgrounds and there are no disposal records for the equipment, notice of disposal is not on file with the Bureau, the Bureau shall send written notice that repayment is due and the fair association or agricultural society shall repay to the State Treasury within 30 days from receipt of the notice that portion of rehabilitation funds spent on the purchase of ~~thesaid~~ equipment that was not found on the fairgrounds, regardless of the fiscal year in which the equipment was purchased.

- c) Premiums paid for general liability and casualty insurance are eligible for rehabilitation reimbursement. Premiums for personal liability insurance are not eligible for rehabilitation reimbursement.
- d) On rehabilitation projects, a fair association or agricultural society shall adhere to the ~~provisions of the~~ Illinois Procurement CodePurchasing Act [30 ILCS 500505].
- e) Itemized bills, receipts and/or copies of cancelled checks for rehabilitation projects must be submitted postmarked by June 3015 in the fiscal year for which the projects are to be reimbursed.
- f) *The amount carried over shall constitute a claim for reimbursement for a subsequent period not to exceed seven years as long as funds are available* [30 ILCS 120/13].

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

Section 260.220 ~~A~~ Rehabilitation Report and Receipts

- a) When filing a rehabilitation report with the Bureau, a~~A~~ fair association or

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agricultural society shall have the report postmarked or filed with the Bureau on or before June 30 of each year~~file with the Bureau by June 15 of each year a rehabilitation report~~ on forms furnished by the Bureau. A \$25 fee will be deducted from the total rehabilitation claim each day the report is late. If there is any question as to whether certain expenditures are eligible for reimbursement of rehabilitation monies in accordance with Section 13 of the Act, the fair association or agricultural society may contact the Bureau for approval of the proposed expenditures~~claim prior to actually committing funds.~~ Copies~~A copy~~ of both~~the~~ rehabilitation reports and paid receipts~~report~~ should be retained for seven years by the fair association or agricultural society for its files.

- b) The following information shall be submitted on the rehabilitation report:
- 1) The year for which the report is submitted~~:-~~
 - 2) The name and address of the fair association or agricultural society~~:-~~
 - 3) The county where the fair was held~~:-~~
 - 4) ~~The date the fair association or agricultural society was organized and the date of incorporation, if applicable.~~
 - 45) The current value of real estate and improvements made to the fairgrounds~~:-~~
 - 56) The name, title and address of the officers and directors of the fair~~:-~~
 - 67) The number of acres in the fairgrounds and whether the fairgrounds are owned or leased by the fair association or agricultural society~~:-~~
 - 78) If the fairgrounds are leased, the number of years remaining under the terms of the lease and the date of expiration of the lease ~~and-~~
 - 89) Each project shall be listed separately on the report along with the cost of the project.
- c) Itemized bills and receipts as evidence of expenditures shall accompany the rehabilitation report. A fee of \$25 will be deducted from the total rehabilitation claim each day receipts are late. Receipts and/or copies of cancelled checks indicating that payments of bills have been made by the fair association or

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agricultural society issued by the persons who performed the services or from whom the equipment was purchased shall also accompany the rehabilitation report. The itemized bills and receipts of payments submitted with the rehabilitation report will not be returned as they are a permanent part of the rehabilitation report.

- d) The rehabilitation report shall be signed by the president and secretary of the fair association or agricultural society and shall be notarized. ~~The rehabilitation report shall be personally delivered or mailed by first class, express or registered mail to the Bureau by June 15. This information may also be supplied by computer printout or other electronic data transfer system if approved by the Bureau.~~

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

Section 260.225 Pro Rata Payments and Justification

If any amount remains in the appropriation for rehabilitation after claims from all fairs are paid, pro rata payments shall be made to fairs that have exceeded their maximum reimbursement in accordance with the provisions of Section 13 of the Act. The Bureau will use that amount of money as indicated by receipts that were submitted with the rehabilitation report in excess of expenditures of ~~\$45,000~~\$25,000 as justification for pro rata reimbursement. ~~The Bureau shall also contact those fair associations or agricultural societies which exceeded their maximum rehabilitation reimbursement to see if they have additional bills and receipts for rehabilitation to submit for justification of pro rata payments. Any additional bills and receipts submitted must be received by the Bureau by July 15.~~

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

SUBPART C: PROCEDURES FOR PARTICIPATION IN THE 4-H FUND

Section 260.300 Appropriation and Eligibility

- a) ~~University of Illinois extension units~~Extension 4-H clubs/groups shall be eligible to participate in appropriations made to the Department of Agriculture for premiums and judges' fees paid at county 4-H ~~club/group~~ shows or exhibitions approved by the State 4-H Office and based on the Accountability for Agricultural Premiums report in the following order in accordance with the provisions of Section 14 of the Act:-

- 1) cash premiums awarded; and

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- 2) judges' fees paid (not to exceed \$800).
- b) County 4-H ~~club/group~~ shows or exhibitions must have separate and distinct classes from junior and open show classes.
- c) All exhibit classes or types of projects must be approved by the University of Illinois Extension State 4-H Office within three weeks prior to the show or exhibition.
- d) All projects must be competitively judged ~~and/or~~ exhibited at a public display where reasonable prior public notice of the event has been given. If judged and exhibited at a county fair, the projects must be shown and judged separately from junior and open show classes.
- e) The amount or method used to determine the amount of the 4-H premium ~~or the type of award used in lieu of a 4-H premium~~ must be publicly stated and notice sent to the University of Illinois Extension State 4-H Office in advance of the show or exhibition. The premium amounts must be on a graduated scale.
- f) Only one show or exhibition of a class or type of project work ~~for each 4-H club/group~~ will be eligible for awards as provided in Section 14 of the Agricultural Fair Act.
- g) Only awards to eligible ~~4-H members~~individuals during the current year are eligible for reimbursement.
- h) Livestock and exhibits must be on the fairgrounds on the opening day of the 4-H show and remain until the close of the 4-H show, unless earlier dismissal is granted by the Bureau in accordance with Section 260.50(a).

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

Section 260.305 A 4-H Claim Report

- a) The State 4-H Office shall notify the Bureau of the number of 4-H premium eligible members in each county or unit before December 31 of each year.
- ba) Extension leaders of each county or unit designated by the State 4-H Office shall certify to the State 4-H officer ~~under oath~~, on a blank form furnished by the

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Department, the amount paid out in premiums, judges' fees and ribbons at the 4-H shows or exhibitions for the current year, and the name of the officer or organization making the payments and the number of eligible members enrolled for the current year [30 ILCS 120/14]. Records verifying award recipients must be available and maintained for three³ years for official review.

- ~~cb)~~ Extension leaders shall file this~~This~~ report with the Bureau on or~~must be filed with the Bureau~~ before December 31 of each year (postmarked December 31 is acceptable). If the deadline is not met, a 5% penalty fee of total premiums claimed will be assessed each day the report is late and then subtracted from the total claim of the unit.
- ~~e)~~ The State 4-H Office shall notify the Bureau of the number of 4-H premium eligible members that are enrolled in each county or unit before December 31 of each year.
- d) The ~~extension~~Extension leader of each county or unit shall provide itemized signed receipts as evidence of the eligible certified amounts to the State 4-H Office. Before December 31 of each year the~~The~~ State 4-H Office shall file with the Department certification of the eligible amount claimed for premiums awarded, judges' fees and ribbons, along with the claim report~~awards~~ for each county or unit, ~~with the Department before December 31 of each year.~~
- e) ~~If the amount of the appropriation is sufficient, the~~ The Department will reimburse each county or unit at a rate calculated under this subsection (e). The appropriation will be divided by the total number of certified eligible 4-H members in all counties or units as certified by the State 4-H Office before December 31 of each year, then multiplied by the State 4-H Office certified number of individual eligible members for the county or unit. The amount for reimbursement shall be justified by receipted expenditures received in the Bureau with the current report by December 31 in the following order:~~for justified expenditures for awards up to an amount equal to \$10.50 multiplied by the State 4-H Office's certified number of eligible enrolled members for that county or unit.~~
- 1) cash premiums awarded; and
 - 2) judges' fees (not exceed \$800).
- ~~f)~~ If the amount appropriated is insufficient to reimburse counties or units as specified in subsection (e) of this Section, then the sum shall be prorated.

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~~fg)~~ If there remains an amount of the appropriation after ~~the~~ claims has been paid as specified in subsection (e) ~~of this Section have been paid, then~~ the Department shall provide reimbursement to each county or unit in the following order: for justified judge's fees up to \$400 for each county.

1) excess cash premiums awarded;

2) excess judges' fees; and

3) ribbons.

The above reimbursements shall be justified by receipted expenditures already submitted to the Bureau on or before December 31 with the current 4-H year's report.

~~h)~~ If there remains an amount of the appropriation after the claims as specified in subsection (g) of this Section have been paid, then the Department shall provide reimbursement for justified premiums.

~~i)~~ If there remains an amount of the appropriation after the claims as specified in subsection (h) of this Section, it shall be distributed as a grant to the counties or units on a prorated basis of eligible membership. A fiscal accounting with receipts of expenditure of grant monies shall be presented to the State 4-H Office. Certification that expenditures of grant monies has been justified to the counties or units shall be filed with the Department no later than December 31 of each year in which the county or unit received the grant monies.

~~Grant monies under this Subpart may be used only for the following purposes:~~

~~1) Premiums paid in excess of the per eligible member amount as established in the annual appropriation for the Department in the fiscal year for which the report was submitted. Contributions made by other persons or organizations sponsoring exhibitions, classes or awards are not eligible for reimbursements.~~

~~2) Ribbons, trophies, engraving and entry forms for 4-H exhibit classes that are not sponsored by or provided by other persons or organizations.~~

~~3) Judges' fees in excess of the \$400 allotted per county.~~

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- 4) ~~Rental of facilities and other approved expenses needed to conduct the 4-H show or exhibition.~~
- j) ~~Any grant monies not utilized by the 4-H group as specified in subsection (i) of this Section shall be reimbursed to the Department by December 31 of the year in which the grant monies were received.~~

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

SUBPART D: PROCEDURES FOR PARTICIPATION
IN THE VOCATIONAL AGRICULTURE FUND

Section 260.400 Appropriation

~~Agricultural education~~Vocational agricultural section fairs are eligible to participate in appropriations made to the Department of Agriculture on behalf of such fairs in accordance with the provisions of Section 16 of the Act.

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

Section 260.405 Eligibility for Premiums

Eligibility for premiums awarded to ~~agricultural education~~vocational agricultural section fair students shall be as set forth in Section 16 of the Act.

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

Section 260.410 List of Premiums Sent to Bureau (Repealed)

- a) ~~At least 10 days prior to the holding of any vocational agricultural section fair, the State Board of Education shall forward to the Bureau a list of all premiums to be offered at that fair. The list of premiums shall be submitted on forms furnished by the Bureau.~~
- b) ~~The following information shall be submitted on the premium list report:~~
- 1) ~~The section number of the vocational agricultural fair.~~
 - 2) ~~The location of the fair.~~

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- ~~3) Dates of the fair.~~
- ~~4) Name of the vocational agricultural section fair manager.~~
- ~~5) Name of the section fair.~~
- ~~6) Name of the secretary of the section fair.~~
- ~~7) The class (e.g., swine, poultry and corn), the lot (e.g., Poland China gilts under 6 months of age, white corn, and Holstein heifer calves) and amount of prize money offered for each place.~~
- ~~8) The maximum premium per entry.~~
- e) ~~The premium list report shall be signed by the vocational agricultural section fair manager and notarized.~~

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

Section 260.415 Financial Statement

- a) ~~By June 30 of each fiscal year, section fair managers designated by the Illinois Association of Vocational Agriculture Teachers (IAVAT) shall certify to the Department, under oath, on forms furnished by the Bureau, a detailed report of premium awards showing all premiums awarded to agricultural education students at each fair. In addition, amendments to the detailed report of premium awards shall be made by the section fair manager. If the detailed report of premium awards is not submitted by June 30, a 5% penalty fee of the fair's total premiums awarded will be assessed each day the report is late, then subtracted from the total claim. Records verifying award recipients must be available and maintained for five years for official review. Within 30 days after the close of the fair, a financial statement showing all premiums awarded to vocational agricultural students at that fair shall be forwarded to the Bureau by the State Board of Education [30 ILCS 120/16].~~
- b) ~~The report shall be completed in triplicate on forms furnished by the Bureau. One copy of the report is for the vocational agricultural section fair manager and another copy is for the State Board of Education. The original of the report shall be sent to the Bureau.~~The report shall include the following information:

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- 1) The section number of the fair:~~;~~
 - 2) The dates the fair was held:~~;~~
 - 3) The location of the fair:~~;~~
 - 4) The total awards that were distributed:~~;~~
 - 5) The name and address of the school:~~;~~
 - 6) The agricultural ~~education~~~~occupations~~ teacher's name, title, and address should be listed under the name of the school: ~~and~~.
 - 7) Student's name ~~and address~~ (listed only once) with a listing of winnings for that student and a total of all amounts won. All the students who have won premiums from that school should be listed under the name of their agricultural ~~education~~~~occupations~~ teacher.
- c) As vouchers are prepared directly from this ~~report of premium awards, financial statement~~, a blank space should be left between each student's total winnings in order to set them apart.
- d) The ~~report of premium awards, financial statement~~ shall be signed by the vocational agricultural section fair manager and notarized by a notary public.

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

Section 260.420 Pro Rata Payments

- a) Any amount remaining in the appropriation after all eligible claims are paid shall be distributed, expended for the purposes, and a fiscal accounting made, in accordance with the provisions of Section 16 of the Act.
- b) Forms shall be furnished by the Bureau for pro rata justification of funds expended by the ~~agricultural education~~ section fair. The vocational agricultural section fair manager shall submit a list of premiums paid in the first fair held following the receipt of pro rata monies, but not later than one year after receipt of such funds. This justification shall be signed by the ~~vocational agricultural~~ section fair manager and notarized by a notary.

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

SUBPART E: FAIRS OPERATING UNDER THE
FAIR AND EXPOSITION FUND

Section 260.505 Eligibility

- a) A fair association or agricultural society shall be eligible to participate in the Fair and Exposition Fund in lieu of participating in the Agricultural Premium Fund in accordance with Sections 17 and 18 of the Act. The fair and exposition participant shall file by January 1 with the Bureau a letter indicating ~~its~~their election to participate in the Fair and Exposition Fund.
- b) A fair and exposition authority shall be eligible to participate in the Fair and Exposition Fund in accordance with Sections 18 and 19 of the Act.
- c) In accordance with Section 17 of the Act, agricultural fairs or agricultural societies ~~that~~which have been participating in the Fair and Exposition Fund and elect to participate in the Agricultural Premium Fund are not eligible for participation in the rehabilitation fund until the next fiscal year.
- d) All fair associations or agricultural societies participating in the Fair and Exposition Fund shall operate and conduct the premium portion of their county fair in accordance with Sections 260.5, 260.10(b), (c) and (d), 260.30, 260.35, 260.40(a), (b) and (c), 260.45, 260.50, 260.55, 260.60, 260.80, 260.85, 260.95 and 260.117 of this Part.

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

Section 260.510 Ownership or Leasing of Grounds

Each fair participating in the Fair and Exposition Fund shall file with the Bureau a certified copy of its lease or evidence that the land is owned by the fair association, agricultural society or fair and exposition authority. The lease shall be for a period of at least 20 years, the terms of which require the lessee to have continuous possession of the land during every day of the lease period, except as otherwise allowed by the Director, and it shall contain a clause that those buildings constructed with fair and exposition funds shall be the property of the fair. Should the lease be terminated before the expiration date, the ownership of the buildings and improvements constructed with or equipment purchased with fair and exposition funds lies with the fair

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~~association or agricultural society, and the fair association or agricultural society has the right to remove buildings, improvements and equipment purchased with fair and exposition funds, the period of time as specified in Section 18 of the Act. The lease shall contain a clause stating that those buildings constructed with Fair and Exposition funds shall be the property of the fair.~~

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

Section 260.515 Declaration of Intention and Construction Plans/Specifications

- a) On or ~~before~~^{prior to} December 31 of the year previous to participating in the Fair and Exposition Fund, the fair shall file with the Bureau, on forms furnished by the Bureau, a Declaration of Intention. Plans and specifications relating to construction projects, as applicable, should be submitted with the Declaration of Intention. A \$25 fee will be deducted respectively each day the Declaration of Intention and/or any pertinent information relating to items claimed on the fair's Declaration of Intention are late from the amount due the fair and exposition. The following information shall be submitted on and/or accompany the Declaration of Intention:
- 1) Information on the fair's organization_{;-}
 - 2) Dates of the next year's fair (these dates should also be submitted to the Bureau by October 15 each year on a copy of the premium grand summary)_{;-}
 - 3) Location of the fair_{;-}
 - 4) The amount of money requested from the Fair and Exposition Fund for the purposes listed in Section 20 of the Act_{;-}
 - 5) Number of acres in the fairgrounds and whether they are owned or leased. If the fairgrounds are leased, the number of years remaining under the terms of the lease and date of expiration of the lease_{;-}
 - ~~6) Whether an agricultural fair will be held in connection with the fair and exposition fair.~~
 - ~~67) The names and addresses of the president, treasurer and secretary and treasurer of the fair and exposition fair; and-~~

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- ~~78~~) A current copy of the lease of fairgrounds, unless it is owned.
- b) The Declaration of Intention shall be signed by the president, secretary and treasurer of the fair ~~and exposition fair~~ and notarized by a notary public.

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

Section 260.520 Transfer of Funds (Repealed)

~~Should it be necessary to transfer funds from one account to another (the purposes for which the funds will be spent as shown on the Declaration of Intention) after the Declaration of Intention is filed with the Bureau, written notification of such transfer shall be given the Bureau by the fair and exposition participant. The notice shall include the amounts that were submitted on the original Declaration of Intention, the changes that are desired, and the reasons for the changes. The Bureau shall approve the changes provided such changes are in accordance with Section 20 of the Act and the rules of this Subpart. The Bureau shall advise the fair and exposition participant in writing of its decision on the request within 14 days of receipt of the request. If the changes are approved, a corrected Declaration of Intention shall be mailed to the fair by the Bureau at the same time notice of approval is given.~~

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

Section 260.522 Entry Fee Certification Form and Premium Books

All fairs participating in the Fair and Exposition Fund must submit an entry fee certification form (furnished by the Bureau) to the Bureau signed by the fair president, secretary and treasurer stating that all entry fees are in compliance with Section 260.40(a). A fee of \$25 will be deducted from the total due for the fair each day the form and books are late. Reimbursement shall be delayed until the certification is received. Fairs may utilize other computer programs to supply the Bureau's reporting requirements, the certification, and the 10% and 75% report.

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

Section 260.524 Premium State Aid Payable on the Authorized Base

If premiums are claimed by a fair and exposition association or authority, reimbursement will be based on the authorized base system set forth in Section 260.20.

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

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Section 260.525 ~~Distribution of Funds, Declaration of Intention, Penal Bond, and Audit~~

- a) ~~As soon after January 1 as is practical and after the receipt of the Declaration of Intention containing all the requested information, distribution of Fair and Exposition funds will be made by the Bureau.~~
- b) ~~A detailed schedule, plans and specifications, as applicable, shall be submitted with the Declaration of Intention in accordance with Section 21 of the Act.~~
- ae) Each participant in Fair and Exposition funds shall file a penal bond in accordance with Section 18 of the Act at the same time as it files a Declaration of Intention (December 31). A fee of \$25 will be deducted for each day the bond is late from the total amount due the fair and exposition association or authority. The penal bond shall show the effective date and, the termination date, and shall contain a clause that ~~upon cancellation of the bond~~, the Bureau shall be notified in writing at least 30 days prior to the date of cancellation of the bond by the company issuing a penal bond. ~~If in the case where~~ the fair and exposition participant requests the bond be cancelled, the participant shall ~~also~~ notify the Department of Agriculture of such request at the same time ~~as~~ it notifies the company that issued the bond.
- d) ~~Not later than January 15 after the calendar year that the fair participated in the Fair and Exposition fund the fair shall cause a full and complete audit to be made of its books and records by a certified public accountant or a firm of certified public accounts. The audit shall show the itemized expenditures made of the funds received from the Fair and Exposition Fund, as well as revenue derived the expenditures made by the fair in accordance with Section 21 of the Act. The audit shall be filed with the Bureau prior to the release of any further funds to the Fair and Exposition participant. It shall be accompanied by a receipt showing the amount of each premium paid and the exhibitor's social security number, and the receipt shall be signed by the exhibitor or his agent.~~
- be) The maximum claim that any fair and exposition participant may receive from the Fair and Exposition Fund shall be determined in accordance with Section 18 of the Act.

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

Section 260.530 Expenditure of Funds

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a) Fair and Exposition funds may be used only for payment of expenses relating directly to those purposes as outlined in Section 20 of the Act. Expenses for ~~the~~ certified public accountant's audit (should a fair and exposition or authority obtain one) are eligible for reimbursement from Fair and Exposition funds. Fair and Exposition funds spent for other purposes shall be refunded to the Department of Agriculture within 30 days from the date written notice is received by the fair and exposition participant that such expenditures are ineligible for reimbursement.

b) ~~All Fair and Exposition participants shall adhere to the provisions of the State Purchasing Act on construction projects.~~

e) ~~Interest on invested Fair and Exposition funds shall be used as specified in Section 21 of the Act.~~

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

Section 260.535 Accumulation of Funds for Major Building Projects (Repealed)

a) ~~A Fair and Exposition fair may elect to accumulate all or a portion of their annual funds which are allocated for building construction purposes. The funds may be accumulated and invested as provided in Section 21 of the Act provided they are allocated on the Declaration of Intention to be used for a major building project and the projected costs will absorb two or more years of the fair's monies that are allocated for construction.~~

b) ~~A Fair and Exposition fair shall make application in writing to the Director requesting that such construction funds be accumulated and invested. The Director shall make a determination regarding the application for accumulation of funds within 45 days from the date of receipt of the application and shall notify the Fair and Exposition participant in writing within 10 days after the decision is made. The application requesting accumulation of funds shall consist of the following:~~

- 1) ~~Purpose for which the funds will be accumulated.~~
- 2) ~~Proof the funds are or will be invested in an interest bearing account(s) (e.g., letter indicating the name of the bank, address and account number, if available).~~
- 3) ~~A letter notarized by a notary public indicating that the interest will be~~

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- ~~applied toward the building project.~~
- ~~4) Preliminary construction blueprints.~~
 - ~~5) Expected date for construction to begin on the project.~~
 - ~~6) Estimated costs of such project at time of application and estimated costs of project at time of completion as specified.~~
- ~~e) A Fair and Exposition fair shall give notice to the Department at least 6 months before construction is to begin and provide the Department with documents relating to the construction, such as blueprints, proposed bid documents, and specifications.~~
 - ~~d) Failure of a Fair and Exposition fair to use the money to construct a building project as set forth in its original authorized proposal will cause any accumulated funds and interest paid on such funds to be repaid to the Fair and Exposition Fund.~~
 - ~~e) A Fair and Exposition fair may, upon request and if authorization is granted by the Director, extend the date of the beginning of the construction of such building project. Such authorization will be granted if the written request is received by the Department prior to the original date specified for the beginning of construction.~~

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

Section 260.537 Premium Grand Summary Report and Fair and Exposition Financial Statement and Receipts

- a) Each participant in Fair and Exposition funds shall follow the same guidelines as other county fair associations or agricultural societies when submitting the premium grand summary report and receipts (see Section 260.100(c), (d), (e) and (f). The premium grand summary report shall be notarized by a notary. The president and the secretary of the fair association or agricultural society shall sign the premium grand summary report.
 - 1) The premium grand summary report, along with all premium, ribbon and trophy receipts, if claimed, shall be postmarked on or before December 31 of each year in the County Fair Office on forms provided by the Bureau,

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along with any and all receipts that were claimed on a fair and exposition's Declaration of Intention. A fee of \$25 will be deducted from the total amount due the fair for each day the report and/or receipts are late. A premium book shall accompany the premium grand summary report.

- 2) The fair and exposition financial statement, which is part of the premium grand summary report, is to be completed in lieu of a certified public accountant's audit and is due on or as soon after December 31 as is practical. However, if a certified public accountant's audit is maintained by the fair and exposition association or authority, a copy should be provided to the Bureau. A copy of the premium grand summary report and copies of all applicable paid receipts should be retained by the fair association or agricultural society five years for its files. A fee of \$25 will be deducted from the total amount due the fair for each day the financial statement and/or receipts are late. The financial statement on file with the Department of Agriculture is subject to audit by auditors investigating Department of Agriculture accounts.
- 3) Income shown on the financial statement shall include gate admission, grandstand admission, auto parking, stall and pen fees, fees paid by concessionaires, commercial exhibits and the carnival, entry fees, estimated premium State aid for the current year, estimated rehabilitation aid for the current year, aid from the county, if any, rental fees for the buildings and grounds for periods other than the fair, and any other income that was received by the fair but not included in the other categories mentioned. Borrowed money shall not be reported as income. Expenses of the fair shall include premiums paid, costs of grounds improvements, charges for music and attractions, judges' and assistants' fees, administrative and office payrolls, personnel expenses for gates, grandstand help, policy and parking vehicles, general and common labor payrolls, advertising expenses including the costs of the premium book, federal admission tax paid, and other operating expenses, such as interest on indebtedness, that were not listed in the categories mentioned.
- 4) The financial statement shall show receipts, expenditures and the total operating profit or loss. The amount of money spent for real estate and capital or permanent improvements for the current year shall also be provided.

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- 5) The bottom portion of the financial statement shall include a Declaration of Intention breakdown of State funds received and expended by a fair and exposition for the current fair and shall include:
- A) whether the fair and exposition funds declared were used to finance eligible items declared on the previous Declaration of Intention submitted to the Bureau and, if so, the amounts used; and
 - B) the total of fair and exposition funds claimed, expended by, and paid to the fair and exposition association or authority for eligible expenses.
- b) Any funds declared on the financial statement as having been received and not utilized to finance eligible items claimed shall be returned to the Illinois Department of Agriculture.

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

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- 1) Heading of Part: Standardbred, Thoroughbred and Quarter Horse Breeding And Racing Programs, Illinois
- 2) Code Citation: 8 Ill. Adm. Code 290
- 3) Section Numbers: 290.85 Proposed Action: Amend
- 4) Statutory Authority: Sections 30, 30.5 and 31 of the Illinois Horse Racing Act of 1975 [230 ILCS 5/30, 30.5 and 31]
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Standardbred Breeders Fund Program was created to maximize the economic benefits to the people of the State of Illinois from the production of standardbred racehorses within the State. This amendment sets forth the conditions for foals, resulting from embryo transplants, to participate in the Illinois Standardbred Breeders Fund Program.
- 6) Will this proposed rulemaking replace any emergency rulemaking 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: The 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 will begin on the day this notice of rulemaking appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking 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

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Horse breeding farms, horse sale companies and veterinary practices.
- B) Reporting, bookkeeping or other procedures required for compliance: Donor mare owner must contact the Department of an impending transplant; Illinois-licensed veterinarian must provide a statement to the Department that it is unlikely the donor mare can carry a foal to full term; the donor mare owner must contact the Department after the embryo transplant and provide a physical description of the recipient mare, as well as her current location; and prior to foaling, the recipient mare must be identified at an Illinois location by a Department equine investigator.
- C) Types of professional skills necessary for compliance: No additional skills necessary.
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER I: HORSE RACING AND BREEDING

PART 290

STANDARD BRED, THOROUGHBRED AND QUARTER HORSE BREEDING
AND RACING PROGRAMS, ILLINOISSUBPART A: RULES RELATING TO
ILLINOIS STANDARD BRED, THOROUGHBRED AND QUARTER
HORSE BREEDING AND RACING PROGRAMS

Section	
290.10	Purpose and Definitions
290.12	Incorporation by Reference
290.15	Trust Funds; Nominating, Sustaining and Entry Fees
290.20	Operating Plan and Official Budget; Standardbred, Thoroughbred and Racing Quarter Horse Breeders Fund Programs and Monies Distribution Schedule

SUBPART B: STANDARD BRED DIVISION

Section	
290.50	Stallion Certification Requirements
290.55	Certification of Stallion for First Time or Under New Ownership Before Offering Service
290.60	Renewal Application for Offering or Standing Stallion for Service
290.65	Breeding Record of Stallion – Record of Mares Bred
290.67	Requirements for Transported Fresh Semen of a Certified Stallion
290.70	Stallion Siring Foal Must Qualify In Order For Foal to be Eligible for Registration as an Illinois Conceived and Foaled Horse (Repealed)
290.75	Notification if Certified Stallion is Moved
290.77	Notification of Sale or Transfer of Ownership of Certified Stallion
290.78	Stallion Eligibility Certificate
290.80	Stallion Qualification Procedures (Repealed)
290.85	Qualifications for Illinois Conceived and Foaled Standardbred Horses
290.90	Registration for Illinois Conceived and Foaled Horses
290.95	Standardbred Breeders Awards
290.100	Grandfather Rights of Standardbred Horses Registered Under the Illinois Harness Racing Act (Repealed)
290.105	Standardbred Racing at County Fairs or Other Venues
290.110	Illinois Conceived and Foaled Standardbred Races at the Illinois State Fair and

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Du Quoin State Fair

SUBPART C: THOROUGHBRED DIVISION

Section	
290.150	Stallion Certification Requirements
290.155	Certification of Stallion for First Time or Under New Ownership Before Offering Service
290.160	Renewal Application for Offering or Standing Stallion for Service
290.165	Breeding Record of Stallion – Record of Mares Bred
290.170	Stallion Siring Foal Must Qualify In Order For Foal to be Eligible for Registration as an Illinois Conceived and Foaled Horse (Repealed)
290.175	Notification if Certified Stallion is Moved
290.177	Notification of Sale or Transfer of Ownership of Certified Stallion
290.178	Stallion Eligibility Certificate
290.180	Stallion Qualification Procedures (Repealed)
290.185	Qualifications for Illinois Conceived and Foaled Thoroughbred Horses
290.190	Registration for Illinois Conceived and Foaled Horses
290.195	Qualifications for Illinois Foaled Thoroughbred Horses
290.200	Registration for Illinois Foaled Thoroughbred Horses
290.205	Grandfather Rights of Thoroughbred Horses Registered Under the Illinois Horse Racing Act (Repealed)
290.210	Thoroughbred Stallion Owners Awards
290.215	Illinois Conceived and Foaled Thoroughbred Racing at County Fairs

SUBPART D: QUARTER HORSE DIVISION

Section	
290.220	Stallion Certification Requirements
290.225	Certification of Stallion for First Time or Under New Ownership Before Offering Service
290.230	Renewal Application for Offering or Standing Stallion for Service
290.235	Breeding Record of Stallion – Record of Mares Bred
290.240	Requirements for Transported Fresh Semen of a Certified Stallion
290.245	Notification if Certified Stallion is Moved
290.250	Notification of Sale or Transfer of Ownership of Certified Stallion
290.255	Stallion Eligibility Certificate
290.260	Qualifications for Illinois Conceived and Foaled Quarter Horses
290.265	Registration for Illinois Conceived and Foaled Horses
290.270	Quarter Horse Racing at County Fairs or Other Locations
290.275	Illinois Conceived and Foaled Quarter Horse Races at the Illinois State Fair and

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290.280 Du Quoin State Fair
Quarter Horse Racing at Illinois Pari-mutuel Racetracks

AUTHORITY: Implementing and authorized by Sections 30, 30.5 and 31 of the Illinois Horse Racing Act of 1975 [230 ILCS 5/30, 30.5 and 31].

SOURCE: Rules and Regulations Relating to the Illinois Standardbred and Thoroughbred Horse Breeding and Racing Programs, filed October 13, 1976, effective October 23, 1976; filed December 21, 1977, effective January 1, 1978; 3 Ill. Reg. 26, page 164, effective June 28, 1979; 4 Ill. Reg. 25, page 88, effective June 4, 1980; codified at 5 Ill. Reg. 10544; amended at 12 Ill. Reg. 14515, effective September 6, 1988; amended at 15 Ill. Reg. 5207, effective April 1, 1991; amended at 25 Ill. Reg. 7679, effective June 8, 2001; amended at 28 Ill. Reg. _____, effective _____.

SUBPART B: STANDARDBRED DIVISION

Section 290.85 Qualifications for Illinois Conceived and Foaled Standardbred Horses

- a)** A horse, to be qualified for the Illinois Standardbred Breeders Fund Program and for races restricted to Illinois conceived and foaled horses, must meet the following requirements:
- 1a)** An Illinois conceived and foaled horse is a foal born in this State and sired by a certified Illinois stallion standing for service within this State at the time of the foal's conception; and
- 2b)** A mare (dam) of an Illinois conceived and foaled horse must be in the State a total of 30 consecutive days that includes the foaling date.
- be) Embryo Transfer**
- 1)** Foals produced by embryo transfer procedures will be eligible for the Illinois Standardbred Breeders Fund Program and qualified for races restricted to Illinois conceived and foaled horses, provided all of the following requirements have been satisfied:~~program provided the conception of the donor mare occurred within the State, the birth of the foal occurred within the State, the owners of the mare or their authorized representative provide all information concerning markings, identity and location of the recipient mare, and all applicable requirements of the United States Trotting Association are met.~~

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- A) the donor mare was at least three years old at the time of the conception;
 - B) conception of the donor mare occurred within the State;
 - C) the foal was sired by a certified Illinois stallion standing for service within this State at the time of the foal's conception;
 - D) prior to the embryo transplant, the donor mare owner or his or her authorized representative contacted and advised the Illinois Department of Agriculture's Horse Racing Program of the embryo transplant;
 - E) the Department received from the donor mare owner, prior to the embryo transplant, a signed statement from a veterinarian licensed to practice in Illinois indicating that the veterinarian believes that it is unlikely the donor mare can carry the embryo to a successful birth;
 - F) after the embryo transplant was performed, the donor mare owner or his or her authorized representative provided to the Department's Horse Racing Program all information concerning markings, identity and location of the recipient mare;
 - G) the recipient mare was identified by a Department equine investigator at an Illinois location prior to foaling;
 - H) the birth of the foal by the recipient mare occurred within the State; and
 - I) the recipient mare was in the State a total of 30 consecutive days that includes the foaling date.
- 2) Only the first living foal of a donor mare produced by embryo transplant in a calendar year shall be eligible to participate in the Illinois Standardbred Breeders Fund Program each year. Notwithstanding any provision of this Section to the contrary, the registration with the United States Trotting Association of any additional foal produced by the donor mare by embryo transplant during that year will void the eligibility of all foals produced by the donor mare by embryo transplant for the Illinois Standardbred Breeders Fund Program for that year.

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c) Any foal produced by cloning will not be eligible for registration with the Illinois Standardbred Breeders Fund Program.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Children's Mental Health Screening, Assessment and Support Services
- 2) Code Citation: 59 Ill. Adm. Code 131
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
131.10	New
131.20	New
131.30	New
131.40	New
131.50	New
131.60	New
131.70	New
APPENDIX A	New
- 4) Statutory Authority: Authorized and implementing the Children's Mental Health Act of 2003 (Public Act 93-0495) and Section 5-5.23 of the Illinois Public Aid Code [305 ILCS 5/5-5.23].
- 5) A Complete Description of the Subjects and Issues involved: Public Act 93-0495 established the Children's Mental Health Act of 2003. The Act requires the establishment of a Children's Mental Health Plan and the criteria under which the mental health plan will be implemented. Public Act 93-0495 further amends Section 5-5.23 of the Public Aid Code by requiring screening and assessment of a child prior to any Medicaid-funded admission to an inpatient hospital for psychiatric services and requires the establishment of methods and standards of payment for the screening, assessment and necessary support services. This proposed rule establishes the criteria for payment of certain mental health and related services that are provided to children enrolled in the Screening, Assessment and Support Services Program.
- 6) Will this proposed rule replace any emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
(217) 785-9772
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Providers under contract with DHS, DPA, and/or DCFS to provide Medicaid-funded services to children with mental illness.
- 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 did not appear on the most recent Regulatory Agenda because: It was not anticipated at the time of filing.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

TITLE 59: MENTAL HEALTH
CHAPTER IV: DEPARTMENT OF HUMAN SERVICESPART 131
CHILDREN'S MENTAL HEALTH SCREENING, ASSESSMENT
AND SUPPORT SERVICES PROGRAM

Section

131.10	Purpose
131.20	Definitions
131.30	Eligibility
131.40	Screening Requirement
131.50	Program Services
131.60	Billing for Services
131.70	Accountability
131.APPENDIX A	DHS/DMH Target Population

AUTHORITY: Authorized by and implementing the Children's Mental Health Act of 2003 [405 ILCS 49] and Section 5-5.23 of the Illinois Public Aid Code [305 ILCS 5/5-5.23].

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

Section 131.10 Purpose

This Part establishes criteria for payment of certain mental health and related services that are provided to children enrolled in the Screening, Assessment and Support Services (SASS) Program.

Section 131.20 Definitions

For the purposes of this Part, the following terms are defined:

"CARES" – Crisis and referral entry services. The agent under contract with DPA, DCFS, or DHS to perform certain administrative functions on the State agency's behalf.

"CMHS" – Community mental health services.

"DCFS" – The Illinois Department of Children and Family Services.

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"DHS" – The Illinois Department of Human Services.

"DHS/DMH" – The Illinois Department of Human Services/Division of Mental Health.

"DPA" – The Illinois Department of Public Aid.

"SASS" – Screening, assessment and support services.

"SASS agent" – A provider of CMHS, under contract with DPA, DCFS or DHS to screen children in psychiatric crisis who are believed to be in need of admission to an inpatient facility.

"SASS period" – A 90-day period beginning with the date that the SASS agent begins initial screening of a child in psychiatric crisis. The period may be extended beyond 90 days if it has been determined to be clinically necessary to do so by DCFS (for children for whom DCFS is legally responsible) or DHS (for any other child).

Section 131.30 Eligibility

A child eligible for services provided under this Part is:

- a) An individual for whom DCFS is legally responsible;
- b) An individual under 21 years of age who is enrolled, pursuant to 89 Ill. Adm. Code 118, 120 or 125, in one of the medical programs administered by DPA, except that any child who is enrolled in a managed care organization is not eligible; or
- c) Subject to funding that is appropriated and available to DHS/DMH for the SASS program, an individual who is under 18 years of age and who meets one of the following criteria:
 - 1) An individual who, following submission of a completed application, does not qualify under subsection (b); or
 - 2) An individual who meets criteria for the DHS/DMH target population (see Appendix A) and requires intensive community-based services in the SASS program, has no other means of payment as determined by the

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SASS provider, and is seeking public payment for services covered under this Part.

Section 131.40 Screening Requirement

- a) Children in psychiatric crisis who are believed to be in need of admission to an inpatient psychiatric facility and for whom public payment for the admission may be sought must be referred to CARES.
- b) If determined to be appropriate, CARES shall refer the child to a SASS agent.
- c) The SASS agent shall screen and assess the mental health needs of the child.

Section 131.50 Program Services

- a) Community Mental Health Services
 - 1) Children, as a result of the mental health screening required under Section 131.40, for whom it has been determined by a SASS agent that appropriate alternative resources are available in the community shall be referred to those services by the SASS agent. Community mental health services (CMHS) shall be reimbursed by DPA, DCFS or DHS only under the following conditions:
 - A) The CMHS provider is enrolled with the DPA to participate in the Illinois medical assistance program and meets the requirements for certification and payment under 59 Ill. Adm. Code 132.
 - B) The CMHS provider is one of the following:
 - i) The SASS agent to which responsibility for managing the child's care was assigned by CARES.
 - ii) Another CMHS provider that, through CARES, is authorized to provide CMHS to children.
 - C) The service is provided in accordance with the plan of care developed by the SASS agent.
 - D) The service is provided during the SASS period.

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- E) The patient was a child at the time of screening and met eligibility requirements specified in Section 131.30(c).
 - 2) Payment shall be made utilizing rates of reimbursement established under 59 Ill. Adm. Code 132.
- b) Pharmacy Services
- 1) DHS shall pay for certain prescribed drugs dispensed to a child who meets DHS eligibility requirements in Section 131.30(c). Pharmacy services, other than those provided by an inpatient psychiatric facility, shall be reimbursed only under the following conditions:
 - A) The pharmacy provider is enrolled with DPA to participate in the Illinois medical assistance program.
 - B) The service is provided in accordance with the plan of care developed by the SASS agent.
 - C) The service was provided during the SASS period.
 - D) The patient was a child at the time of screening.
 - E) The prescribed drug has been determined by DHS/DMH as appropriate for the treatment of serious emotional disturbance or mental illness or related symptoms.
 - 2) Payment shall be made utilizing rates of reimbursement established under the provisions of 89 Ill. Adm. Code 140.444 and 140.445.
- c) Transportation Services
- 1) DHS shall pay for certain emergency and non-emergency transportation services provided to a child who meets DHS eligibility criteria specified in Section 131.30(c). Transportation services, other than those provided by an inpatient psychiatric facility, shall be reimbursed only under the following conditions:

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- A) The transportation provider is enrolled with DPA to participate in the Illinois medical assistance program.
 - B) The transportation is in support of the plan of care developed by the SASS agent and is to or from a source of medical care covered under this Part.
 - C) The service was provided during the SASS period.
 - D) The patient was a child at the time of screening.
- 2) Payment shall be made utilizing rates of reimbursement established under 89 Ill. Adm. Code 140.492 and 140.493.
- d) Inpatient Psychiatric Services
- 1) DHS shall pay for certain inpatient psychiatric services provided to a child who meets DHS eligibility criteria specified in Section 131.30(c). Inpatient psychiatric services, other than those provided by an inpatient psychiatric facility operated by DHS, shall be reimbursed only under the following conditions:
 - A) The inpatient facility is enrolled with DPA to participate in the Illinois medical assistance program and meets the special requirements for inpatient psychiatric services found at 89 Ill. Adm. Code 148.40(a).
 - B) Prior to admission, the individual shall be screened by a SASS agent to determine the appropriateness of an inpatient admission and the availability of alternative treatment resources in the community.
 - C) The admission is approved by DHS or its agent.
 - D) Prior to discharge, the SASS agent participated in the development of the discharge plan.
 - E) The date of admission was during the SASS period.
 - F) The patient was a child at the time of admission.

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- 2) Payment shall be made utilizing rates of reimbursement established for the medical assistance program under 89 Ill. Adm. Code 148.270 and 89 Ill. Adm. Code 152.200, subject to utilization review or pre- or post-payment reviews, as applicable.

Section 131.60 Billing for Services

All program services described in this Part are provided and billed to DPA in accordance with that agency's policies, including any necessary prior authorization for the service.

Section 131.70 Accountability

- a) All payments made under this Part are subject to post-payment review and audit pursuant to the applicable rules under which the rates of reimbursement were established.
- b) DPA, DHS and DCFS shall implement a systematic process to assess the accessibility, effectiveness, and quality of services provided under this Part.
- c) Hospitals and CMHS providers providing services under this Part will be required to participate and cooperate fully in any monitoring and quality improvement efforts undertaken by DPA, DCFS and/or DHS.
- d) DHS, DCFS and DPA reserve the right to ensure that appropriate standards of treatment and service delivery are maintained for any individual child or for the system, including on-site inspection and individual consultation.

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Section 131.APPENDIX A DHS/DMH Target Population

The DHS/DMH target population, for purposes of this Part, consists of children 17 years of age or younger who meet the diagnoses criteria of subsection (a) and treatment history of subsection (b) or who meet the diagnoses criteria of subsection (a) and functional criteria of subsection (c).

a) Diagnoses

One of the following DSM-IV diagnoses that is the focus of the treatment being provided:

- 1) Attention Deficit/Hyperactivity Disorders (314.00, 314.01, 314.9)
- 2) Schizophrenia (295.xx)
- 3) Schizophreniform Disorder (295.4)
- 4) Schizo-Affective Disorder (295.7)
- 5) Delusional Disorder (297.1)
- 6) Shared Psychotic Disorder (297.3)
- 7) Brief Psychotic Disorder (298.8)
- 8) Psychotic Disorder (298.5)
- 9) Bipolar Disorders (296.0x, 296.4x, 296.5x, 296.6x, 296.7, 296.80, 296.89, 296.90)
- 10) Cyclothymic Disorder (301.11)
- 11) Major Depression (296.2x, 296.3x)
- 12) Panic Disorder with or without Agoraphobia (300.01, 300.21)
- 13) Obsessive-Compulsive Disorder (300.30)
- 14) Anorexia Nervosa (307.1)

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- 15) Bulimia Nervosa (307.51)
- 16) Post Traumatic Stress Disorder (309.81)
- 17) Intermittent Explosive Disorder (312.34)
- 18) Tourette's Disorder (307.23)

b) Treatment History

Treatment history covers the client's lifetime treatment and is restricted to treatment for a DSM-IV diagnosis specified in subsection (a).

The youth must meet at least ONE of the following criteria:

- 1) Continuous treatment of six months or more in one, or a combination of, the following:
 - A) inpatient treatment;
 - B) day treatment; or
 - C) partial hospitalizations.
- 2) Six months of continuous residence in a residential treatment center.
- 3) Two or more admissions of any duration to inpatient treatment, day treatment, partial hospitalization or residential treatment programming within a 12 month period.
- 4) A history of using the following outpatient services over a one year period, either continuously or intermittently:
 - A) psychotropic medication management;
 - B) case management; or
 - C) SASS/intensive community-based services.

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- 5) Previous treatment in an outpatient modality and a history of at least one mental health psychiatric hospitalization.

- c) Functional Criteria

Functional criteria has been purposely narrowed to descriptors of the most serious levels of functional impairment and are not intended to reflect the full range of possible impairments.

The functional impairment must be the result of the mental health problems for which the child is, or will be, receiving care and must be expected to persist in the absence of treatment.

The youth must meet criteria for functional impairment in TWO of the following areas:

- 1) Functioning in self care – Impairment in age-appropriate self-care skills is manifested by a person's consistent inability to take care of personal grooming, hygiene, clothing, and meeting of nutritional needs.
- 2) Functioning in community – Impairment in community functioning is manifested by a consistent lack of age-appropriate behavioral controls, decision-making, judgment and value systems that results in potential involvement in the juvenile justice system.
- 3) Functioning in social relationships – Impairment of social relationships is manifested by the consistent inability to develop and maintain satisfactory relationships with peers and adults.
- 4) Functioning in the family –
 - A) Impairment in family functioning is manifested by a pattern of:
 - i) disregard for the safety and welfare of self or others, e.g., fire setting, serious and chronic disruptiveness;
 - ii) significantly disruptive behavior exemplified by repeated and/or unprovoked violence to siblings and/or parents; or

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- iii) inability to conform to reasonable limitations and expectations.
- B) The degree of impairment requires intensive (i.e., beyond age-appropriate) supervision by parent/caregiver and may result in removal from the family or its equivalent.
- 5) Functioning at school – Impairment in functioning at school is manifested by the inability to pursue educational goals in a normal time frame, e.g., consistently failing grades, repeated truancy, expulsion, property damage, or violence toward others that cannot be remediated in a classroom setting (whether traditional or specialized).

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- 1) Heading of the Part: The Illinois Speech-Language Pathology and Audiology Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1465
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1465.41	Amendment
1465.60	Amendment
1465.75	Amendment
- 4) Statutory Authority: Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 93-112, effective January 1, 2004, requires individuals intending to undertake supervised professional experience as a speech-language pathologist to first obtain a temporary license from the Department of Professional Regulation; this proposed rulemaking implements this provision. Section 1465.41 has been added to provide for the temporary license, while Section 1465.75 has been amended to provide for the application fee. Section 1465.60 has also been amended to allow temporary practice for up to 90 days for applicants licensed in another state or territory if they meet certain criteria, including never having been disciplined in another jurisdiction.
- 6) Does this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives if applicable: This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786

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217/785-0813; Fax: 217/782-7645

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing speech-language pathology or audiology services and those wishing to provide continuing education.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Speech-language pathology or audiology skills are required for licensure.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1465

THE ILLINOIS SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY PRACTICE ACT

Section

1465.10	Application for Licensure Under Section 7 of the Act (Repealed)
1465.20	Approved Programs
1465.30	Professional Experience
1465.35	Supervision
1465.36	Evaluation and Management Related to Speech-Language Pathology and Audiology
1465.40	Application for Licensure
<u>1465.41</u>	<u>Temporary License</u>
1465.45	Jurisdiction
1465.50	Examination
1465.60	Endorsement
1465.70	Renewal
1465.75	Fees
1465.80	Restoration
1465.85	Continuing Education
1465.90	Granting Variances
1465.95	Professional Conduct Standards

AUTHORITY: Implementing the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Emergency rules adopted at 13 Ill. Reg. 1616, effective January 20, 1989, for a maximum of 150 days; emergency expired June 19, 1989; adopted at 13 Ill. Reg. 13882, effective August 22, 1989; amended at 18 Ill. Reg. 12794, effective August 4, 1994; amended at 19 Ill. Reg. 11477, effective July 28, 1995; emergency amendment at 21 Ill. Reg. 11785, effective August 7, 1997, for a maximum of 150 days; emergency expired January 3, 1998; amended at 22 Ill. Reg. 3879, effective February 5, 1998; amended at 22 Ill. Reg. 21978, effective December 1, 1998; amended at 27 Ill. Reg. 15530, effective September 19, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 1465.41 Temporary License

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On or after January 1, 2004, an applicant pursuing licensure as a speech language pathologist shall obtain a temporary license prior to beginning the supervised professional experience as specified in Section 1465.30. The application shall include:

- a) Certification, on forms provided by the Department, of a master's or doctoral degree from a program approved by the Department in accordance with Section 1465.20(a);
- b) Passage of the National Examination in Speech-Language Pathology and/or Audiology (NESPA) set forth in Section 1465.50 or certification from the American Speech-Language-Hearing Association or from the American Board of Audiology pursuant to Section 8(e) of the Act. Exam scores shall be submitted directly to the Department from the testing service;
- c) A complete work history since completion of a master's or doctoral degree program;
- d) Certification on forms provided by the Department demonstrating that a licensed speech-language pathologist has agreed to supervise the professional experience of the applicant; and
- e) The required fee set forth in Section 1465.75 of this Part.

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

Section 1465.60 Endorsement

- a) An applicant for a license as a speech-language pathologist or audiologist who is licensed under the laws of another state or territory of the United States shall file an application with the Department, on forms provided by the Department, that includes:
 - 1) Certification, on forms provided by the Department, of a master's or doctoral degree from a program approved by the Department in accordance with Section 1465.20;
 - 2) Certification, on forms provided by the Department, of completion of the equivalent of 9 months of full-time supervised professional experience as set forth in Section 1465.30 of this Part;
 - 3) Proof of successful completion of the examination set forth in Section

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1465.50 of this Part;

- 4) The Department, upon recommendation of the Board, will accept a Certificate of Clinical Competence in Speech-Language Pathology or Audiology awarded by the American Speech-Language-Hearing Association's Clinical Certification Board or certification in audiology from the American Board of Audiology, in lieu of the documents required in subsections (a)(2) and (3);
 - 5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and any state in which the applicant is currently licensed, stating:
 - A) The time during which the applicant was licensed; and
 - B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending;
 - 6) A complete work history since completion of a master's or doctoral degree program; and
 - 7) The required fee as set forth in Section 1465.75 of this Part.
- b) The Department may require additional information to determine if the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in effect in Illinois at the time of original licensure or to determine whether the requirements of another state or territory together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application. The Department, upon recommendation of the Board, shall determine substantial equivalency based on, but not limited to, certification in speech-language pathology or audiology from the American Speech-Language-Hearing Association or certification in audiology from the American Board of Audiology; education, training, and experience, including, but not limited to, whether he/she has achieved special honors or awards, has had articles published in professional journals, has written textbooks relating to speech-language-hearing; and any other attribute the Director accepts as evidence that the applicant has outstanding and proven ability in speech-language-hearing. The Department shall either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

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- c) A person licensed as a speech-language pathologist or audiologist under the laws of another state, who has made application to the Department for a license to practice, may practice speech-language pathology or audiology without a license for 90 days from the date of application or until disposition of the license application by the Department, whichever is sooner. The person must hold a Certificate of Clinical Competence from the American Speech-Language-Hearing Association in speech-language pathology or audiology or, in the case of an audiologist, a certificate from the American Board of Audiology. In order to qualify under this subsection, there shall be no discipline or pending discipline against the applicant from the state or territory of the United States in which the applicant was originally licensed or any state in which the applicant is currently licensed.
- d) An applicant for a license as a speech-language pathology assistant who is licensed under the laws of another state or territory of the United States shall file an application with the Department, on forms provided by the Department, that includes:
- 1) Certification, on forms provided by the Department, of completion of an associate's degree from a speech-language pathology assistant program approved by the Department in accordance with Section 1465.20(b);
 - 2) A complete work history since completion of an associate's degree program;
 - 3) The required fee set forth in Section 1465.75 of this Part; and
 - 4) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and any state in which the applicant is currently licensed, stating:
 - A) The time during which the applicant was licensed; and
 - B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending.

The Department may require additional information to determine if the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in effect in Illinois at the time of original licensure or to determine whether the requirements of another state or territory, together with education and professional experience qualifications of the

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applicant, are substantially equivalent to the requirements in Illinois at the time of application. The Department shall either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

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

Section 1465.75 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.
 - 1) The fee for application for initial speech-language pathologist or audiologist license by examination is \$90. In addition, applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The fee for application as a speech-language pathology assistant is \$45.
 - 3) The fee for application for a person licensed as a speech-language pathologist or audiologist under the laws of another state or territory of the United States or of a foreign country or province is \$100.
 - 4) The fee for a temporary license as a speech-language pathologist is \$75.
- b) Renewal Fees.
 - 1) The fee for the renewal of a speech-language pathologist or audiologist license shall be calculated at the rate of \$50 per year.
 - 2) The fee for the renewal of a speech-language pathology assistant license shall be calculated at the rate of \$25 per year.
 - 3) The fee for the renewal of a temporary license as a speech-language pathologist shall be \$50.

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- c) General Fees.
- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee for rescoring an examination shall be the cost to the Department of rescoring the examination, plus any fees charged by the applicable testing service to have the examination rescored.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as speech-language pathologists or audiologists in this State shall be the actual cost of producing the roster.

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Controlled Substances Act
- 2) Code Citation: 77 Ill. Adm. Code 3100
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3100.10	Amendment
3100.85	Amendment
- 4) Statutory Authority: Illinois Controlled Substances Act [225 ILCS 425]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 92-449 provided for animal shelters or animal control facilities licensed by the Department of Agriculture to be certified by the Department of Professional Regulation as euthanasia agencies, while PA 93-626, effective December 23, 2003, provided for these euthanasia agencies to obtain mid-level practitioner controlled substances licenses, enabling them to obtain and administer euthanasia drugs in their facilities. This proposed rulemaking implements the expansion of these mid-level controlled substances licenses, allowing euthanasia agencies to receive a license under the Illinois Controlled Substances Act.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax #: 217/782-7645

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

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Licensed animal shelters and animal control facilities that wish to euthanize animals will be required to obtain a license as a euthanasia agency, plus a controlled substance license to legally acquire, store and administer the euthanizing drugs.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Licensed animal shelters and animal control facilities will first have to obtain licensure as euthanasia agencies in order to receive a controlled substance license.

13) Regulatory Agenda on which this rulemaking was summarized: January 2004

The full text of the Proposed Amendments is the same as the text that appears in the Emergency Amendments published in this issue of the *Illinois Register* on page 4985:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.150 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This proposed rulemaking responds to a recommendation from the federal Department of Health and Human Services, Office of Inspector General, that the Department revise and make more precise the reporting requirements regarding uninsured care in hospitals. The proposed amendments describe the reporting requirement, the hospital types that must comply with the requirements, an update for the definition of "base year", and an extensive new definition of "hospital charity care charges and hospital bad debt".
- 6) Will this proposed amendment replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.30	Amendment	February 6, 2004 (28 Ill. Reg. 1998)
148.82	Amendment	January 23, 2004 (28 Ill. Reg. 1350)
148.126	Amendment	January 30, 2004 (28 Ill. Reg. 1649)
148.210	Amendment	February 6, 2004 (28 Ill. Reg. 1998)
148.295	Amendment	February 27, 2004 (28 Ill. Reg. 3719)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

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 Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded hospitals will be affected.
 - 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: These proposed amendments were not included on either of the two most recent agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

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
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals

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- 148.180 Organized Under the Town Hospital Act
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)
- 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 amendment 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; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 2770, effective February 1, 2004; amended at 28 Ill. Reg. _____, effective _____.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.150 Public Law 103-66 Requirements

- a) ~~All hospitals deemed eligible to receive disproportionate share hospital (DSH) adjustment payments, in accordance with Section 148.120, are required, and non-DSH cost reporting hospitals are encouraged, to~~ Each cost reporting hospital as described in Section 148.210 shall annually submit, on or before August 15 of the rate year, at least the following information separated by inpatient and outpatient (including hospital-based clinic services) to the Department:
- 1) ~~The dollar amount of uncompensated care charges rendered in the base year.~~
 - 2) ~~The dollar amount of charges rendered in the base year that are~~

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~~reimbursable by the Department for those program participants covered under the Family and Children Assistance Program, formerly known as the General Assistance Program (Article VI of the Public Aid Code).~~

- ~~1)3)~~ The dollar amount of Illinois Medicaid charges rendered in the base year.
- ~~2)~~ The dollar amount of hospital charity care charges rendered in the base year for uninsured patients.
- ~~3)~~ The dollar amount of hospital bad debt, less any recoveries, rendered in the base year for uninsured patients.
- 4) The dollar amount of Illinois total hospital charges for care rendered in the base year.

b) Definitions

- 1) "Medicaid charges" means hospital charges for inpatient, outpatient and hospital-based clinic services provided to recipients of medical assistance under Title XIX of the Social Security Act.
- 2) "Total charges" means the total amount of a hospital's charges for inpatient, outpatient and hospital-based clinic services it has provided.
- 3) "Base year" means the hospital's cost reporting period, utilized in the current rate year disproportionate share determination, and as described in Section 148.120(k)(1) July 1 through June 30 of each year, beginning with July 1, 1994, through June 30, 1995.
- 4) "Hospital charity care charges" and "hospital bad debt" mean inpatient, outpatient and hospital clinic services provided to individuals without health insurance or other sources of third party coverage. For purposes of the previous statement in this subsection (b)(4), State or unit of local government payments made to a hospital on behalf of indigent patients (i.e., Transitional Assistance and State Family and Children Assistance) shall not be considered to be a form of insurance or a source of third party coverage. Therefore, unreimbursed charges for persons covered under these programs may be included. Charity care charges and bad debt cannot include unpaid co-pays or third party obligations of insured patients, contractual allowances, or the hospital's charges or reduced

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~~charges attributable to services provided under its obligation pursuant to the federal Hill-Burton Act (42 USC 291). "Uncompensated care charges" for a hospital means:~~

- ~~A) the hospital's charges for inpatient, outpatient and hospital-based clinic services for which the hospital was not reimbursed by either the patient or a third party (including the Department);~~
- ~~B) less:~~
 - ~~i) the amount of the hospital's bad debt recoveries for inpatient, outpatient and hospital-based clinic services; and~~
 - ~~ii) the hospital's charges attributable to inpatient, outpatient and hospital-based clinic services that if provided without charge or at reduced charges under its obligation under the federal Hill-Burton Act (42 U.S.C. 291 et seq.).~~

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Prequalification and Bidder Responsibility
- 2) Code Citation: 44 Ill. Adm. Code 950
- 3) Section Number: 950.150 Adopted Action:
Amended
- 4) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and Sections 5-25 and 30-20 of the Illinois Procurement Code [30 ILCS 500/5-25 and 30-20].
- 5) Effective Date of Amendment: March 4, 2004
- 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 rulemaking, including any material incorporated by reference, is on file in the Board's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 7512; May 2, 2003.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rulemaking pending on this Part? No
- 15) Summary and Purpose of Amendment: The purpose of the rulemaking is to clarify the agency's intent regarding confidentiality of documents.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Claire E. Gibson
Deputy Chief Counsel

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

Capital Development Board
401 South Spring Street
3rd Floor, Wm. G. Stratton Building
Springfield, IL 62706
217/782-0700

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT
CHAPTER XII: CAPITAL DEVELOPMENT BOARDPART 950
PREQUALIFICATION AND BIDDER RESPONSIBILITY

SUBPART A: BIDDER RESPONSIBILITY

Section

950.110	Purpose
950.120	Policy
950.130	Definitions
950.140	Special Projects
950.150	Confidentiality
950.160	Sources for Determining Responsibility
950.170	Processing of Contractor Prequalification and Bidder Responsibility and Renewal Applications
950.180	Ineligibility

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF ABILITY TO BID, AND
CONDITIONAL PREQUALIFICATIONSection

950.200	Actions Affecting Prequalification
950.210	Causes for Suspension, Debarment, Modification of Ability to Bid, or Conditional Prequalification
950.220	Failure to Satisfactorily Perform Work on or Breach of the Terms of CDB Contracts, Private Contracts, or Other Governmental Contracts
950.230	Interim or Emergency Suspension or Modification Pursuant to Section 16 of the Capital Development Board Act
950.240	Denial of Prequalification

SUBPART C: APPLICATION OF CDB ACTION

Section

950.300	General
950.310	Violation of CDB Order
950.320	Nullification of Prequalification

CAPITAL DEVELOPMENT BOARD

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950.330	Denial of Award of Contract
950.340	Debarment
950.350	Reapplication for Prequalification
950.360	Extension of CDB Action
950.370	Effect on Current Contracts
950.380	Basis of Decisions
950.390	Settlement

SUBPART D: PROCEDURES

Section

950.400	Review
950.410	Conference
950.420	Executive Director
950.430	Request for Reconsideration
950.440	Hearings
950.450	Burden of Proof

AUTHORITY: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and Sections 5-25 and 30-20 of the Illinois Procurement Code [30 ILCS 500/5-25 and 30-20].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20299, effective October 1, 1984; emergency amendment at 9 Ill. Reg. 3821, effective March 5, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 10659, effective July 3, 1985; amended at 9 Ill. Reg. 17321, effective October 29, 1985; amended at 12 Ill. Reg. 9860, effective May 27, 1988; amended at 16 Ill. Reg. 12424, effective July 28, 1992; Part repealed, new Part adopted at 19 Ill. Reg. 15607, effective November 2, 1995; amended at 20 Ill. Reg. 15222, effective November 15, 1996; amended at 22 Ill. Reg. 20007, effective November 9, 1998; amended at 25 Ill. Reg. 10741, effective August 10, 2001; amended at 28 Ill. Reg. 4857, effective March 4, 2004.

SUBPART A: BIDDER RESPONSIBILITY

Section 950.150 Confidentiality

Documents relating to responsibility determinations of a contractor shall be maintained by CDB in a separate file and shall remain confidential as records pertaining to occupational registration, except that they shall be subject to complete disclosure to the contractor to which they relate and

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

to units of federal, State, or local government, including but not limited to law enforcement agencies. Nothing herein shall be construed to mean that CDB is required to disclose to the contractor the name of any person or organization filing a complaint or providing information to CDB when the complaint or information is used by CDB as the basis for further inquiry into the facts alleged. CDB may release to anyone the contractor's prequalification status with CDB. Notwithstanding the foregoing, neither the Contractor Performance Evaluations (CPE) nor the contractor's written responses to them shall be made available to any other person or firm.

(Source: Amended at 28 Ill. Reg. 4857, effective March 4, 2004)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Prequalification of Architects and Engineers
- 2) Code Citation: 44 Ill. Adm. Code 980
- 3) Section Number: 980.150 Adopted Action:
Amended
- 4) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and Sections 5-25 and 30-20 of the Illinois Procurement Code [30 ILCS 500/5-25 and 30-20].
- 5) Effective Date of Amendment: March 4, 2004
- 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 principal Office of the Capital Development Board and is available for public inspection.
- 10) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 7517; May 2, 2003
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 14) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The purpose of the amendment is to clarify the agency's intent regarding confidentiality of documents.
- 17) Information and questions regarding this adopted amendment shall be directed to:

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

Claire E. Gibson
Deputy Chief Counsel
Capital Development Board
401 South Spring Street
3rd Floor, Wm. G. Stratton Building
Springfield, IL 62706
217/782-0700

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 980
PREQUALIFICATION OF ARCHITECTS AND ENGINEERS

SUBPART A: RESPONSIBILITY

Section	
980.110	Purpose
980.120	Definitions
980.130	Prequalification Required
980.140	Special Projects
980.150	Confidentiality
980.160	Sources for Determining Responsibility
980.170	Department of Professional Regulation Action
980.180	Prequalification of Firms and Office Locations
980.190	Trade Codes and Profile Codes
980.200	Processing of Architect-Engineer Prequalification Application
980.210	Ineligibility (Repealed)

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF PREQUALIFICATION, AND CONDITIONAL PREQUALIFICATION

Section	
980.300	Actions Affecting Responsibility and Prequalification
980.310	Causes for Suspension, Debarment, Modification of Prequalification, and Conditional Prequalification
980.320	Nullification of Prequalification
980.330	Failure to Satisfactorily Perform Work on or Breach of the Terms of CDB Contracts, Private Contracts, or Other Governmental Contracts
980.340	Interim or Emergency Suspension or Modification Pursuant to Section 16 of the Capital Development Board Act
980.350	Denial of Prequalification

SUBPART C: APPLICATION OF CDB ACTION

Section

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

980.400	General
980.410	Violation of CDB Order
980.420	Denial of Award of Contract
980.430	Debarment
980.440	Reapplication for Prequalification
980.450	Extension of CDB Action
980.460	Effect on Current Contracts
980.470	Basis of Decisions
980.480	Settlement

SUBPART D: PROCEDURES

Section	
980.500	Review
980.510	Notice of CDB Action
980.520	Executive Director Decision and Request for Reconsideration
980.530	Hearings
980.540	Burden of Proof

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 16 of that Act, Sections 5-25 and 30-20 of the Illinois Procurement Code [30 ILCS 500], and Section 20 of the Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20317, effective October 1, 1984; amended at 9 Ill. Reg. 17329, effective October 29, 1985; amended at 12 Ill. Reg. 20446, effective November 29, 1988; Part repealed, new Part adopted at 22 Ill. Reg. 1154, effective January 1, 1998; amended at 22 Ill. Reg. 20026, effective November 9, 1998; amended at 24 Ill. Reg. 6663, effective April 17, 2000; amended at 25 Ill. Reg. 10759, effective August 10, 2001; amended at 28 Ill. Reg. 4862, effective March 4, 2004.

SUBPART A: RESPONSIBILITY

Section 980.150 Confidentiality

Documents relating to responsibility determinations of an A/E shall be maintained by CDB in a separate file and shall remain confidential as records pertaining to occupational registration, except that they shall be subject to complete disclosure to the A/E to which they relate and to

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

units of Federal, State, or local government, including but not limited to, law enforcement agencies. Nothing herein shall be construed to mean that CDB is required to disclose to the A/E the name of any person or organization filing a complaint or providing information to CDB when the complaint or information is used by CDB as the basis for further inquiry into the facts alleged. CDB may release to anyone the A/E prequalification status with CDB.

Notwithstanding the foregoing, neither the A/E Performance Evaluations (A/E PE) nor the A/E's written responses to them shall be made available to any other person or firm.

(Source: Amended at 28 Ill. Reg. 4862, effective March 4, 2004)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Dietetic and Nutrition Services Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1245
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1245.10	Amendment
1245.110	Amendment
1245.120	Amendment
1245.140	Amendment
1245.150	Amendment
1245.160	Amendment
1245.210	Repealed
1245.220	Repealed
1245.230	Repealed
1245.240	Repealed
1245.250	Repealed
1245.260	Repealed
1245.305	Amendment
1245.310	Amendment
1245.320	Amendment
1245.330	Amendment
1245.340	Amendment
- 4) Statutory Authority: Dietetic and Nutrition Services Practice Act [225 ILCS 446]
- 5) Effective Date of Amendments: March 5, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: December 1, 2003; 27 Ill. Reg. 17905.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: A previous rulemaking implemented P.A. 92-642, which replaced the separate dietitian and nutrition counselor licensure categories with a new licensure category called licensed dietitian nutritionist; this rulemaking repeals obsolete language and references to the separate license categories.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1245
DIETETIC AND NUTRITION SERVICES PRACTICE ACT

SUBPART A: DEFINITIONS

Section
1245.10 Definitions

SUBPART B: DIETITIAN NUTRITIONIST

Section
1245.100 Application for Licensure as a Dietitian Under Section 60(a) of the Act
(Grandfather) (Repealed)
1245.110 Application for Examination/Licensure
1245.120 Examination
1245.130 Approved Programs in Dietetics
1245.140 Experience
1245.150 Endorsement
1245.160 Restoration

SUBPART C: NUTRITION COUNSELOR

Section
1245.200 Application for Licensure as a Nutrition Counselor Under Section 60(b) of the
Act (Grandfather) (Repealed)
1245.210 Application for Examination/Licensure (Repealed)
1245.220 Examination (Repealed)
1245.230 Approved Programs of Nutrition Counselors (Repealed)
1245.240 Experience (Repealed)
1245.250 Endorsement (Repealed)
1245.260 Restoration (Repealed)

SUBPART D: GENERAL

Section
1245.300 Renewal

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1245.305	Fees
1245.310	Continuing Education
1245.320	Inactive Status
1245.330	Unprofessional Conduct
1245.340	Granting Variances

AUTHORITY: Implementing the Dietetic and Nutrition Services Practice Act [225 ILCS 30] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 19 Ill. Reg. 7598, effective May 26, 1995; expedited correction at 19 Ill. Reg. 11678, effective May 26, 1995; amended at 22 Ill. Reg. 8445, effective May 4, 1998; amended at 22 Ill. Reg. 19856, effective October 30, 1998; amended at 24 Ill. Reg. 518, effective December 31, 1999; emergency amendment at 27 Ill. Reg. 3121, effective February 19, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 10228, effective June 26, 2003; amended at 28 Ill. Reg. 4867, effective March 5, 2004.

SUBPART A: DEFINITIONS

Section 1245.10 Definitions

"Act" means the Dietetic and Nutrition Services Practice Act [225 ILCS 30].

"Board" means the Dietitian Nutritionist ~~Dietetic and Nutrition Services~~ Practice Board.

"Department" means the Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Direct Supervision" means supervision by a licensed dietitian nutritionist, ~~licensed nutrition counselor~~ or other appropriate supervisor as defined in Sections 1245.140 and 1245.240 of this Part. The supervisor shall:

Meet at regularly scheduled sessions with the supervisee a minimum of one hour each week;

Be responsible for the standard of work performed by the individual under supervision; and

DEPARTMENT OF PROFESSIONAL REGULATION

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Have knowledge of patients/clients and the case information.

"Licensed dietitian nutritionist" means a person who, beginning November 1, 2003, pursuant to P.A. 92-0642, is licensed under the Act to practice dietetics and nutrition services, including medical nutrition therapy. Activities of a licensed dietitian nutritionist do not include the medical differential diagnosis of the health status of an individual. ~~"Licensed dietitian" means a person licensed by the Department until October 31, 2003, to practice dietetics as defined in Section 10 of the Act. Dietetics include all aspects of nutrition care for individuals and groups, including, but not limited to, nutrition assessment, nutrition counseling, nutrition education, nutrition service and medical nutrition care. Activities of a licensed dietitian do not include the medical differential diagnoses of the health status of an individual. "Licensed nutrition counselor" means a person licensed by the Department until October 31, 2003, to provide nutrition services as defined in Section 10 of the Act. Nutrition services to individuals and groups include, but are not limited to, nutrition assessments, nutrition education, nutrition counseling and nutrition care. Activities of a licensed nutrition counselor do not include medical nutrition care and do not include the medical differential diagnoses of the health status of an individual.~~

"Medical nutrition therapy " means the component of nutrition care that deals with interpreting and recommending nutrient needs relative to medically prescribed diets, including, but not limited to, tube feedings, specialized intravenous solutions and specialized oral feedings; food and prescription drug interactions; and developing and managing food service operations whose chief function is nutrition care and providing medically prescribed diets.

"Nutrition assessment" means the evaluation of the nutrition needs of individuals or groups using appropriate data to determine nutrient needs or status and make appropriate nutrition recommendations. The mere collection of nutrition and health data is not nutrition assessment and does not require licensure under the Act, unless activities include an evaluation of nutrition needs and nutrition recommendations.

"Nutrition care" means a dietary intervention whose primary function is to improve an individual's nutrition status and involves modification to meet individual needs. Provision of food for general sustenance of being is not construed as nutrition care and not subject to regulation under the Act and this Part.

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"Nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition information by integrating information from the nutrition assessment. The distribution by an individual of written nutrition educational material prepared by or approved in writing by a licensee is not nutrition counseling or nutrition education and any person distributing such written material need not be licensed under this Act.

"Nutrition education" means a planned nutrition program based on learning objectives with expected outcomes.

"Nutrition information" is oral or written factual data that includes:

Food sources of vitamins, minerals and nutrients;

Nutrient analysis of food, food items, recipes and menus;

Reporting the results of published scientific studies as long as the source is cited and recommendations are general in nature and are limited to those included in the published study;

Instruction and uses of food, dietary supplements and food material consistent with State and federal laws (i.e., Federal Food and Drug Administration, Department of Public Health); and

The display or distribution of printed, audio or video nutrition education information developed by a licensee, an entity of any federal, state or local government, or any nonprofit organization as outlined in Section 20(g) of the Act.

All health claims shall be consistent with the Federal Food and Drug Administration regulations.

Individuals are not required to be licensed to provide nutrition information; however, the evaluation of an individual's or group's dietary intake and/or recommendation for dietary changes is considered nutrition services and a license would be required to perform these activities.

"Registered dietitian" means a person registered with the Commission on Dietetic Registration.

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"Restorative care to attainment of optimal health" relates to the use of foods, nutrients and/or dietary supplements for individuals or groups who may or may not have a diagnosed disease or medical condition, as long as it is not medical nutrition therapy. If a person has a diagnosed disease or medical condition and is on a medically prescribed diet, a licensed nutrition counselor shall be limited to use of foods, nutrients and/or dietary supplements so as to indirectly impact or not contraindicate the diagnosed disease or medical condition of the individual or group.

"Supervision" means supervision by a licensed dietitian ~~nutritionist, licensed nutrition counselor~~ or other appropriate supervisor as defined in Sections 1245.140 and 1245.240. The supervisor shall:

Meet at regularly scheduled sessions with the supervisee a minimum of one hour per month;

Be responsible for the standard of work performed by the individual under supervision; and

Have knowledge of patients/clients and the case information.

"Treatment Program" is any nutrition intervention designed for an individual or group with a specific medical diagnosis, using foods, nutrients and/or dietary supplements so as to directly and specifically impact the medical condition and health status of the individual or group.

(Source: Amended at 28 Ill. Reg. 4867, effective March 5, 2004)

SUBPART B: DIETITIAN NUTRITIONIST**Section 1245.110 Application for Examination/Licensure**

- a) An applicant for examination to obtain licensure as a dietitian nutritionist shall file an application, on forms provided by the Department, at least 90 days prior to the examination date. The application shall include:
 - 1) Certification of education and an official transcript indicating the applicant holds one of the following:
 - A) A baccalaureate degree or post baccalaureate degree in human

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nutrition, foods and nutrition, dietetics, food systems management or nutrition education from a school or program accredited by a regional accrediting agency recognized by the Council on Higher Education Accreditation (CHEA); or

- B) A baccalaureate degree or post baccalaureate degree in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.130 of this Part;
- 2) Verification of 900 hours of experience, on forms provided by the Department:
- A) Prior to July 1, 1995, an applicant shall document 900 hours of employment as a dietitian nutritionist;
 - B) Experience earned after July 1, 1995, shall be supervised experience as defined in Section 1245.140 of this Part;
- 3) A complete work history;
- 4) The required fee set forth in Section 1245.305; and
- 5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) In lieu of the documents in subsections (a)(1) and (2) ~~above~~ an applicant for licensure as a dietitian nutritionist who at the time of application has maintained a "registered dietitian" designation from the Commission on Dietetic Registration

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shall submit a copy of his/her current registration from the Commission. The applicant will not be required to take the examination set forth in Section 1245.120.

- c) If an applicant for licensure is not a registered dietitian but has taken and passed the dietetic examination given through the Commission on Dietetic Registration within 12 months before applying for licensure, the applicant shall not be required to retake the exam. The examination scores shall be submitted to the Department directly from the testing entity.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.
- e) An applicant who has filed a completed application with the Department may work under direct supervision as defined in Section 1245.10 of this Part.
- f) Pursuant to P.A. 92-0642, the Department will no longer issue a separate license as a dietitian after October 31, 2003. All individuals will be issued a dietitian nutritionist license.

(Source: Amended at 28 Ill. Reg. 4867, effective March 5, 2004)

Section 1245.120 Examination

- a) The examination for licensed ~~dietitians~~ **dietitian nutritionists** shall be the dietetic examination given through the Commission on Dietetic Registration.
- b) The passing score on the examination shall be the passing score of the testing entity.
- c) Applicants who fail the examination 3 times in Illinois or any other jurisdiction

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shall be required to submit proof to the Department of the completion of 6 semester hours of dietetic course work as set forth in Section 1245.130(a)(6) prior to sitting for the examination a fourth time. An individual who has failed the examination 3 times shall be allowed to work under the direct supervision of a licensed dietitian nutritionist or other appropriate supervisor as defined in Section 1245.140.

(Source: Amended at 28 Ill. Reg. 4867, effective March 5, 2004)

Section 1245.140 Experience

- a) A minimum of 900 hours of experience in dietetics as defined in Section 10 of the Act completed within 5 years is required for licensure as a dietitian nutritionist under Section 45 of the Act. The experience shall have been received from a supervisor ~~supervisor(s)~~ who, at the time supervision took place, was one of the following:
- 1) A "registered dietitian" with the Commission on Dietetic Registration;
 - 2) A licensed dietitian nutritionist;
 - 3) A practitioner (such as, but not limited to, a licensed physician or registered nurse) whose license includes nutrition care;
 - 4) An individual with a doctoral degree conferred by a U.S. regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics or food systems management; or
 - 5) An individual who obtained a doctoral degree outside the U.S. and its territories must have the degree validated as equivalent to the doctoral degree conferred by a U.S. regionally accredited college or university.
- b) After January 1, 1996, an individual shall have at least 3 years of experience in dietetics in order to supervise practice experience.
- c) Supervised practice experience must be completed in the United States or its territories.
- d) The supervisor shall observe, supervise and assess the applicant.

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- e) The experience must be under direct supervision as defined in Section 1245.10 and documented by the supervisor as satisfactory or better.
- f) The supervised experience may be obtained prior to, concurrently or following the completion of the education requirements.
- g) The experience shall be completed prior to filing an application with the Department for licensure/examination.
- h) The Department, upon recommendation of the Board, has determined that internships approved by the American Dietetic Association meet the experience requirements set forth in this Section.

(Source: Amended at 28 Ill. Reg. 4867, effective March 5, 2004)

Section 1245.150 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a dietitian **nutritionist** shall file an application with the Department, on forms provided by the Department, which includes:
 - 1) Certification of education and an official transcript from a baccalaureate or post baccalaureate degree program in human nutrition, foods and nutrition, dietetics, food systems management or nutrition education from a school or program accredited by a regional accrediting agency recognized by the Council on Higher Education Accreditation (CHEA), or in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.130(a) of this Part;
 - 2) Certification of at least 900 hours of supervised or internship experience as set forth in Section 1245.140 of this Part;
 - 3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and any location in which the applicant predominantly practices and is currently licensed/registered, stating:
 - A) The time during which the applicant was originally

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licensed/registered;

- B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
 - C) Examinations taken and examination scores received;
 - 4) A complete work history since graduation from a baccalaureate or post baccalaureate program; and
 - 5) The required fee as set forth in Section 1245.305.
- b) In lieu of the documents in subsections (a)(1) and (2), the applicant may submit a current registration as a "registered dietitian" from the Commission on Dietetic Registration.
 - c) An applicant for licensure as a dietitian **nutritionist** who is registered/licensed under the laws of another state or territory of the United States or of a foreign country or is a registered dietitian may practice dietetics in this State until:
 - 1) The expiration of 6 months after the filing of the written application;
 - 2) The withdrawal of the application; or
 - 3) The denial of the application by the Department.
 - d) The applicant shall have the license issued or be notified in writing of the reason for denying the application.

(Source: Amended at 28 Ill. Reg. 4867, effective March 5, 2004)

Section 1245.160 Restoration

- a) Any dietitian **nutritionist** whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1245.305 and providing proof of meeting continuing education requirements of Section 1245.190 of this Part during the 2 years prior to restoration.
- b) Any person seeking restoration of a license that has been expired or placed on

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inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1245.305 and proof of meeting continuing education requirements of Section 1245.190 of this Part during the 2 years prior to restoration. The applicant shall also submit:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;
 - 2) An affidavit attesting to military service as provided in Section 65 of the Act;
 - 3) Proof of passage of the ADA/CDR examination for dietitian nutritionists ~~dietitians~~ during the period the license was lapsed or on inactive status; or
 - 4) Current "Registered Dietitian" status from the Commission on Dietetic Registration.
- c) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- e) Upon the recommendation of the Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

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(Source: Amended at 28 Ill. Reg. 4867, effective March 5, 2004)

SUBPART C: NUTRITION COUNSELOR

Section 1245.210 Application for Examination/Licensure (Repealed)

- a) ~~Pursuant to P.A. 92-0642, the Department will no longer issue a separate license as a nutrition counselor after October 31, 2003.~~
- 1) ~~No new applications as a nutrition counselor will be accepted by the Department 120 days prior to November 1, 2003.~~
- 2) ~~An applicant for a nutrition counselor license prior to that date will be allowed to sit for the October 2003 administration of the nutrition counselor examination; however, a license will not be issued as a nutrition counselor. All applicants no matter where they are in the process will be required to complete 24 hours of continuing education in medical nutrition therapy as set forth in Section 1245.300 prior to the issuance of a dietitian nutritionist license. The 24 hours of continuing education may be waived for an applicant whose education already fulfills the requirements set forth in Section 1245.130 as an approved program in dietetics.~~
- 3) ~~Any person who has not taken and passed the nutrition on counselor examination by October 31, 2003, will be required to sit for the CDR examination set forth in Section 1245.120.~~
- b) ~~An applicant for examination to obtain licensure as a nutrition counselor shall file an application, on forms provided by the Department, at least 90 days prior to the examination date. The application shall include:~~
 - 1) ~~Certification of education, on forms provided by the Department, and an official transcript indicating the applicant holds one of the following:~~
 - A) ~~A baccalaureate degree or post baccalaureate degree in human nutrition, food sciences, home economics, biochemistry, physiology or public health granted from a school or program accredited by a regional accrediting agency recognized by the Council on Higher Education Accreditation (CHEA); or~~
 - B) ~~A baccalaureate degree or post baccalaureate degree in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.230 of this Part;~~
 - 2) ~~Verification of 900 hours of experience, on forms provided by the Department;~~
 - A) ~~Prior to July 1, 1995, an applicant shall document 900 hours of employment as a nutrition counselor;~~

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- ~~B) Experience earned after July 1, 1995, shall be supervised experience as defined in Section 1245.240 of this Part;~~
- ~~3) A complete work history since graduation from a baccalaureate program;~~
- ~~4) The required fee set forth in Section 1245.305; and~~
- ~~5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
 - ~~A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;~~
 - ~~B) A description of the examination in that jurisdiction; and~~
 - ~~C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.~~~~
- ~~e) An applicant who has filed a completed application with the Department may work under direct supervision as defined in Section 1245.10 of this Part~~

(Source: Repealed at 28 Ill. Reg. 4867, effective March 5, 2004)

Section 1245.220 Examination (Repealed)

- ~~a) The examination for licensed nutrition counselors shall be the examination authorized by the Department.~~
- ~~b) The passing score on the examination shall be the passing score of the testing entity.~~
- ~~c) Applicants who fail the examination 3 times in Illinois or any other jurisdiction shall be required to submit proof to the Department of the completion of 6 semester hours of nutrition course work as set forth in Section 1245.230(a)(6) prior to sitting for the examination a fourth time. An individual who has failed the examination 3 times shall be allowed to work under the direct supervision of an appropriate supervisor as defined in Section 1245.240(a).~~
- ~~d) The last administration of this examination will be October 2003.~~

(Source: Repealed at 28 Ill. Reg. 4867, effective March 5, 2004)

Section 1245.230 Approved Programs of Nutrition Counselors (Repealed)

~~The Department of Professional Regulation shall approve a program if it meets the following minimum criteria:~~

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- a) ~~Is accredited by a regional accrediting agency recognized by the Council on Higher Education Accreditation (CHEA), or is a foreign program that has been validated by an accrediting agency approved by the U.S. Department of Education as offering a degree equivalent to the baccalaureate or post baccalaureate degree conferred by a regionally accredited college or university in the United States~~
- b) ~~Has a sufficient number of full-time instructors to assure that educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas of teaching from~~
- e) ~~Has a designated program director;~~
- d) ~~Maintains permanent student records which summarize the credentials for admission, attendance, grades and other records of performance; and~~
- e) ~~Either:~~
 - 1) ~~Grants a baccalaureate or post baccalaureate degree in human nutrition, food sciences, home economics, biochemistry, physiology or public health; or~~
 - 2) ~~Offers a baccalaureate or post baccalaureate degree with a major course of study that includes all of the following course work:~~
 - A) ~~Foods and Nutrition—12 semester hours must include:~~
 - i) ~~Principles of human nutrition or the equivalent;~~
 - ii) ~~Principles of food preparation or the equivalent; and~~
 - iii) ~~Nutrition through the life cycle, applied human nutrition, advanced human nutrition or the equivalent;~~
 - B) ~~Management—3 semester hours (such as food service or health systems) or the equivalent;~~
 - C) ~~Education—3 semester hours (methods of education, student teaching or the equivalent course work);~~
 - D) ~~Behavioral Science—3 semester hours (such as psychology, sociology, counseling or educational psychology) or the equivalent;~~
 - E) ~~Organic Chemistry or Biochemistry—3 semester hours or the equivalent; and~~
 - F) ~~Human Anatomy and Physiology—3 semester hours or the equivalent.~~
- f) ~~Individuals who are deficient in any of the courses set forth in subsection (e)(2) above may complete those courses in an approved program.~~

(Source: Repealed at 28 Ill. Reg. 4867, effective March 5, 2004)

Section 1245.240 Experience (Repealed)

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- a) ~~A minimum of 900 hours of experience in nutrition services as defined in Section 10 of the Act completed within 5 years is required for licensure as a nutrition counselor under Section 50 of the Act. The experience shall have been received from an individual(s) who, at the time supervision took place, was one of the following:~~
- ~~1) A licensed nutrition counselor;~~
 - ~~2) A "registered dietitian" with the Commission on Dietetic Registration;~~
 - ~~3) A licensed dietitian;~~
 - ~~4) A practitioner (such as, but not limited to, a licensed physician or registered nurse) whose license includes nutrition care;~~
 - ~~5) An individual with a doctoral degree conferred by a U.S. regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, public health, dietetics or~~
 - ~~6) An individual who obtained a doctoral degree outside the United States and its territories that is equivalent to a major course of study in human nutrition, nutrition education, food and nutrition, public health, dietetics or food systems management must have the degree validated as equivalent to the doctoral degree conferred by a U.S. regionally accredited college or university.~~
- b) ~~After January 1, 1996, an individual shall have at least 3 years of experience in nutrition services in order to supervise practice experience.~~
- e) ~~Supervised practice experience must be completed in the United States or its~~
- d) ~~The supervisor shall observe, supervise and assess the applicant.~~
- e) ~~The experience shall be under direct supervision as defined in Section 1245.10 and shall be documented by the supervisor as satisfactory or better.~~
- f) ~~The supervised experience may be obtained prior to, concurrently or following the completion of the education requirements.~~
- g) ~~The experience shall be completed prior to filing an application with the Department for licensure/examination.~~

(Source: Repealed at 28 Ill. Reg. 4867, effective March 5, 2004)

Section 1245.250 Endorsement (Repealed)

- a) ~~An applicant who is registered/licensed under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a nutrition counselor shall file an application with the Department, on forms provided by the Department, which includes:~~
- ~~1) Certification of a baccalaureate degree or post-baccalaureate degree in human nutrition, food sciences, home economics, biochemistry,~~

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- ~~physiology or public health from a school or program accredited by a regionally accredited agency recognized by the Council on Higher Education Accreditation (CHEA), or in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.230 of this Part;~~
- ~~2) Certification of at least 900 hours of experience in accordance with Section 1245.240 of this Part;~~
 - ~~3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and any location in which the applicant is currently licensed/registered, stating:
 - ~~A) The time during which the applicant was originally~~
 - ~~B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and~~
 - ~~C) Examinations taken and examination scores received;~~~~
 - ~~4) A complete work history; and~~
 - ~~5) The required fee as set forth in Section 1245.305.~~
- b) ~~An applicant for licensure as a nutrition counselor who is registered/licensed under the laws of another state or territory of the United States or of a foreign coun~~
~~oun~~
- ~~1) The expiration of 6 months after the filing of the written application;~~
 - ~~2) The withdrawal of the application; or~~
 - ~~3) The denial of the application by the Department.~~
- e) ~~The applicant shall have the license issued or be notified in writing of the reason for denying the application.~~

(Source: Repealed at 28 Ill. Reg. 4867, effective March 5, 2004)

Section 1245.260 Restoration (Repealed)

- ~~a) Any nutrition counselor whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1245.305 and providing proof of meeting continuing education requirements of Section 1245.290 of this Part during the 2 years prior to~~
- ~~b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1245.305 and proof of meeting continuing education requirements of Section 1245.290 of this Part during the 2 years prior to restoration. The applicant shall also submit:
 - ~~1) Sworn evidence of active practice in another jurisdiction. Such evidence~~~~

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- ~~shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during~~
- ~~2) An affidavit attesting to military service as provided in Section 65 of the~~
 - ~~3) Proof of passage of the Department authorized examination for nutrition~~
 - e) ~~Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.~~
 - d) ~~When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:~~
 - ~~1) Provide such information as may be necessary; and/or~~
 - ~~2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.~~
 - e) ~~Upon the recommendation of the Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.~~
 - f) ~~Individuals holding a license as a nutrition counselor applying for restoration of that license 90 days prior to November 1, 2003 or any time thereafter will be required, in addition to any other requirements for restoration, to complete 24 hours of continuing education that shall be in medical nutrition therapy as set forth in Section 1245.300.~~

(Source: Repealed at 28 Ill. Reg. 4867, effective March 5, 2004)

SUBPART D: GENERAL

Section 1245.305 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.
 - 1) The fee for application for a license as a dietitian ~~nutritionist or nutrition counselor~~ is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on

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the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

- 2) The fee for application as a continuing education sponsor is \$500. State colleges, universities, and State agencies are exempt from payment of this fee.
- b) Renewal Fees.
- 1) The fee for the renewal of a license shall be calculated at the rate of \$50 per year.
 - 2) The fee for renewal of continuing education sponsor approval is \$250 for the renewal period (see Section 1245.310(c)(7)).
- c) General Fees.
- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$300.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
 - 3) The fee for certification of a licensee's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as dietitian nutritionists ~~dietitians or nutrition counselors~~ in this State shall be the actual cost of producing the roster.

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(Source: Amended at 28 Ill. Reg. 4867, effective March 5, 2004)

Section 1245.310 Continuing Education

- a) Continuing Education Hours Requirements
 - 1) For the October 31, 1999 renewal, a licensee will be required to complete 15 hours of continuing education. Beginning with the October 31, 2001 renewal and every renewal thereafter, in order to renew a license a licensee shall be required to complete 30 hours of continuing education.
 - 2) A prerenewal period is the 24 months preceding October 31 of each odd-numbered year.
 - 3) One CE hour shall equal one clock hour. After completion of the initial CE hour, credit may be give in one-half hour increments.
 - 4) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour, 14 CE hours for each trimester hour and 10 CE hours for each quarter hour of school credit awarded.
 - 5) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 6) ~~Dietitian nutritionists~~ ~~Dietitians and nutrition counselors~~-licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
 - 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- b) Approved Continuing Education
 - 1) Continuing education hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in

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subsection (c) ~~below~~, except for those activities provided in subsections (b)(2), (3), (4) and (5) ~~below~~.

- 2) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of dietetic or nutrition services related courses that are a part of the curriculum of a college or university.
 - 3) CE credit may be earned for verified teaching in a regionally accredited college, university or graduate school of dietetics approved in accordance with Section 1245.130 or nutrition services approved in accordance with Section 1245.230 and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every clock hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations). A person may earn up to 10 hours per renewal.
 - 4) CE credit may be earned for community education in the field of dietetics or nutrition services. A total of 6 hours of credit may be obtained during one renewal period.
 - 5) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with dietetics or nutrition services may be claimed as 5 hours of credit per renewal period. A presentation must be before an audience of dietitian nutritionists ~~dietitians or nutrition counselors~~. Five credit hours may be claimed for only the first time the information is published or presented.
- c) Approved CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean one of the following:
 - A) American Dietetic Association (ADA), branch associations, or organizations approved as sponsors of continuing education by the Commission on Dietetic Registration (CDR);
 - B) Certification Board of Nutrition Specialists (CBNS), branch associations, or organizations approved as sponsors of continuing education by the CBNS;

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- C) Regionally accredited colleges, universities;
 - D) A person, firm, association, corporation or any other group that applies pursuant to subsection (c)(2) ~~below~~ and has been approved and authorized by the Department upon recommendation of the Board to coordinate and present continuing education courses and programs.
- 2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with the required fee as set forth in Section 1245.305. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application shall include:
- A) Certification:
 - i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) ~~below~~ and all other criteria in this Section;
 - ii) That the sponsor shall be responsible for verifying attendance at each program and provide a certificate of attendance to the participant as set forth in subsection (c)(9) ~~below~~;
 - iii) That upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;
 - iv) That each sponsor shall submit to the Department written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered;

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- B) A copy of a 3 hour sample program with faculty, course materials and syllabi.
- 3) All programs shall:
- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of dietetics or nutrition services;
 - B) Foster the enhancement of general or specialized work in the practice of dietetics or nutrition services;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and
 - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for renewal of a license.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 6) All programs given by approved sponsors shall be open to all dietitian |

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~~nutritionists dietitians and nutrition counselors~~ and not be limited to members of a single organization or group.

- 7) To maintain approval as a sponsor, each sponsor shall submit to the Department by October 31 of each odd-numbered year a renewal application, the fee required in Section 1245.305 and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
- 8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The name, address and license number of the sponsor;
 - B) The name and address of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
- 9) The sponsor shall maintain attendance records for not less than 5 years.
- 10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- 11) Upon the failure of a sponsor to comply with any one of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with requirements of this Section.
- 12) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.

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- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) **above**.
 - 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions
- 1) If a licensee has earned CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using criteria set forth in subsection (c)(3) of this Section. Applicants may seek individual program approval prior to participating in the program.
 - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.
- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 1245.305.

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- g) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 1245.305, a statement setting forth the facts concerning noncompliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds, from such affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
 - 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed physician;
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; and
 - D) Any other similar extenuating circumstance.
 - 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Amended at 28 Ill. Reg. 4867, effective March 5, 2004)

Section 1245.320 Inactive Status

- a) A licensed dietitian ~~nutritionist or nutrition counselor~~ who notifies the Department, on forms provided by the Department, may place the license on

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inactive status and shall be excused from paying renewal fees until he/she notifies the Department in writing of the intention to resume active practice.

- b) Any dietitian ~~nutritionist or nutrition counselor~~ whose license is on inactive status shall not practice dietetics and shall not use the title "licensed dietitian ~~nutritionist~~" or "~~licensed nutrition counselor~~" in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.
- c) Any dietitian or nutrition counselor whose license was on inactive status as of November 1, 2003 will be restored as a dietitian nutritionist. A nutrition counselor will be required to restore in accordance with Section 1245.260.

(Source: Amended at 28 Ill. Reg. 4867, effective March 5, 2004)

Section 1245.330 Unprofessional Conduct

- a) The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 95 of the Act, which is interpreted to include, but is not limited to, the following acts or practices:
- 1) Discriminating against clients on the basis of race, gender, religion, age, national origin, political affiliation, social or economic status, choice of lifestyle or sexual orientation;
 - 2) Promoting or endorsing products in a manner that is not true or is misleading;
 - 3) Permitting the use of his/her name to certify that professional services have been rendered when the licensee has not provided or supervised those services. When providing supervision the licensee shall assume responsibility for the actions of any person under their supervision;
 - 4) Making gross or deliberate misrepresentations or misleading claims as to his/her professional qualifications or of the efficacy or value of his/her nutrition services, or those of another practitioner;
 - 5) Submission of fraudulent claims for services to any health insurance

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company or health service plan or third party payor;

- 6) Refusing to divulge to the Department techniques or procedures used in his/her professional activities upon request;
 - 7) Practicing or offering to practice beyond one's competency (for example, providing services and techniques for which one is not qualified by education, training and experience);
 - 8) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered.
- b) A dietitian ~~nutritionist or nutrition counselor~~ shall not advertise in any way that is fraudulent, false, deceptive or misleading. Any advertising shall be considered fraudulent, false, deceptive or misleading if it:
- 1) Contains a misrepresentation of facts;
 - 2) Makes only a partial disclosure of relevant facts;
 - 3) Represents that professional services can or will be completely performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged;
 - 4) Represents the licensee in a deceptive or misleading manner with respect to the profession or professional status of the licensee;
 - 5) Contains any representation of a special area of practice by the licensee which implies that the licensee requires a superior license or formal recognition by the Department other than a licensed dietician ~~nutritionist or nutrition counselor~~;
 - 6) Makes false, unproven or misleading claims about the validity, safety, or effectiveness of any dietetic or nutrition related service, product or test;
 - 7) Fails to conspicuously identify the licensee by name in the advertisement.

(Source: Amended at 28 Ill. Reg. 4867, effective March 5, 2004)

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Section 1245.340 Granting Variances

- a) The Director may grant variances from these rules in individual cases where:
 - 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Dietitian Nutritionist ~~Dietetic and Nutrition Services~~ Practice Board in writing of the granting of a variance, and the reasons therefor. |

(Source: Amended at 28 Ill. Reg. 4867, effective March 5, 2004)

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- 1) Heading of the Part: Humane Euthanasia in Animal Shelters Act
- 2) Code Citation: 68 Ill. Adm. Code 1248
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1248.10	New Section
1248.20	New Section
1248.30	New Section
1248.40	New Section
1248.50	New Section
1248.55	New Section
1248.60	New Section
1248.70	New Section
1248.80	New Section
1248.90	New Section
1248.100	New Section
1248.110	New Section
- 4) Statutory Authority: Implementing the Humane Euthanasia in Animal Shelters Act [225 ILCS 72]
- 5) Effective Date of Rulemaking: March 5, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 3, 2003; 27 Ill. Reg. 15291.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: PA 93-626, effective December 23, 2003, made further statutory changes in the Act which required adjustments in the rules. Accordingly, Section 1248.50 has been amended to clarify that the documentation required to obtain a certification as a euthanasia technician from DPR must have been obtained within the 3 years prior to application to the Department; however, for a 12 month period

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after adoption of this Part, we will accept a license or certification issued after January 1, 1997. Section 1248.55 has also been amended to clarify that endorsement applicants also must submit to a criminal background check through fingerprint processing.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: Public Act 92-449, effective January 1, 2002, provides for animal shelters or animal control facilities licensed by the Department of Agriculture to be certified by the Department of Professional Regulation as euthanasia agencies. These rules will allow the Department to begin accepting and processing applications for certification.

Sections 1248.30 and 1248.40 set forth the application process and requirements for euthanasia agencies, while 1248.50 details the requirements for certification as a euthanasia technician. Included are the procedures for storing the drugs to be used, as well as equipment requirements that must be met. The rules also set forth procedures on record retention, renewal of a certification and under what circumstances the Director of the Department may grant variances to these rules. Fees for certification and renewal, as well as general processing fees, are set forth in Section 1248.20. It should also be noted that agencies will need to obtain a mid-level practitioner controlled substances license in order to obtain, store and administer euthanasia drugs.

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

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

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1248
HUMANE EUTHANASIA IN ANIMAL SHELTERS ACT

Section

1248.10	Definitions
1248.20	Fees
1248.30	Application for Certification as a Euthanasia Agency
1248.40	Requirements of a Euthanasia Agency
1248.50	Application for a Euthanasia Technician Certification
1248.55	Endorsement
1248.60	Duties of a Euthanasia Technician
1248.70	Renewals
1248.80	Restoration of a Euthanasia Technician Certification
1248.90	Establishing, Relocating or Changing Ownership
1248.100	Inactive Status
1248.110	Granting Variances

AUTHORITY: Implementing the Humane Euthanasia in Animal Shelters Act [510 ILCS 72] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 28 Ill. Reg. 4897, effective March 5, 2004.

Section 1248.10 Definitions

"Act" means the Humane Euthanasia in Animal Shelters Act [510 ILCS 72].

"DEA" means the United States Department of Justice Drug Enforcement Administration.

"Department" means the Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

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"Euthanasia agency" means an entity certified by the Department for the purpose of animal euthanasia that holds an animal control facility or animal shelter license under the Animal Welfare Act [225 ILCS 605].

"Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) as set forth in the Illinois Controlled Substances Act [720 ILCS 570] that are used by a euthanasia agency for the purpose of animal euthanasia.

"Euthanasia technician" or "technician" means a person employed by a euthanasia agency or working under the direct supervision of a veterinarian and who is certified by the Department to administer euthanasia drugs to euthanize animals.

"Veterinarian" means a person holding the degree of Doctor of Veterinary Medicine who is licensed under the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115].

Section 1248.20 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.
 - 1) The fee for application for certification as a euthanasia agency is \$200.
 - 2) The fee for application for a certification as a euthanasia technician is \$150.
- b) Renewal Fees.
 - 1) The fee for the renewal of certification as a euthanasia agency shall be calculated at the rate of \$50 per year.
 - 2) The fee for the renewal of certification as a euthanasia technician shall be calculated at the rate of \$50 per year.
- c) General Fees.
 - 1) The fee for the restoration of a certification other than from inactive status is \$20 plus payment of all lapsed renewal fees not to exceed \$300.

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- 2) The fee for the issuance of a duplicate certificate, for the issuance of a replacement certificate for a certification that has been lost or destroyed, or for the issuance of a certification with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate certificate is issued.
- 3) The fee for an inspection of a euthanasia agency in order to obtain a controlled substance license is \$50.
- 4) The fee for verification of an individual's or agency's record for any purpose is \$20.
- 5) The fee for a wall certificate showing certification shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons or agencies certified under the Act in this State shall be the actual cost of producing the roster.
- 7) The fee for relocating or changing ownership of a euthanasia agency is \$200.

Section 1248.30 Application for Certification as a Euthanasia Agency

- a) Pursuant to Section 25 of the Act, applications for certification as a euthanasia agency shall be made to the Department, in writing, on forms provided by the Department. The applications shall include:
 - 1) Proof of holding an active and unencumbered license under the Animal Welfare Act as an animal control facility or an animal shelter;
 - 2) The fee set forth in Section 1248.20.
- b) In order to purchase, store, and possess Schedule II and Schedule III drugs for the euthanization of animals, the agency shall be required to obtain an Illinois controlled substance license in accordance with 77 Ill. Adm. Code 3100 and a federal controlled substance license issued by the Drug Enforcement Administration pursuant to the Federal Controlled Substances Act (21 USC 301 et seq.).

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- c) A euthanasia agency shall be inspected by the Department prior to the issuance of the controlled substance license.

Section 1248.40 Requirements of a Euthanasia Agency

- a) Euthanasia may only be performed in a certified agency by a certified euthanasia technician, a licensed veterinarian or an instructor during an approved course in humane euthanasia.
- b) The agency shall designate a person who is responsible for ordering the euthanasia drugs and who is responsible for the security of the agency's euthanasia drugs. A certified technician may only perform euthanasia in a certified euthanasia agency or under the supervision of a licensed veterinarian. The technician may not personally possess, order or administer a controlled substance except as an agent of the euthanasia agency.
- c) The euthanasia agency shall notify the Department in writing within 30 days after a termination of a euthanasia technician from the agency.
- d) The euthanasia agency shall notify the Department when the location of a facility is changing.
- e) The agency shall comply with the requirements of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], Federal Food, Drug and Cosmetic Act (21 USC 301 et seq.), federal Controlled Substances Act (21 USC 801 et seq.) and the Illinois Controlled Substances Act [720 ILCS 570].
- f) The agency shall comply with the following requirements for the handling and storage of drugs:
 - 1) Euthanasia drugs shall be kept in a securely locked cabinet or safe.
 - A) Each agency shall maintain a written current list of designated certified euthanasia technicians.
 - B) Access to the drug storage cabinet or safe shall be limited to licensed veterinarians and certified euthanasia technicians. These persons shall be responsible for the security of the euthanasia drugs

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and shall allow withdrawal of the euthanasia drugs only to a person certified by the Department.

- C) Needles shall be of medical quality and shall not be reused.
 - D) Syringes shall be of medical quality. They may be reused if they are properly cleaned.
 - E) Used needles and syringes shall be disposed of in a manner that makes their reuse impossible.
- 2) Proper Storage. When no certified euthanasia technician is on duty, proper storage for euthanasia drugs is in a secure locked storage cabinet or metal safe.
- A) The cabinet shall be of such material and construction that it will withstand strong attempts to break into it.
 - B) The cabinet shall be securely attached to the building in which it is housed.
 - C) The temperature and environment in the storage cabinet or metal safe shall be adequate to assure the proper keeping of the drug.
- 3) Proper Labeling and Reporting
- A) Shipment records showing receipt of the euthanasia drugs shall be maintained and include information required by federal law. Upon removal from the shipment carton, each individual container of a euthanasia drug shall be labeled with the drug name and strength, the date the drug was prepared, a drug hazard warning label and the name and address of the agency owning the drug.
 - B) Administration records showing the date a euthanasia drug was administered, weight, species of animal and dosage administered for euthanasia, identification of the person who administers the euthanasia drug and identification of the veterinarian or certified euthanasia technician who supervised the dosage administered shall be maintained.

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- C) The certified euthanasia agency will submit to the Department the number of dogs, cats, puppies and kittens and other species euthanized each calendar year by January 31 of the next year. For the purposes of this Section, puppies are dogs younger than 4 months of age, kittens are cats younger than 4 months of age, dogs are canines 4 months of age or older and cats are felines 4 months of age or older. The report shall also include the total amount of drugs used for the year and the amount of drugs wasted. This record shall be kept by the Department.
 - D) Records of wastage shall be maintained and signed by the person administering the euthanasia drug and the person responsible for security.
 - E) A monthly record of verification of the stock on hand, minus the amounts withdrawn for administration, signed by the person responsible for security.
 - F) Disposal records of any expired or unwanted euthanasia drugs shall be maintained.
- 4) Temporary Storage. When a certified euthanasia technician is on duty and when animals are being euthanized throughout the workday, euthanasia drugs may be kept in a temporary storage cabinet. The cabinet shall be constructed of any strong material and shall be securely locked. The key to this cabinet shall be available only to a veterinarian or certified euthanasia technician.
- 5) Proper Sanitation. The area shall be clean and regularly disinfected.
- 6) Other site conditions relevant to the proper euthanasia environment.
- A) Each agency shall have a specific area designated for euthanasia. The area shall be:
 - i) A separate room; or
 - ii) An area that is physically separated from the rest of the agency by a wall, barrier, or other divider; or

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- iii) An area that is not used for any other purpose while animals are being euthanized.
- B) The euthanasia area shall meet the following minimum standards:
- i) Lighting shall be bright and even;
 - ii) The air temperature shall be within a reasonable comfort range for both the personnel and the animals;
 - iii) The area shall have adequate ventilation that prevents the accumulation of odors.
- C) The euthanasia area shall have the following equipment:
- i) A table or other work area where animals can be handled while being euthanized;
 - ii) A cabinet, table or workbench where the drugs, needles, syringes and clippers can be placed.
- D) The following materials shall be kept in the euthanasia area or shall be brought to the area each time an animal is euthanized:
- i) A first aid kit that meets minimum first aid supply standards;
 - ii) One or more tourniquets;
 - iii) Standard electric clippers;
 - iv) Animal control stick for dogs and animal net for cats. The use of control sticks, squeeze gates, nets and squeeze cages or other restraint devices shall be limited to fractious, feral, vicious or dangerous animals. Control sticks shall never be used on cats, except in such extreme cases where no other sedation methods can be used;
 - v) Stethoscope;

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- vi) Towels, sponges, disinfectant;
 - vii) Eyewash station.
- g) All equipment shall be in good working order. Failure to comply with the requirements set forth in this Section may be grounds for discipline in accordance with Sections 65, 90, and 165 of the Humane Euthanasia in Animal Shelters Act.

Section 1248.50 Application for a Euthanasia Technician Certification

Pursuant to Section 35 of the Act, an applicant may apply for certification as a euthanasia technician by filing an application on forms provided by the Department and shall:

- a) Be at least 18 years of age.
- b) Be of good moral character. In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or activities that would constitute grounds for discipline under this Act.
- c) Fingerprinting
 - 1) Verification of fingerprint processing from the Illinois Department of State Police, or its approved vendor. Applicants shall contact the approved vendor for fingerprint processing.
 - 2) Out-of-state residents unable to utilize the State Police fingerprint process may submit to the approved vendor one fingerprint card issued by the Federal Bureau of Investigation, accompanied by the fee specified by the vendor. Fingerprints shall be taken within the 60 days prior to application.
- d) Hold a license or certification, issued within 3 years preceding the date of application, from one of the following:
 - 1) American Humane Association;
 - 2) National Animal Control Association;
 - 3) Illinois Federation of Humane Societies; or
 - 4) Humane Society of the United States.

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Until March 1, 2005, the Department may issue a certificate to an applicant who holds a license or certification from one of these 4 organizations issued after January 1, 1997.

- e) Pay the required fee set forth in Section 1248.20.

Section 1248.55 Endorsement

- a) An applicant who is currently licensed under the laws of another state or territory of the United States shall file an application with the Department, together with:
 - 1) A certification by the state or territory of original licensure, stating that the applicant has been engaged in the practice of euthanasia for a period of not less than one year;
 - 2) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;
 - 3) Verification of fingerprint processing in accordance with Section 1248.50(c); and
 - 4) The fee as required by Section 1248.20.
- b) The Department shall examine each application to determine whether the requirements at the time of licensure in the state where the applicant was licensed were substantially equivalent to the requirements then in force in this State.

Section 1248.60 Duties of a Euthanasia Technician

The duties of a certified euthanasia technician shall include, but are not limited to:

- a) Correctly identifying and preparing animals for euthanasia;
- b) Scanning for microchips or other identification prior to euthanasia;
- c) Understanding the needs of individual animals;
- d) Using restraint measures only on fractious, feral, vicious or dangerous animals;

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- e) Accurately recording dosages administered and drugs wasted;
- f) Ordering supplies;
- g) Maintaining the security of all controlled substances and drugs;
- h) Reporting to the Department violations or suspicion of violations of this Part or any abuse of drugs;
- i) Humanely euthanizing animals;
- j) Verification of death by using a cardiac puncture, stethoscope or by recognizing the signs of rigor mortis;
- k) Proper and lawful disposal of euthanized animals.

Section 1248.70 Renewals

- a) The first renewal date for certification under the Act shall be April 30, 2006. Thereafter, every certification issued under the Act shall expire on April 30 of even numbered years. The holder of a certification may renew the certification during the month preceding the expiration date by paying the required fee.
- b) It is the responsibility of each certificate holder to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.
- c) Practice on an expired certification shall be considered unlicensed practice and shall be grounds for discipline pursuant to Section 10 of the Act.

Section 1248.80 Restoration of a Euthanasia Technician Certification

- a) A person seeking restoration of a euthanasia technician certification that has expired for 5 years or less shall have the certification restored upon payment of all lapsed renewal fees.
- b) A person seeking restoration of a certificate that has been placed on inactive status for 5 years or less shall have the certificate restored upon payment of the current renewal fee.

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- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, including the applicant's work history since the certification expired and the fee. The person shall also submit one of the following:
 - 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of active practice; or
 - 2) An affidavit attesting to military service as provided in Section 45 of the Act.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be requested to provide information as may be necessary.
- e) Upon the recommendation of the Director, an applicant shall have the certification restored or will be notified in writing of the reason for the denial of the application.

Section 1248.90 Establishing, Relocating or Changing Ownership

- a) Any person who desires to establish, relocate or change the ownership of a euthanasia agency shall file an application on forms supplied by the Department, together with the fee required in Section 1248.20.
- b) Upon determination that the application is in good order, an inspection of the premises will be conducted to determine compliance with Section 25 of the Act.

Section 1248.100 Inactive Status

- a) A euthanasia technician who notifies the Department, on forms provided by the Department, may place his or her certification on inactive status and shall be excused from paying renewal fees until he or she notifies the Department in writing of the intention to resume active practice.

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- b) Any euthanasia technician seeking restoration from inactive status shall do so in accordance with Section 1248.80.
- c) Any person violating this Section shall be considered to be practicing without a certificate and shall be subject to the disciplinary provisions of the Act.

Section 1248.110 Granting Variances

The Director may grant variances from this Part in individual cases where he/she finds that:

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

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- 1) Heading of the Part: Funeral Directors and Embalmers Licensing Code
- 2) Code Citation: 68 Ill. Adm. Code 1250
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1250.120	Amendment
1250.130	Amendment
1250.135	Amendment
1250.150	Amendment
1250.155	Amendment
1250.165	Amendment
1250.170	Amendment
1250.200	Amendment
1250.205	Amendment
1250.210	Amendment
1250.220	Amendment
- 4) Statutory Authority: Funeral Directors and Embalmers Licensing Code [225 ILCS 41]
- 5) Effective Date of Amendments: March 3, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: December 1, 2003; 27 Ill. Reg. 17935
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 93-268, effective January 1, 2004, changes the term "funeral director and embalmer trainee" to "funeral director and embalmer intern"; this rulemaking makes corresponding changes throughout this Part. Obsolete language has also been deleted and other technical changes have been made.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1250
FUNERAL DIRECTORS AND EMBALMERS LICENSING CODE

Section

1250.110	Approved Programs of Mortuary Science
1250.120	Application for Internship Traineeship
1250.130	Requirements for Internship Traineeship
1250.135	Application for Licensure
1250.140	Examination
1250.150	Reciprocity
1250.155	Inactive Status
1250.160	Restoration
1250.165	Fees
1250.170	Requirements for a Preparation Room
1250.180	Required Activities (Repealed)
1250.190	Violations (Repealed)
1250.200	Renewals
1250.205	Advertising
1250.210	Granting Variances
1250.220	Continuing Education

AUTHORITY: Implementing the Funeral Directors and Embalmers Licensing Code [225 ILCS 41] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Rules and Regulations for the Administration of the Illinois Funeral Directors and Embalmers Act, effective March 19, 1975; amended at 4 Ill. Reg. 30, p. 1238, effective July 10, 1980; codified at 5 Ill. Reg. 11034; Part repealed and new Part adopted at 6 Ill. Reg. 4203, effective April 26, 1982; emergency amendment at 7 Ill. Reg. 7675, effective June 14, 1983, for a maximum of 150 days; emergency rule expired November 11, 1983; amended at 9 Ill. Reg. 4529, effective March 27, 1985; transferred from Chapter I, 68 Ill. Adm. Code 250 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1250 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2931; amended at 13 Ill. Reg. 14061, effective August 29, 1989; amended at 15 Ill. Reg. 8238, effective May 16, 1991; amended at 17 Ill. Reg. 19132, effective October 22, 1993; amended at 23 Ill. Reg. 2296, effective January 22, 1999; amended at 24 Ill. Reg. 550, effective December

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31, 1999; amended at 27 Ill. Reg. 7791, effective April 21, 2003; amended at 28 Ill. Reg. 4911, effective March 3, 2004.

Section 1250.120 Application for Internship Traineeship

- a) An applicant for a license as a funeral director and embalmer intern trainee shall file an application on forms supplied by the Department. The application shall include:
- 1) One of the following :
 - A) An official transcript showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, from an accredited college or university that shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological, or and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;
 - B) Certification of graduation with an associate's degree in mortuary science or an equivalent associate's degree (i.e., applied science) from an approved program of mortuary science; or
 - C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science;
 - 2) Certificate of Health, attesting that the applicant has been immunized against diphtheria, hepatitis B and tetanus, signed by a physician currently licensed to practice medicine in all of its branches;
 - 3) Certification of acceptance, completed and signed by a licensed funeral director and embalmer whose license is active and in good standing, stating that the applicant will be studying and training under his or her ~~his/her~~ supervision;
 - 4) A complete work history since completion of an approved program as set forth in Section 1250.110; and
 - 5) The required fee set forth in Section 1250.165 of this Part.

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- b) Upon receipt of the above documents and review of the application, the Department shall issue a funeral director and embalmer ~~intern trainee~~-license or notify the applicant, in writing, of the reason for the denial of the application.
- c) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.
- d) All qualified applicants will be issued a funeral director and embalmer ~~intern trainee~~-license.

(Source: Amended at 28 Ill. Reg. 4911, effective March 3, 2004)

Section 1250.130 Requirements for ~~Internship Traineeship~~

- a) A licensed funeral director and embalmer who agrees to sponsor ~~an intern a trainee~~ shall be responsible for teaching the ~~intern trainee~~ the practical aspects of the profession, for demonstrating actual procedures and for directing and supervising the procedures done by the ~~intern-trainee~~.
- b) The ~~intern trainee~~ shall be given primary responsibility for:
 - 1) Assisting or participating in the arrangement of at least 24 funerals, including completing the necessary paperwork;
 - 2) Assisting in the arrangement of a selection room, including buying, pricing, providing a description of each casket and other pertinent information;
 - 3) Assisting in the preparation and embalming of at least 24 deceased human bodies, including cosmetic application, dressing and casketing. If possible, at least one of the bodies should have been autopsied; and
 - 4) Making removals of deceased human bodies.
- c) The ~~intern trainee~~ shall submit to the Department, on forms provided by the Department, a case report for each of the 24 funerals and 24 body preparations that are required in accordance with subsection (b) ~~above~~.
 - 1) Twelve case reports shall be submitted every 3 months during the year of the apprenticeship.

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- 2) If the ~~intern trainee~~ has not completed a total of 12 cases in the 3 month period, ~~he or she he/she~~ shall submit the case reports for the cases completed and state the ~~reason reason(s)~~ why ~~he or she he/she~~ was unable to complete all 12 cases (e.g., lack of available cases, illness, change of ownership).
- 3) All case reports shall be signed by the ~~intern trainee~~ and the sponsor.
- d) The Department shall have the authority to investigate to determine compliance with this Section and to question the sponsor and the ~~intern trainee~~ to determine whether the ~~intern trainee~~ has been properly instructed and has performed the required procedures.
- e) ~~An intern A trainee~~ may serve ~~his or her his/her~~ training period under more than one licensed funeral director and embalmer in the State of Illinois. A change of employment application must be requested and properly executed, then returned to the Department within one month following the date of change of sponsorship.
- f) Upon completion of the required year of ~~internship traineeship~~, the sponsor shall complete an affidavit, on forms supplied by the Department, stating that the ~~intern trainee~~ has satisfactorily completed the appropriate procedures under ~~his or her his/her~~ direction and supervision.
- g) ~~Interns Trainees~~ shall satisfactorily complete the prescribed one year of training as evidenced by the documentation required by subsection (c), and pass the National Board examination prior to licensure. For the purpose of determining completion of the prescribed one year of ~~internship traineeship~~, the ~~internship traineeship~~ shall commence on the date of the issuance of the ~~intern trainee~~ license.
- h) If the license of a funeral director and embalmer ~~intern trainee~~ cannot be renewed in accordance with Section 10-35 of the Code and the ~~intern trainee~~ has not yet received a year of ~~internship traineeship~~, ~~he or she he/she~~ may reapply to the Department under the Code and Rules in effect at the time of reapplication. No credit will be allowed for any examinations ~~he or she he/she~~ may have previously passed or for any ~~internship traineeship he or she he/she~~ may have previously earned.
- i) The provisions of this Section shall apply to all applicants upon adoption without

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regard to where an applicant is in the application process.

(Source: Amended at 28 Ill. Reg. 4911, effective March 3, 2004)

Section 1250.135 Application for Licensure

- a) An applicant for a license as a funeral director and embalmer, pursuant to Section 10-10 of the Code, shall file an application on forms supplied by the Department. The application shall include the following:
- 1) Certification of completion of ~~internship traineeship~~ signed by the licensed funeral director and embalmer under whose supervision the ~~internship traineeship~~ was performed.
 - 2) Certificate of Health, attesting that the applicant has been immunized against diphtheria, hepatitis B and tetanus, signed by a physician currently licensed to practice medicine in all of its branches.
 - 3) Verification of successful completion of the International Conference of Funeral Service Examining Boards, Inc. examination, pursuant to Section 1250.140, to be forwarded by the National Conference directly to the Department.
 - 4) A complete work history since completion of an approved program as set forth in Section 1250.110.
 - 5) Applicants not having been issued Illinois funeral director and/or embalmer ~~intern trainee~~ licenses or who have been issued one that has been expired for more than 5 years shall submit the following:
 - A) Official transcripts showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, that shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological, and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;
 - B) Certification of graduation with an associate's degree in mortuary science from an approved program of mortuary science or an

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equivalent associate's degree (i.e., applied science); or

- C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science.
- 6) The fee specified in Section 1250.165.
- b) Upon receipt of the above documents and review of the application, the Department shall issue a license authorizing the applicant to engage in the practice of funeral directing and embalming or notify the applicant, in writing, of the reason for the denial of the application.
 - c) The Department shall not issue any new licenses as funeral directors or any new licenses for embalmers.

(Source: Amended at 28 Ill. Reg. 4911, effective March 3, 2004)

Section 1250.150 Reciprocity

- a) An applicant who is currently licensed as a funeral director and embalmer under the laws of another state or territory of the United States or of a foreign country or province shall file an application with the Department together with:
 - 1) Either:
 - A) An official transcript showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, from an accredited college or university which shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;
 - B) Certification of graduation with an associate's degree in mortuary science or an equivalent associate's degree (i.e., applied science) from an approved program of mortuary science; or
 - C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science;

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- 2) Affidavits stating that the applicant has been actively engaged in the practice of funeral directing and embalming for at least 1 year, completed by 2 persons with personal knowledge of such experience;
 - 3) A certification by the state or territory of original and current licensure, stating:
 - A) The time during which the applicant was licensed in that jurisdiction;
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and
 - C) A brief description of the examination, the applicant's grades and a statement that the state grants reciprocity to funeral directors and embalmers licensed in Illinois;
 - 4) A complete work history since completion of an approved program as set forth in Section 1250.110; and
 - 5) The fee set forth in Section 1250.165.
- b) The Department shall examine each reciprocity application to determine whether the requirements for licensure in the jurisdiction in which the applicant is licensed were at the date of application substantially equivalent to the requirements in force in this State. The Department shall either issue a license by reciprocity to the applicant or notify ~~him or her~~ ~~him/her~~, in writing, of the reasons for the denial of the application.

(Source: Amended at 28 Ill. Reg. 4911, effective March 3, 2004)

Section 1250.155 Inactive Status

- a) Any licensed funeral director and embalmer or any licensed funeral director who notifies the Department in writing, on forms prescribed by the Department, may elect to place ~~his or her~~ ~~his/her~~ license on inactive status and shall be excused from the payment of renewal fees until ~~he or she~~ ~~he/she~~ notifies the Department in writing of the desire to resume active status.
- b) Any licensee seeking restoration from inactive status shall do so in accordance

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with Section 1250.160 of this Part.

- c) *Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of this Code* (Section 10-35 of the Code).

(Source: Amended at 28 Ill. Reg. 4911, effective March 3, 2004)

Section 1250.165 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.
- 1) The fee for application for a license as a funeral director and embalmer is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The application fee for a license as a funeral director and embalmer certified or licensed under the laws of another jurisdiction is \$200.
 - 3) The application fee for a license as a funeral director and embalmer intern ~~trainee~~ is \$50.
- b) Renewal Fees.
- 1) The fee for the renewal of a license as a funeral director and embalmer or a funeral director and embalmer intern ~~trainee~~ shall be calculated at the rate of \$50 per year.
 - 2) The fee for the renewal of a license as a funeral director shall be calculated at the rate of \$25 per year.
- c) General Fees.

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- 1) The fee for the restoration of a funeral director and embalmers license other than from inactive status is \$20 plus payment of all lapsed renewal fees not to exceed \$260.
- 2) The fee for the restoration of a funeral director license other than from inactive status is \$20 plus payment of all lapsed renewal fees not to exceed \$130.
- 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 4) The fee for a certification of a licensee's record for any purpose is \$20.
- 5) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20 plus any fee charge by the testing service.
- 6) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 7) The fee for a roster of persons licensed as funeral directors, funeral directors and embalmers, or funeral director and embalmer ~~interns trainees~~ in this State shall be the actual cost of producing the roster.

(Source: Amended at 28 Ill. Reg. 4911, effective March 3, 2004)

Section 1250.170 Requirements for a Preparation Room

- a) The care and preparation for burial of all deceased bodies, regardless of cause of demise, shall be entirely private and no one shall be allowed in the embalming or preparation room until the body is fully prepared and dressed, except licensed funeral directors, licensed funeral directors and embalmers, licensed ~~interns trainees~~, their assistants, students of mortuary science, the medical examiner, the coroner, their representatives and representatives of the Department or except when it is determined to be necessary by the funeral ~~director director(s)~~ or the medical examiner or the coroner.

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- b) A notice of privacy shall be affixed to the preparation room or adjacent thereto.
- c) Preparation rooms shall be maintained in a sanitary condition with necessary drainage and proper ventilation in accordance with the provisions of the Code.
- d) Preparation rooms shall be made available to representatives of the Department for inspection to determine compliance with the Code and this Part.

(Source: Amended at 28 Ill. Reg. 4911, effective March 3, 2004)

Section 1250.200 Renewals

- a) Every license issued under the Code shall expire on May 31 of each odd numbered year. The holder of a license may renew it during the month preceding its expiration date by paying the required fee.
- b) All funeral director licensees and funeral director and embalmer licensees shall be required to comply with the continuing education requirements set forth in Section 1250.220 of this Part.
- c) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.
- d) *No license of a funeral director and embalmer ~~intern trainee~~ shall be renewed more than twice* (Section 10-35 of the Code).
- e) Practicing or attempting to practice while a license is non-renewed shall be considered unlicensed practice and shall be grounds for discipline in accordance with Section 15-75 of the Code.

(Source: Amended at 28 Ill. Reg. 4911, effective March 3, 2004)

Section 1250.205 Advertising

- a) Persons licensed to practice funeral directing and embalming in the State of Illinois may advertise in any medium or other form of public communication in a manner that is truthful and is not fraudulent, deceptive, inherently misleading or proven to be misleading in practice. Such advertising shall contain all information

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necessary to make the communication not misleading and shall not contain any false or misleading statement or otherwise operate to deceive. The form of such communication shall be designed to communicate the information contained therein to the public in a direct, dignified and readily comprehensive manner.

- b) Information that may be contained in such advertising includes:
- 1) Licensee's name, address, business hours and telephone number;
 - 2) Schools attended;
 - 3) Announcement of the opening of, change of, or return to practice;
 - 4) Announcement of additions to or deletions from professional staff;
 - 5) Availability of pre-need arrangements;
 - 6) Professional society memberships;
 - 7) Credit arrangements;
 - 8) Foreign language ability;
 - 9) Fees for professional services and merchandise which must include a statement that fees may be adjusted due to unforeseen circumstances;
 - 10) Description of the establishment in which the licensee practices, e.g., accessibility to the handicapped, chapel facilities on the premises, convenience of parking; and
 - 11) Other information about the licensee, the licensee's practice, or the types of practice in which the licensee will accept employment, which a reasonable person might regard as relevant in determining whether to seek the licensee's services.
- c) If an advertisement is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the licensee, and a recording of the actual transmission, including videotape, shall be retained by the licensee for a period of at least 5 years.

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- d) Information that may be untruthful, fraudulent, deceptive, inherently misleading, or has proven to be misleading in practice, includes that which:
- 1) Contains a misrepresentation of fact or omits a material fact required to prevent deception;
 - 2) Takes advantage of the potential client's fears, anxieties, vanities or other emotions;
 - 3) Contains testimonials and/or exaggerations pertaining to the quality of funeral services;
 - 4) Describes as available products or services that are not permitted by the laws of this State and/or applicable Federal laws; and
 - 5) Advertises professional services that the licensee is not licensed to render.
- e) The solicitation of funeral services at the residence of a client or prospective client, or any health care institution in which the client or prospective client is confined, which is uninvited and which has not been previously agreed to by the client or prospective client, is prohibited. A licensee, or ~~his or her~~ ~~his/her~~ representative, may initiate contact with a client, or prospective client, in the following manner:
- 1) Through general advertising;
 - 2) By direct mail;
 - 3) By telephone; or
 - 4) As an invitee of a charitable, social, civic, religious, fraternal or employee or trade organization.
- f) A licensee or ~~his or her~~ ~~his/her~~ representative shall not initiate contact with a client or prospective client if:
- 1) The licensee, or ~~his or her~~ ~~his/her~~ representative, reasonably should know that the physical, emotional or mental state of the person solicited is such that the person could not exercise reasonable judgment;

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- 2) The person solicited has made known a desire not to receive the communication; or
- 3) The solicitation involves coercion, duress or harassment.

(Source: Amended at 28 Ill. Reg. 4911, effective March 3, 2004)

Section 1250.210 Granting Variances

- a) The Director may grant variances from these rules in individual cases where he or she ~~he/she~~ finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance;
 - 3) The rules from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

(Source: Amended at 28 Ill. Reg. 4911, effective March 3, 2004)

Section 1250.220 Continuing Education

- a) Continuing Education Hour Requirements
 - 1) Every funeral director and embalmer renewal applicant shall complete 24 hours of continuing education (CE) relevant to the practice of funeral directing and embalming during each prerenewal period.
 - 2) Every funeral director renewal applicant shall complete 12 hours of CE relevant to the practice of funeral directing or embalming during each prerenewal period.
 - 3) The Department shall conduct random audits to verify compliance with this Section. The prerenewal period is the 24 months preceding the expiration date of the license.

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- 4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
 - 5) A licensee who has been actively licensed as a funeral director ~~or and/or~~ embalmer for at least 40 years shall be exempt from the continuing education requirements of this Section.
 - 6) Funeral directors and embalmers licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
- b) Activities for which CE credit may be earned are as follows:
- 1) Verified attendance at or participation in a program given by a sponsor as set forth in subsection (c)(1) of this Section.
 - 2) A maximum of 6 hours for funeral directors or 12 hours for funeral directors and embalmers per prerenewal period for:
 - A) Personal preparation of an educational presentation pertaining to funeral directing and/or embalming that is orally delivered before recognized funeral directing and embalming organizations;
 - B) Writing of articles pertaining to funeral directing or embalming and having them published in nationally recognized funeral directing and embalming journals;
 - C) Writing a chapter in a book pertaining to funeral directing or embalming; and
 - D) Completion of self-study courses taken through an accredited college or university or an approved sponsor. Such self-study courses shall meet the following requirements:
 - i) Credit for each self-study course cannot exceed 6 hours.
 - ii) A licensee cannot accumulate more than 12 hours from self-study courses in a renewal period.

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- iii) Self-study courses designed for CE credit must include an examination that tests the skills of the licensee and is of sufficient depth that answers are not readily apparent and have not been provided to the licensee by the sponsor or anyone else.
 - iv) Sponsors have the obligation to craft examinations in ways to prevent candidates from obtaining unearned credit.
 - 3) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for repetitious presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 6 hours for funeral directors or 12 hours for funeral directors and embalmers during any renewal period.
 - 4) The CE hours used to satisfy the CE requirements for renewal of a funeral director or funeral director and embalmer license held in another jurisdiction shall be applied to fulfillment of the CE requirements for renewal of their Illinois funeral director or funeral director and embalmer license.
 - 5) A maximum of 24 hours of CE credit shall be given for courses completed at an accredited college or university. One semester hour shall equal 8 CE hours. One quarter hour shall equal 6 CE hours.
 - 6) A CE hour means a minimum of 50 minutes of actual continuing education spent by a licensee in actual attendance at and completion of an approved CE activity. A CE program shall not be presented during a dinner or social function. The dinner or social function must be concluded before the CE program commences or be held after the CE program is completed. If the program involves one or more hours of education, credit may be issued in one-half hour increments.
 - 7) Credit will not be given for activities that are not included in subsection (b).
- c) CE Sponsors and Programs

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- 1) Sponsor, as used in this Section, pursuant to Section 10-35 of the Code, shall mean the following:
 - A) An accredited college or university;
 - B) Illinois Funeral Directors Association;
 - C) Funeral Directors Services Association of Greater Chicago;
 - D) Cook County Association of Funeral Home Owners, Inc.;
 - E) Illinois Selected Morticians Association;
 - F) National Funeral Directors Association;
 - G) ~~Illinois Cemetery and Funeral Home Association-National Foundation of Funeral Service;~~
 - H) ~~Selected Independent Funeral Homes National Selected Morticians Association;~~
 - I) An Illinois school of mortuary science;
 - J) International Order of the Golden Rule;
 - K) National Funeral Directors and Morticians Association; or
 - L) Any other school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Department to coordinate and present CE courses and programs in conjunction with this Section.
- 2) A sponsor shall file a sponsor application which certifies the following:
 - A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) ~~below~~ and all other criteria in this Section;
 - B) That the sponsor will be responsible for verifying attendance at

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each course or program and provide a certificate of completion as set forth in subsection (c)(5); and

- C) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the Code and this Part and that this information is necessary to ensure compliance.
- 3) All courses and programs shall:
- A) Contain materials that contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of funeral directing or embalming. The course content shall be designed to focus on such advancement and enhancement of professional skills and knowledge;
 - B) Specify the course objectives, course content and teaching methods to be used;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and
 - E) Include some mechanism whereby participants evaluate the overall quality and content of the program.
- 4) All programs given by sponsors should be open to all licensed funeral directors and funeral directors and embalmers and not be limited to the members of a single organization or group.
- 5) Certificate of Attendance or Participation. It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation which shall contain the following information:
- A) The name and address of the sponsor;

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- B) The name and license number of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of CE hours awarded in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
- 6) The certificate of attendance shall be distributed following the educational program or otherwise be provided to the attendee by the sponsor such as mailing the certificate or summary of attendance at one or more qualifying educational events.
 - 7) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(5) ~~above~~ for not less than 5 years, except for the signature of the sponsor.
 - 8) The sponsor shall be responsible for assuring that no participant shall receive CE credit for time not actually spent attending the program.
 - 9) If it is determined after a hearing before the Board that a sponsor has failed to comply with the foregoing requirements, the Department shall thereafter refuse to accept for CE credit attendance at any of such sponsor's CE activities until such time as the Department receives assurances of compliance with this Section.
 - 10) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any continuing education program at any time.
 - 11) The Department shall maintain a list of all approved continuing education sponsors in addition to those identified under subsection (c)(1).
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a) ~~above~~.

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- 2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such additional evidence will be required in the context of the Department's random audit.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may be required to interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application, the required renewal fee, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted, that extreme hardship has been shown, the Department shall waive enforcement of CE requirements for that renewal period.
 - 2) If an interview with the Board is requested at the time the request for waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.
 - 3) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period;
 - B) An incapacitating illness, documented by a currently licensed physician;
 - C) A physical inability to travel to the sites of approved programs

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documented by a currently licensed physician; or

- D) Other similar extenuating circumstances (i.e., family illness, prolonged hospitalization or advanced age).
- 4) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, pursuant to the provisions of this Section shall be deemed to be in good standing until the Department's final decision on the application has been made.
- 5) Any applicant who submits a request for waiver that is denied may then request ~~his or her~~ ~~his/her~~ license be placed on inactive status. The applicant shall comply with the continuing education requirements prior to restoration of the license from inactive status in accordance with Section ~~1250.160~~ ~~1205.160~~ of this Part.

(Source: Amended at 28 Ill. Reg. 4911, effective March 3, 2004)

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- 1) Heading of the Part: Nursing and Advanced Practice Nursing Act – Advance Practice Nurse
- 2) Code Citation: 68 Ill. Adm. Code 1305
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1305.15	Repealed
1305.20	Amendment
- 4) Statutory Authority: Nursing and Advanced Practice Nursing Act [225 ILCS 65]
- 5) Effective Date of Amendments: March 3, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: November 21, 2003, at 27 Ill. Reg. 17363.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The work history requirement in Section 1305.20(c) was changed to 5 years instead of from completion of their APN program.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking implements PA 93-296, which effectively reopens the grandfather licensure provisions for certified registered nurse anesthetists (CRNAs) by allowing CRNA applicants without a graduate degree, but who completed a formal education program in nurse anesthesia prior to January 1, 1999, to

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obtain a license in Illinois if they apply prior to December 31, 2006. It also repeals the previous grandfather language for APNs contained in Section 1305.15.

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

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

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1305
NURSING AND ADVANCED PRACTICE NURSING ACT –
ADVANCED PRACTICE NURSE

Section	
1305.10	Definitions
1305.15	Application for Licensure Prior to July 1, 2001 (<u>Repealed</u>)
1305.20	Application for Licensure Beginning July 1, 2001
1305.25	Fees
1305.30	Written Collaborative Agreements
1305.35	Medical Direction
1305.40	Prescriptive Authority
1305.45	Delivery of Anesthesia Services by a Certified Registered Nurse Anesthetist
1305.50	Practice Agreement for Certified Registered Nurse Anesthetist
1305.60	Renewals
1305.70	Advertising
1305.75	Mandatory Reporting of Impaired Advanced Practice Nurses by Health Care Institutions
1305.80	Fines
1305.85	Public Access to Records and Meetings
1305.90	Refusal to Issue a Nurse License based on Criminal History Record
1305.95	Granting Variances
1305.100	Continuing Education
1305.APPENDIX A	Additional Certifications Accepted for Licensure as an Advanced Practice Nurse
1305.EXHIBIT A	Sample Written Collaborative Agreement
1305.EXHIBIT B	Sample Practice Agreement for Office Based Anesthesia Services

AUTHORITY: Implementing the Nursing and Advanced Practice Nursing Act [225 ILCS 65] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 25 Ill. Reg. 4609, effective March 15, 2001; amended at 26 Ill. Reg. 7279, effective April 26, 2002; amended at 26 Ill. Reg. 11944, effective July 18, 2002; emergency amendment at 26 Ill. Reg. 16845, effective November 4, 2002, for a maximum of 150

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days; amended at 27 Ill. Reg. 5829, effective March 24, 2003; amended at 27 Ill. Reg. 19365, effective December 11, 2003; amended at 28 Ill. Reg. 4933, effective March 3, 2004.

Section 1305.15 Application for Licensure Prior to July 1, 2001 (Repealed)

- a) ~~An applicant for licensure as an advanced practice nurse shall file an application, prior to July 1, 2001, on forms provided by the Department. The application shall include:~~
- ~~1) Current Illinois registered nurse license number.~~
 - ~~2) Proof of current national certification, which includes completion of an examination, from one of the following:~~
 - ~~A) Nurse-Midwife certification from:
 - ~~i) the American College of Nurse-Midwives (ACNM); or~~
 - ~~ii) American College of Nurse-Midwives Certification Council (ACC);~~~~
 - ~~B) Nurse Practitioner certification from:
 - ~~i) American Academy of Nurse Practitioners Certification Program as a Nurse Practitioner;~~
 - ~~ii) American Nurses Credentialing Center as a Nurse Practitioner;~~
 - ~~iii) The National Certification Board of Pediatric Nurse Practitioners & Nurses as a Nurse Practitioner;~~
 - ~~iv) The National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialties as a Nurse Practitioner; or~~
 - ~~v) The Certification Board for Urologic Nurses and Associates as a Urologic Nurse Practitioner;~~~~
 - ~~C) Registered Nurse Anesthetist certification from:
 - ~~i) Council on Certification of the American Association of Nurse Anesthetists; or~~
 - ~~ii) Council on Recertification of the American Association of Nurse Anesthetists;~~~~
 - ~~D) Clinical Nurse Specialist certification from:
 - ~~i) American Nurses Credentialing Center (ANCC) as a Clinical Nurse Specialist;~~
 - ~~ii) American Association of Critical Care Nurses as a Clinical Nurse Specialist;~~
 - ~~iii) Rehabilitation Nursing Certification Board as a Certified Rehabilitation Registered Nurse Advanced;~~
 - ~~iv) Oncology Nursing Certification Corporation as an~~~~

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- ~~Advanced Oncology Certified Nurse (AOCN); or~~
v) ~~Certification Board for Urologic Nurses and Associates as a Urologic Clinical Nurse Specialist.~~
- 3) ~~The Board, in addition to the certifications listed in subsection (a)(2)(D), may review and make a recommendation to the Department to accept a certification for a clinical nurse specialist if the certifying body meets the following requirements:~~
- ~~A) is national in the scope of credentialing;~~
 - ~~B) has no requirement for an applicant to be a member of any organization;~~
 - ~~C) has an examination that represents a specialty practice category;~~
 - ~~D) has an examination that evaluates knowledge, skills and abilities essential for the delivery of safe and effective specialty nursing care;~~
 - ~~E) has an examination whose content and distribution are specified in a test plan;~~
 - ~~F) has examination items reviewed for content validity, cultural sensitivity and correct scoring, using an established mechanism, both before use and periodically;~~
 - ~~G) has an examination evaluated for psychometric performance;~~
 - ~~H) has a passing standard established using acceptable psychometric methods and is reevaluated periodically;~~
 - ~~I) has examination security maintained through established procedures;~~
 - ~~J) issues a certification based upon passing the examination;~~
 - ~~K) has mechanisms in place for communication to boards of nursing for timely verification of an individual's certification status, changes in certification status and changes in the certification program, including qualifications, test plan and scope of practice; and~~
 - ~~L) has an evaluation process to provide quality assurance in its certification program.~~
- 4) ~~Education~~
- ~~A) Proof of successful completion of a post-basic advanced practice formal education program in the area of his or her nursing specialty; or~~
 - ~~B) Proof of successful completion of a master's program appropriate for certification as a Nurse-Midwife, Nurse Practitioner, Clinical Nurse Specialist or Nurse Anesthetist.~~
- 5) ~~A complete work history since completion of an advanced practice nursing~~

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- ~~program.~~
- ~~6) Proof on forms provided by the Department, from all states in which an applicant was licensed and is currently licensed as an advanced practice nurse, if applicable, stating:~~
- ~~A) The time during which the applicant was licensed in that state, including the date of the original issuance of the license; and~~
- ~~B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.~~
- ~~7) The fee required in Section 1305.25 of this Part.~~
- b) ~~A nurse practitioner applying for licensure as an advanced practice nurse pursuant to Section 15-10(c) of the Act shall file an application, before July 1, 2001, on forms provided by the Department. The application shall include:~~
- ~~1) Current Illinois registered nurse license number;~~
- ~~2) Education~~
- ~~A) Proof of successful completion of a post-basic advanced practice formal education program in the area of his or her nursing specialty; or~~
- ~~B) Proof of successful completion of a master's or higher program appropriate for certification as a nurse practitioner;~~
- ~~3) Proof of practice for at least 10 years as a nurse practitioner;~~
- ~~4) A complete work history since completion of an advanced practice nursing education program;~~
- ~~5) Proof on forms provided by the Department, from all states in which an applicant was licensed and is currently licensed as an advanced practice nurse, if applicable, stating:~~
- ~~A) The time during which the applicant was licensed in that state, including the date of the original issuance of the license; and~~
- ~~B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;~~
- ~~6) The fee required in Section 1305.25 of this Part.~~
- e) ~~When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:~~
- ~~1) Provide information as may be necessary; and/or~~
- ~~2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.~~
- d) ~~An advanced practice nurse license will be issued when the applicant meets the~~

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~~requirements set forth in this Section and the Act or the applicant will be notified for the reasons for denial.~~

- e) ~~"Post-basic advanced practice formal education program" means an integrated course of study that includes concurrent advanced clinical nursing practice and theory.~~

(Source: Repealed at 28 Ill. Reg. 4933, effective March 3, 2004)

Section 1305.20 Application for Licensure Beginning July 1, 2001

- a) An applicant for licensure as an advanced practice nurse shall file an application on forms provided by the Department. The application shall include:
- 1) Current Illinois registered nurse license number.
 - 2) Proof of current national certification, which includes completion of an examination, from one of the following:
 - A) Nurse Midwife certification from:
 - i) the American College of Nurse Midwives (ACNM); or
 - ii) the American College of Nurse Midwives Certification Council.
 - B) Nurse Practitioner certification from:
 - i) American Academy of Nurse Practitioners Certification Program as a Nurse Practitioner;
 - ii) American Nurses Credentialing Center as a Nurse Practitioner;
 - iii) The National Certification Board of Pediatric Nurse Practitioners & Nurses as a Nurse Practitioner;
 - iv) The National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialties as a Nurse Practitioner; or

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- v) The Certification Board for Urologic Nurses and Associates as a Urologic Nurse Practitioner.
- C) Registered Nurse Anesthetist certification from:
- i) Council on Certification of the American Association of Nurse Anesthetists; or
 - ii) Council on Recertification of the American Association of Nurse Anesthetists.
- D) Clinical Nurse Specialist certification from:
- i) American Nurses Credentialing Center (ANCC) as a Clinical Nurse Specialist (acceptable certifications are listed in Appendix A);
 - ii) American Association of Critical Care Nurses as a Clinical Nurse Specialist;
 - iii) Rehabilitation Nursing Certification Board as a Certified Rehabilitation Registered Nurse-Advanced;
 - iv) Oncology Nursing Certification Corporation as an Advanced Oncology Nurse (AOCN);
 - v) Certification Board for Urologic Nurses and Associates as Urologic Clinical Nurse Specialist; or
 - vi) Other certifications listed in Appendix A.
- 3) The Board, in addition to the certification listed in subsection (a)(2), may review and make a recommendation to the Department to accept a certification if the certifying body meets the following requirements (certifications are listed in Appendix A):
- A) is national in the scope of credentialing;
 - B) has no requirement for an applicant to be a member of any organization;

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- C) has an examination that represents a specialty practice category;
 - D) has an examination that evaluates knowledge, skills and abilities essential for the delivery of safe and effective specialty nursing care;
 - E) has an examination whose content and distribution are specified in a test plan;
 - F) has examination items reviewed for content validity, cultural sensitivity and correct scoring, using an established mechanism, both before use and periodically;
 - G) has an examination evaluated for psychometric performance;
 - H) has a passing standard established using acceptable psychometric methods and is reevaluated periodically;
 - I) has examination security maintained through established procedures;
 - J) issues a certification based upon passing the examination;
 - K) has mechanisms in place for communication to boards of nursing for timely verification of an individual's certification status, changes in certification status and changes in the certification program, including qualifications, test plan and scope of practice; and
 - L) has an evaluation process to provide quality assurance in its certification program.
- 4) Proof of successful completion of a master's program or higher appropriate for certification as a Nurse Midwife, Nurse Practitioner, Clinical Nurse Specialist or Nurse Anesthetist.
 - 5) A complete work history for the last 5 years.
 - 6) Verification of licensure as an advanced practice nurse from the state in

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which an applicant was originally licensed, current state of licensure and any other state in which the applicant has been actively practicing as an advanced practice nurse within the last 5 years, if applicable, stating:

- A) The time during which the applicant was licensed in that state, including the date of the original issuance of the license; and
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- 7) The fee required in Section 1305.25 of this Part.
- b) An applicant for licensure as an advanced practice nurse may apply to the Department, on forms provided by the Department, to practice as an advanced practice nurse pending the issuance of the license.
- 1) The application shall include:
 - A) A completed, signed application for licensure, as set forth in subsection (a);
 - B) Documentation from an approved certifying body set forth in subsection (a)(2) and Appendix A indicating the date the applicant is scheduled to sit for the examination. Upon successful completion of the examination, proof of certification shall be submitted to the Department from the certifying body;
 - C) A certifying statement from a collaborating physician indicating that the individual has completed a proposed collaborative agreement as required by Section 15-15 of the Act or a certifying statement from a physician, dentist or podiatrist indicating that a CRNA has a practice agreement as required by 15-25 of the Act. A CRNA who will be practicing in a hospital setting or ambulatory surgical treatment center is not required to have a collaborative or practice agreement pursuant to Section 15-25 of the Act;
 - D) The processing fee set forth in Section 1305.20.
 - 2) The Department will provide a letter to each applicant indicating the ability to practice license pending.

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- 3) Practice pending licensure shall be terminated upon:
- A) the issuance of a permanent license;
 - B) failure to complete the application process within 6 months from the date of application;
 - C) a finding by the Department that the applicant has violated one or more of the grounds for discipline set forth in Section 10-45 or 15-50 of the Act;
 - D) a finding by the Department that the applicant has had a license or permit related to the practice of advanced practice nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is substantially equivalent to grounds in Illinois, within the last 5 years; or
 - E) a finding by the Department that the applicant does not meet the licensure requirements as set forth in this Section.

The Department shall notify the applicant in writing of such termination and shall notify the applicant by certified or registered mail of the intent to deny licensure.

- c) Notwithstanding any other provisions of this Section, an applicant for licensure as a CRNA who does not have a graduate degree may, prior to December 31, 2006, file an application as provided in Section 15-10(b-5) of the Act, on forms provided by the Department, to include:
- 1) Current Illinois registered nurse license number.
 - 2) Proof of current national certification, which includes completion of an examination, from the following:
 - A) Council on Certification of the American Association of Nurse Anesthetists; and
 - B) Council on Recertification of the American Association of Nurse Anesthetists.

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- 3) Proof of successful completion of a post-basic advanced practice formal education program in the area of nurse anesthesia prior to January 1, 1999.
 - 4) A complete work history for the last 5 years.
 - 5) Verification of licensure as an advanced practice nurse from the state in which an applicant was originally licensed, current state of licensure and any other state in which the applicant has been actively practicing as an advanced practice nurse within the last 5 years, if applicable, stating:
 - A) The time during which the applicant was licensed in that state, including the date of the original issuance of the license; and
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
 - 6) The fee required in Section 1305.25 of this Part.
- ~~d)e)~~ When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- ~~e)d)~~ An advanced practice nurse license may be issued when the applicant meets the requirements set forth in this Section.

(Source: Amended at 28 Ill. Reg. 4933, effective March 3, 2004)

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- 1) Heading of the Part: Optometric Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1320
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1320.100	Amendment
1320.350	Amendment
1320.400	Amendment
1320.410	Amendment
- 4) Statutory Authority: Illinois Optometric Practice Act of 1987 [225 ILCS 80]
- 5) Effective Date of Amendments: March 3, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 3, 2003; 27 Ill. Reg. 15317.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 1320.100, the requirement that ancillary license numbers be furnished at least 15 days prior to the date that mobile services are provided has been changed to simply require that the optometrist obtain an ancillary license prior to providing services at a mobile site.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 1320.100 is amended to provide operational guidelines for mobile or non-permanent optometry offices, to insure that

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services within these mobile units are being performed as outlined by the Optometric Practice Act. Section 1320.350 is amended to provide for the acceptance of therapeutic training received prior to 1994 in limited circumstances. Section 1320.410 provides for the waiver of fees for ancillary licenses if an optometrist is substituting for a licensee called to active military duty.

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

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

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1320
OPTOMETRIC PRACTICE ACT OF 1987

SUBPART A: OPTOMETRY

Section	
1320.20	Approved Programs of Optometry
1320.30	Application for Licensure
1320.35	Application for a Limited Residency License
1320.40	Examinations
1320.45	Fees (Emergency Expired)
1320.50	Endorsement
1320.55	Renewals (Renumbered)
1320.60	Inactive Status
1320.70	Restoration
1320.80	Continuing Education
1320.90	Minimum Eye Examination
1320.95	Minimum Equipment List
1320.100	Practice of Optometry
1320.110	Advertising
1320.120	Granting Variances (Renumbered)

SUBPART B: DIAGNOSTIC TOPICAL OCULAR PHARMACEUTICALS

Section	
1320.200	Standards
1320.210	Application for Diagnostic Certification
1320.220	Approved Diagnostic Topical Ocular Pharmacological Training
1320.230	Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
1320.240	Restoration of Diagnostic Certification
1320.250	Endorsement of Diagnostic Certification
1320.260	Renewal of Certification (Repealed)
1320.270	Display of Certification (Repealed)

SUBPART C: THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS

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Section

1320.300	Definitions and Standards
1320.310	Application for Therapeutic Certification
1320.315	Controlled Substance License Requirement
1320.320	Approved Therapeutic Ocular Training
1320.330	Approved Therapeutic Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
1320.340	Restoration of Therapeutic Certification
1320.350	Endorsement of Therapeutic Certification

SUBPART D: GENERAL

Section

1320.400	Fees
1320.410	Ancillary Licenses
1320.420	Renewals
1320.430	Granting Variances

AUTHORITY: Implementing the Illinois Optometric Practice Act of 1987 [225 ILCS 80] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1320 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989; amended at 14 Ill. Reg. 14128, effective August 15, 1990; amended at 17 Ill. Reg. 18096, effective October 4, 1993; amended at 17 Ill. Reg. 21501, effective December 1, 1993; amended at 19 Ill. Reg. 17150, effective December 19, 1995; amended at 20 Ill. Reg. 9068, effective July 1, 1996; amended at 21 Ill. Reg. 16040, effective November 24, 1997; amended at 23 Ill. Reg. 5744, effective April 30, 1999; amended at 24 Ill. Reg. 3656, effective February 15, 2000; amended at 27 Ill. Reg. 2677, effective January 31, 2003; amended at 28 Ill. Reg. 4945, effective March 3, 2004.

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SUBPART A: OPTOMETRY

Section 1320.100 Practice of Optometry

- a) The practice of optometry as defined in Section 3 of the Act shall include, but not be limited to, the following functions:
- 1) Prescribing and fitting of any ophthalmic lenses including contact lenses.
 - 2) Retinoscopy.
 - 3) Tonometry.
 - 4) Keratometry.
 - 5) Subjective lens testing.
 - 6) Phoria testing.
 - 7) Biomicroscopy.
 - 8) Ophthalmoscopy.
 - 9) Electronic or computerized examination techniques that utilize devices that perform any of the above functions.
 - 10) Visual screening.
 - 11) Diagnosis and treatment of any ocular abnormality, disease or visual or muscular anomaly of the human eye or visual system.
- b) Visual Screening
- 1) Nothing in this Section shall prohibit visual screening conducted without a fee other than a voluntary donation by a charitable organization or governmental agency, acting in the public welfare under the supervision of a committee composed of persons licensed by the State to practice optometry or medicine in all of its branches.

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- 2) Visual screening is defined as a limited series of ocular observations, measurements or tests provided without a fee to determine if a complete eye examination, as described in Section 1320.90, by a licensed optometrist or a physician licensed to practice medicine in all of its branches, is recommended.
 - 3) When a visual screening is performed, the recipient of the screening shall be clearly informed in writing and shall receive a copy of the following:
 - A) Results and limitations of the screening;
 - B) That the screening is not representative of or a substitute for an eye exam;
 - C) That the screening will not result in a prescription for visual correction;
 - D) That visual screening referral criteria for a complete eye examination must meet accepted optometric professional standards criteria; and
 - E) The name and address of the charitable organization sponsoring the screening and the chairperson of the supervisory committee.
 - 4) A copy of the screening results shall be maintained for 3 years by the chairperson of the supervisory committee or the optometrist performing the screening.
- c) No ophthalmic lenses, prisms, or contact lenses may be sold or delivered to an individual without a prescription signed by a licensed optometrist or a physician licensed to practice medicine in all of its branches.
 - d) The following acts shall not be performed by an individual not licensed in this State as an optometrist or to practice medicine in all of its branches except while acting under the direct supervision of a person so licensed:
 - 1) Conducting or performing examinations of the human eye or its appendages employing either objective or subjective means, or both for the purpose of adapting lenses to the eyes of any person;

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- 2) Using instruments or appliances of any type to determine the curvatures of the eye or of the cornea of any person for the purpose of ordering or supplying contact lenses for the person;
 - 3) Determining, selecting or specifying the lens characteristics or the lens curvatures of contact lenses to be supplied to any person;
 - 4) Converting, altering, or varying in any manner a prescription for contact lenses prepared by an optometrist or a person licensed to practice medicine in all its branches in this State;
 - 5) Converting, altering, or varying in any manner a prescription for spectacles prepared by an optometrist or a person licensed to practice medicine in all of its branches in this State, including converting a spectacle prescription into a prescription for contact lenses;
 - 6) Inserting, removing, adjusting or adapting contact lenses for the purpose of selecting, specifying or furnishing contact lenses for use by any person;
 - 7) Conducting or performing any examination of the human eye or its appendages employing either objective or subjective means or both for the purpose of determining the effects that may have resulted from wearing contact lenses by any person;
 - 8) Where a person has been provided with contact lenses pursuant to a prescription by an optometrist or a person licensed to practice medicine in all of its branches in this State, adjusting, adapting or changing the lens characteristics or the lens curvatures of the contact lens in any manner whatsoever;
 - 9) Advertising, representing or informing the general public by any means, including, but not limited to, display advertising in newspapers and telephone directories within the State of Illinois, that he/she will fit or adapt contact lenses for the use of any person.
- e) Direct supervision of any person assisting an optometrist means:
- 1) The optometrist personally performs those procedures requiring professional judgment. Professional judgment requires that the optometrist shall perform those procedures for the diagnosis and treatment of anomalies of the eye, adnexa, and the visual system, including for

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example, but not limited to, biomicroscopy, ophthalmoscopy, all therapeutic procedures and the prescribing of any ophthalmic lenses, including contact lenses.

- 2) The optometrist shall specify all procedures to be performed by the assistant.
 - 3) The optometrist is present in the facility while the assistant performs the procedure (does not mean that the optometrist must be present with the patient while the specified procedures are being performed).
 - 4) The optometrist approves the results of the procedures performed by the assistant before dismissal of the patient.
- f) Requirements for the minimum eye exam as outlined in Section 1320.90 are still applicable and are not changed or altered by the provisions of this Section.
- g) When the practice of optometry is conducted at a mobile or non-permanent location, the following shall apply:
- 1) Notice shall be given to the Department of the locations of such mobile examinations and the times they will be given. Notices shall be postmarked no later than 15 days prior to the examination.
 - 2) Notice shall be given to the Department and the patient of the location where examination records are to be maintained in accordance with Section 1320.90 and the name and address of the individual or office where the patient can access and obtain copies of his or her records.
 - 3) Notice shall be given to the Department and the patient of the name and address of the examining optometrists and the location where follow-up services will be provided. A protocol shall be established for each mobile location to provide for the follow-up and referral of the patient to appropriate permanent optometric or healthcare locations when needed.
 - 4) If the patient is a minor child, parental approval shall be obtained prior to any examination and the case history as required by Section 1320.90 shall be obtained from the parent or guardian.

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- 5) All equipment, as required by Section 1320.95, shall be present, operable and available for use.
- 6) All ancillary licenses shall be displayed in plain view of the patient. An optometrist shall obtain an ancillary license prior to providing services at the mobile location.
- 7) Vision screenings conducted in conjunction with a mobile location shall be done in accordance with subsection (b).
- 8) Mobile locations must meet all other requirements of the Act and this Part and any other State or federal requirements.
- 9) Mobile locations do not include homes, hospitals or institutions at which a licensee is entitled to practice under Section 1320.410(d) or Section 7 of the Act.

(Source: Amended at 28 Ill. Reg. 4945, effective March 3, 2004)

SUBPART C: THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS

Section 1320.350 Endorsement of Therapeutic Certification

- a) An applicant who was originally licensed to practice optometry in another jurisdiction after January 1, 1996 shall be required to apply for and maintain therapeutic ocular pharmaceutical certification.
- b) An applicant who is licensed or certified under the laws of another jurisdiction to use equivalent therapeutic ocular pharmaceutical agents shall file an application with the Department, on forms provided by the Department, together with:
 - 1) An application for licensure as an optometrist and an application for certification of diagnostic topical ocular pharmaceuticals in the State of Illinois;
 - 2) A certification from the licensing authority of the jurisdiction of original licensure, and any other jurisdiction in which the applicant is licensed, stating:
 - A) The time during which the applicant was licensed in that state;

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- B) Whether the records of the licensing entity contain any record of disciplinary actions taken or pending against the applicant;
 - C) A description of the examination and grade received;
- 3) A certification of education and a transcript of the therapeutic ocular pharmaceutical agent training received and any continuing education completed in therapeutics.
- A) The therapeutic training shall be equivalent to the training set forth in Section 1320.320 and shall have been completed after January 1, 1994;
 - B) Therapeutic training received prior to January 1, 1994 may be approved by the Board if the applicant has practiced optometry for a minimum of 10 years utilizing therapeutic pharmaceutical agents under the laws of another jurisdiction that are substantially equivalent to those of Illinois and the applicant has done so with no related disciplinary action. The training shall be substantially equivalent to the training set forth in Section 1320.320;
- 4) A copy of the Acts and rules in effect at the time of original certification or licensure; and
- 5) The required fee set forth in Section 1320.400.
- c) The applicant may be required to appear before the Board:
- 1) To clarify or explain information contained on the submitted documentation; or
 - 2) To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State pursuant to Section 15.1 of the Act.

(Source: Amended at 28 Ill. Reg. 4945, effective March 3, 2004)

SUBPART D: GENERAL

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Section 1320.400 Fees

- a) Application fees.
- 1) The fee for application for an original license as an optometrist is \$500. This fee includes the optometry license, diagnostic certification and therapeutic certification.
 - 2) The fee for currently licensed optometrists applying for both diagnostic certification and therapeutic certification is \$50. The fee for currently licensed optometrists applying for a diagnostic certification is \$50. The fee for currently licensed optometrists applying for a therapeutic certification is \$50.
 - 3) The fee for application for an ancillary optometric license is \$50 per location unless waived in accordance with Section 1320.410(e). This fee includes any certifications held by the licensed optometrist.
 - 4) Applicants for any examination shall be required to pay, either to the Department or its designated testing service, a fee covering the cost of determining the applicant's eligibility and providing the examination.
 - 5) The fee for application for licensure of a person licensed as an optometrist in another jurisdiction is \$500.
 - 6) The fee for a sponsor of continuing education is \$500.
 - 7) The fee for an optometry residency one year license shall be \$100.
- b) Renewal Fees
- 1) The fee for renewal of an optometrist license is \$200 per year. The fee includes renewal of the diagnostic and therapeutic certifications.
 - 2) The fee for renewal of an ancillary optometry license is \$25 per year for each location unless waived in accordance with Section 1320.410(e). This fee includes ancillary diagnostic and therapeutic certifications.
 - 3) The fee for renewal as a sponsor of continuing education is \$250 per year.

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- c) General Fees
- 1) The fee for restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees. For the purposes of restoring from inactive status, the Department shall consider that no renewal fees have lapsed during the period of inactive status.
 - 2) The fee for issuance of a duplicate license or certificate or for the issuance of a replacement license for a license which has been lost or destroyed is \$20.
 - 3) The fee for the issuance of a license with a change of name or address other than during the renewal period is \$20.
 - 4) The fee for the certification of a license for any purpose is \$20.
 - 5) The fee for a wall certificate showing licensure is the actual cost of producing the license.
 - 6) The fee for a roster of persons licensed under the Act is the actual cost of producing the roster.

(Source: Amended at 28 Ill. Reg. 4945, effective March 3, 2004)

Section 1320.410 Ancillary Licenses

- a) Ancillary license, as used in this Part, shall mean an optometry license that is issued pursuant to Section 7 of the Act to a licensed optometrist who is engaged in the practice of optometry at more than one address. The ancillary license will include diagnostic certification and/or therapeutic certification.
- b) Each ancillary license shall be displayed in accordance with Section 6 of the Act.
- c) An ancillary license shall be issued to a licensed optometrist upon submitting a completed application to the Department, on forms provided by the Department, and the required fee set forth in Section 1320.400(a)(3) of this Part. The application shall include the address of the branch office location for which the license will be issued.
- d) An optometrist shall be required to obtain an ancillary license for each additional location and to display the appropriate ancillary licenses at each location.

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Licenses may examine one new patient at facilities licensed by the Illinois Department of Public Health or their residence per address per month without an ancillary license.

- e) Fees may be waived by the Department for an optometrist applying for an ancillary license to substitute for a licensee who has been called to active military duty. Applicants for such an ancillary license shall include a copy of the orders calling the licensee to active duty in addition to any other requirements.

(Source: Amended at 28 Ill. Reg. 4945, effective March 3, 2004)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
140.11	Amendment
140.13	Amendment
140.43	Amendment
140.450	Amendment
140.498	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: March 3, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:

September 12, 2003 (27 Ill. Reg. 14384) – Section 140.450

October 31, 2003 (27 Ill. Reg. 16385) – Sections 140.11, 140.13, 140.43 and 140.498
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences Between Proposal and Final Version:

In the fourth sentence of Section 140.11(e), "the eligibility" has been changed to "the future eligibility".

No other changes have been made in the proposed rulemakings. However, 2 separately proposed rulemakings were combined for this one adopted rulemaking. (See #9 above.)
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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13) Will these amendments replace emergency amendments currently in effect? No

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

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.19	Amendment	January 23, 2004 (28 Ill. Reg. 1330)
140.645	Amendment	February 27, 2004 (28 Ill. Reg. 3700)

15) Summary and Purpose of Amendments:

Sections 140.11, 140.13, 140.43 and 140.498 - These amendments affect providers in the Department's Medical Assistance Program. In general, the changes increase the accountability of vendors and enhance the Department's ability to control fraud. Some of the specific changes respond to Public Act 92-789.

The amendments to Section 140.11 establish a 180-day probationary enrollment period for non-emergency transportation vendors, require vendors whose investor ownership has changed by 50 percent or more to submit a new application for enrollment in the Medical Assistance Program, and permit the Department to periodically re-enroll classes of providers in the Program and to dis-enroll those providers that fail to submit updated enrollment information.

In Section 140.13, the changes add a definition for "non-emergency transportation vendor" and expand the definition of "management responsibility" to include all individuals in charge of day-to-day operations of a non-emergency transportation vendor.

New Section 140.498 implements the portion of Public Act 92-789 which provides that a non-emergency transportation vendor must submit to a criminal background check as part of the enrollment and re-enrollment process, that the cost of such checks will be borne by the vendor, and that the requirements on criminal background checks are not applicable to privately owned automobiles or to vendors owned or operated by a government agency. Changes are also being made to Section 140.43 to permit post-approval requests to be made to agents of the Department.

Section 140.450 – These amendments pertain to requirements affecting pharmacy records and signature logs. The changes protect the privacy of the persons who are recipients of prescription drugs and simplify record requirements for pharmacies. The specific amendments:

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- eliminate the requirement for pharmacies to record the name of the person for whom a prescription was prescribed on a signature log;
 - allow one signature when picking up multiple prescriptions for a single individual;
 - allow pharmacies to use optical scanner bar code technology as an alternative to maintaining signature logs;
 - permit pharmacies which provide drugs via mail order to use a shipping log instead of a signature log and to allow the shipping log to be maintained electronically; and
 - for pharmacies that utilize optical scanner bar code technology or maintain electronic shipping logs, require paper copies of the retained information to be produced upon the Department's request.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

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

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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
- 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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- 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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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

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- 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
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Hospital-Based and Encounter Rate Clinic Payments
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Home Health Services
- 140.471 Home Health Covered Services
- 140.472 Types of Home Health Services
- 140.473 Prior Approval for Home Health Services
- 140.474 Payment for Home Health Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services
- 140.483 Limitations on Family Planning Services
- 140.484 Payment for Family Planning Services
- 140.485 Healthy Kids Program
- 140.486 Limitations on Medichek Services (Repealed)
- 140.487 Healthy Kids Program Timeliness Standards

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140.488	Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
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140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
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140.497	Hearing Aids
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140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
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140.506	Provider Voluntary Withdrawal
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140.512	Utilization Control
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140.515	Management of Recipient Funds – Personal Allowance Funds
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140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds – Local Office Responsibility
140.521	Room and Board Accounts
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140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)

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140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
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140.533	General Administration Costs
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140.536	Organization and Pre-Operating Costs
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the

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Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; 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.

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Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989;

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

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emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment 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;

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amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; 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,

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effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; 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 3, 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; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.11 Enrollment Conditions for Medical Providers

- a) In order to enroll for participation, providers shall:
 - 1) Hold a valid, appropriate license where State law requires licensure of medical practitioners, agencies, institutions and other medical vendors;
 - 2) Be certified for participation in the Title XVIII Medicare program where federal or State rules and regulations require such certification for Title XIX participation;
 - 3) Be certified for Title XIX when federal or State rules and regulations so

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require;

- 4) Provide enrollment information to the Department in the prescribed format, and notify the Department, in writing, immediately whenever there is a change in any such information which the provider has previously submitted;
 - 5) Provide disclosure, as requested by the Department, of all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business, enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services to public aid recipients; and
 - 6) Have a written provider agreement on file with the Department.
- b) Approval of a corporate entity such as a pharmacy, laboratory, durable medical equipment and supplies provider, medical transportation provider, nursing home or renal satellite facility, as a participant in the Medical Assistance Program, applies only to the entity's existing ownership, corporate structure and location; therefore, participation approval is not transferable.
 - c) Except for children's hospitals described at 89 Ill. Adm. Code 149.50(c)(3), hospitals providing inpatient care that are certified under a single Medicare number shall be enrolled as an individual entity in the Medical Assistance Program. A children's hospital must be separately enrolled from the general care hospital with which it is affiliated.
 - d) Upon notification from the Illinois Health Facilities Planning Board that an exception for a change of ownership has been granted, the Department shall notify the prospective buyer of its obligation under Section 140.12(k) to assume liability for repayment to the Department for overpayments made to the current owner or operator. Such notification shall inform the prospective buyer of all outstanding known liabilities due to the Department by the facility and of any known pending Department actions against the facility that may result in further liability. For long term care providers, when there is a change of ownership of a facility or a facility is leased to a new operator, the provider agreement shall be automatically assigned to the new owner or lessee. Such assigned agreement shall be subject to all conditions under which it was originally issued, including, but not limited to, any existing plans of correction, all requirements of participation as set forth in Section 140.12 or additional requirements imposed by the Department.

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- e) For purposes of administrative efficiency, the Department may periodically require classes of providers to re-enroll in the Medical Assistance Program. Under such re-enrollments, the Department shall request classes of providers to submit updated enrollment information. Failure of a provider to submit such information within the requested time frames will result in the dis-enrollment of the provider from the Program. Such dis-enrollment shall have no effect on the future eligibility of the provider to participate in the Program and is intended only for purposes of the Department's efficient administration of the Program. A dis-enrolled provider may reapply to the Program and all such re-applications must meet the requirements for enrollment.
- f) For purposes of this Section, a vendor whose investor ownership has changed by 50 percent or more from the date the vendor was initially approved for enrollment in the Medical Assistance Program shall be required to submit a new application for enrollment in the Medical Assistance Program. All such applications must meet the requirements for enrollment.
- g) Anything in this Subpart B to the contrary notwithstanding, enrollment of a non-emergency transportation vendor, as defined in Section 140.13, shall be conditional for 180 days, during which time the Department may terminate the vendor's eligibility to participate in the Medical Assistance Program without cause. Upon termination of a non-emergency transportation vendor under this subsection (g), the following individuals shall be barred from participation in the Medical Assistance Program:
- 1) individuals with management responsibility;
 - 2) all owners or partners in a partnership;
 - 3) all officers of a corporation or individuals owning, directly or indirectly, five percent or more of the shares of stock or other evidence of ownership in a corporation; or
 - 4) an owner of a sole proprietorship.
- h) Termination of eligibility, as described in subsection (g) of this Section, and resulting barrments are not subject to the Department's hearing process.

(Source: Amended at 28 Ill. Reg. 4958, effective March 3, 2004)

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Section 140.13 Definitions

"Department Policy". For purposes of this Part, "Department policy" shall mean the written requirements of the Department set forth in the Medical Assistance Program Handbooks, and the Department's written manuals, bulletins and releases. It shall also include any additional policy statements transmitted in writing to a vendor.

"Entity". For purposes of this Part, "entity" means any person, firm, corporation, partnership, association, agency, institution, or other legal organization.

"Investor". For purposes of this Part, "investor" shall mean any entity that owns (directly or indirectly) five percent or more of the shares of stock or other evidences of ownership of a vendor, or holds (directly or indirectly) five percent or more of the debt of a vendor, or owns and holds (directly or indirectly) three percent or more of the combined debt and equity of a vendor.

"Management Responsibility". For purposes of this Part, a person with management responsibility includes a person vested with discretion or judgment who either alone or in conjunction with others, conducts, administers or oversees either the general concerns of the vendor, or a portion of the vendor's concerns. A person with management responsibility shall specifically include the pharmacist in a pharmacy, the medical director of a laboratory, the administrator of a hospital or nursing home, the dispatcher in a transportation vendor, dispatchers and all individuals in charge of day to day operations of a non-emergency transportation vendor, the person or persons responsible for preparation and submittal of billings for services to the Department, and the manager of a group practice, clinic or shared health facility.

"Non-Emergency Transportation Vendor". For purposes of this Part, non-emergency transportation vendor shall mean any transportation provider identified in Section 140.490(a) other than those identified in Section 140.490(a)(1) and (a)(6).

"Technical or Other Advisor". For purposes of this Part, "technical or other advisor" shall mean any entity that provides any form of advice to a vendor regarding the vendor's business or participation in the Medical Assistance Program in return for compensation, directly or indirectly, in any form.

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"Vendor". For purposes of this Part, "vendor" shall mean a person, firm, corporation, association, agency, institution, or other legal entity receiving payment or applying for authorization to receive payment for goods or services to a recipient or recipients.

(Source: Amended at 28 Ill. Reg. 4958, effective March 3, 2004)

Section 140.43 Post Approval for ~~Items items~~ or Services When Prior Approval Cannot Be Obtained

- a) Post approval may be requested for items or services provided during Department nonworking hours, or nonworking hours of its agents, whichever is applicable, or when a life threatening condition exists and there is no ~~not~~ time to call for approval.
- b) To be eligible for approval consideration, the requirements for prior approval must be met and post approval requests must be received by the Department or its agents, whichever is applicable, no later than 90 days after ~~from~~ the date services or goods are provided. Exceptions to this requirement will be permitted only in the following circumstances:
 - 1) The Department or the Department of Human Services has received the patient's Medical Assistance application, but approval of the application has not been issued, as of the date of service. In such a case, the post approval request must be received no later than ~~ninety (90)~~ days after following the date of the Department's Notice of Decision, approving the patient's application.
 - 2) The patient did not inform the provider of his/her eligibility for Medical Assistance. In such a case, the post approval request must be received no later than six ~~(6)~~ months after following the date of service, but will be considered for payment only if there is attached to the request a copy of the provider's dated, private pay bill or collection correspondence, which was addressed and mailed to the patient each month following the date of service.
 - 3) A request for payment was submitted to a third party billing within six ~~(6)~~ months following the date of service. In such a case, a post approval request must be received by the Department no later than 90 days after ~~from~~ the date of final adjudication by the third party.

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(Source: Amended at 28 Ill. Reg. 4958, effective March 3, 2004)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.450 Record Requirements for Pharmacies

- a) Pharmacies shall retain the following basic records:
- 1) All original prescriptions for Public Aid recipients;
 - 2) All invoices from all suppliers from which the pharmacy acquires goods for which charges are made to the Department; and
 - 3) A method of verification of usual and customary charges to the general public; and
 - 4) A signature log as described in subsection (c) of this Section.
- b) A pharmacy shall permit access to these records by authorized Department personnel on request, and shall retain such financial records as are necessary to substantiate acquisition costs for a period of not less than three years from the date of service.
- c) A ~~The~~ pharmacy shall maintain a log of signatures for the receipt or pick up of prescriptions by the person receiving the prescription. Such log shall list each prescription by prescription number, ~~the name of the person for whom the prescription was prescribed~~, the date the prescription was picked up and the signature of the person picking up the prescription, except that one signature is sufficient when picking up multiple prescriptions for a single individual. The original prescription must be maintained and match the prescription number on the log.
- d) As an alternative to maintaining the signature log described in subsection (c) of this Section, a pharmacy may opt to utilize optical scanner bar technology to document that prescriptions were, in fact, received or picked up. At the Department's request, any pharmacy choosing to utilize optical scanner bar technology must be able to produce paper copies of the information retained electronically through the use of this technology.

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- e) For pharmacies providing drugs via mail order, a shipping log may be used as an alternative to the signature log described in subsection (c) of this Section. This mail order shipping log, which may be maintained electronically, must contain the patient's name, address, prescription number, date the prescription was shipped, and the name and/or type of carrier. At the Department's request, any pharmacy choosing to maintain its mail order shipping log electronically must be able to produce paper copies of the information retained in said shipping log.
- f) For pharmacies providing drugs to patients residing in a long term care facility licensed by the Illinois Department of Public Health, the pharmacy shall maintain a signature log as described in subsection (c) of this Section, except that one signature is sufficient for all the medications delivered for a patient and a facility staff member may sign for the receipt of the drugs. Both the facility and the pharmacy are accountable for ensuring the accuracy of the information in the log.
- ge) For pharmacies providing drugs to patients who are receiving medications in their homes with the assistance of a home health agency or hospice licensed by the Illinois Department of Public Health, or a registered nurse licensed by the Illinois Department of Professional Regulation, the pharmacy shall maintain a signature log as described in subsections (c) and (f) (d) of this Section, except that one signature is sufficient for all the medications delivered for a patient and a home health agency representative or hospice representative may sign for the receipt of the drugs. Both the pharmacy and the home health agency or hospice are accountable for ensuring the accuracy of the information in the log.
- hf) The information required in subsections (c), (f) (d) and (g) (d) of this Section may be kept in an electronic form, including electronic signatures, provided that paper copies of the information, including signatures, can be printed from the electronic file.

(Source: Amended at 28 Ill. Reg. 4958, effective March 3, 2004)

Section 140.498 Fingerprint-Based Criminal Background Checks

- a) Non-Emergency Transportation
- 1) Non-emergency transportation vendors, as defined in Section 140.13, and applicants shall submit to a fingerprint-based criminal background check on current and future information available in the State system for criminal background checks, and current information available through the

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Federal Bureau of Investigation's fingerprint system, by submitting all necessary fees and information in the form and manner prescribed by the Illinois State Police. New vendor applicants must submit to fingerprint-based criminal background checks within 30 days after the submission of the application. At such times as the Department may initiate a re-enrollment of all non-emergency transportation vendors pursuant to Section 140.11(e), the Department may require such vendors to re-submit to fingerprint-based criminal background checks as provided in this Section. Fingerprint-based criminal background checks requested pursuant to Section 140.11(e) must be submitted within 60 days after the submission of such updated enrollment information. Vendors shall be responsible for the payment of the costs of fingerprint-based criminal background checks.

- 2) The following individuals shall be subject to the fingerprint-based background check:
 - A) In the case of a vendor that is a corporation, all officers and individuals owning, directly or indirectly, five percent or more of the shares of stock or other evidence of ownership in a corporate vendor.
 - B) In the case of a vendor that is a partnership, every partner.
 - C) In the case of a vendor that is a sole proprietorship, the sole proprietor.
 - D) Each officer and each individual with management responsibility of the vendor.
- 3) All individuals required to submit to a fingerprint-based criminal background check must submit their fingerprints to a fingerprint vendor approved by the Illinois State Police. The Department shall provide a list of all approved fingerprint vendors.
- 4) Within 30 days after any individual identified in subsection (a)(2) of this Section acquiring an ownership interest, pursuant to subsection (a)(2)(A), (B) or (C) of this Section, or assuming management responsibility, pursuant to subsection (a)(2)(D) of this Section, the vendor must notify the Department of such change and the individual must submit to a

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fingerprint-based criminal background check within 30 days after such notification.

- 5) The failure of any individual identified in subsections (a)(2)(A), (B), (C) and (D) of this Section to submit to a fingerprint-based criminal background check, as provided for in this Section, or to provide notification as required in subsection (a)(4) of this Section, will result in the denial of an application or re-application (pursuant to Section 140.11(e)) to participate in the Medical Assistance Program or may result in dis-enrollment, termination or suspension of an enrolled vendor.
- 6) This Section does not apply to:
- A) Vendors owned or operated by government agencies; and
 - B) Private automobiles.

(Source: Added at 28 Ill. Reg. 4958, effective March 3, 2004)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Illinois Controlled Substances Act
- 2) Code Citation: 77 Ill. Adm. Code 3100
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
3100.10	Amendment
3100.85	Amendment
- 4) Statutory Authority: Illinois Controlled Substances Act [225 ILCS 425]
- 5) Effective Date of Amendments: March 5, 2004
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they will expire: These emergency rules are to expire when the proposed rules are adopted.
- 7) Date Filed in Index Department: March 5, 2004
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Public Act 92-449 created the Humane Euthanasia in Animal Shelters Act; however, it could not be properly implemented without additional statutory changes in the Controlled Substances Act. The Department kept those proposed rules on hold while the requisite statutory changes were sought. With the enactment of PA 93-626, the Department was able to proceed, and the adoption of Title 68, Part 1248 to implement licensure for euthanasia agencies is occurring simultaneously with the filing of these emergency amendments, as the issuance of a license as a euthanasia agency is meaningless if the entity does not also have the ability to obtain and administer the euthanasia drugs.
- 10) A Complete Description of the Subjects and Issues Involved: Public Act 92-449 provided for animal shelters or animal control facilities licensed by the Department of Agriculture to be certified by the Department of Professional Regulation as euthanasia agencies, while PA 93-626, effective December 23, 2003, provided for these euthanasia agencies to obtain mid-level practitioner controlled substances licenses, enabling them to obtain and administer euthanasia drugs in their facilities. This proposed rulemaking implements the expansion of these mid-level controlled substances licenses, allowing euthanasia agencies to receive a license under the Illinois Controlled Substances Act.
- 11) Are there any proposed amendments to this Part pending? No

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

- 12) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 13) Information and questions regarding this Amendment shall be directed to:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813; Fax #: 217/782-7645

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

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER XV: DEPARTMENT OF PROFESSIONAL REGULATION

PART 3100

ILLINOIS CONTROLLED SUBSTANCES ACT

Section

3100.10 Definitions

EMERGENCY

3100.20 Copies of This Part

3100.30 Renewal Periods and Fees

3100.40 Time and Method of Payment

3100.50 Separate Registration for Independent Activities

3100.60 Exempted Locations

3100.70 Requirements of Registration

3100.80 Exemption of Agents and Employees: Affiliated Practitioners

3100.85 Application for Mid-Level Practitioner Controlled Substances License

EMERGENCY

3100.90 Time for Application for Registration: Expiration Date

3100.100 Application Forms

3100.110 Filing of Application: Joint Filings

3100.120 Acceptance for Filing: Defective Applications

3100.130 Additional Information

3100.140 Amendments to and Withdrawal of Applications

3100.150 Certificate of Registration: Denial of Registration

3100.160 Suspension or Revocation of Registration

3100.170 Suspension of Registration Pending Final Order

3100.180 Extension of Registration

3100.190 Hearing Officer

3100.200 Hearings and Notices

3100.210 Procedures for Hearing

3100.220 Hearing--Pursuant to Paragraph 1305(b)

3100.230 Default Disposition of a Contested Case

3100.240 Recording of Testimony

3100.250 Recording of Hearing

3100.260 Rehearing

3100.270 Final Decisions and Orders

3100.280 Modification in Registration

3100.290 Termination of Registration

3100.300 Transfer of Registration

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

- 3100.310 Security Requirements Generally
- 3100.320 Factors in Evaluating Physical Security Systems
- 3100.330 Physical Security Controls for Non-Practitioners
- 3100.340 Physical Security Controls for Practitioners
- 3100.350 Other Security Controls for Practitioners
- 3100.360 Record and Inventorying Requirements Generally
- 3100.370 Persons Entitled to Issue Prescriptions
- 3100.380 Purpose of Issue of Prescription
- 3100.390 Manner of Issuance of Prescription
- 3100.400 Requirement of Prescription
- 3100.410 Refilling of Prescription
- 3100.420 Partial Filling of Prescriptions
- 3100.430 Prescriptions from Out-of-State Practitioners and Exempt Federal Practitioners
- 3100.440 Authority to Make Inspections
- 3100.450 Inspections
- 3100.460 Failure to Comply with Rules
- 3100.470 Address for Notices
- 3100.480 Suspension or Modification of Rules and Regulations
- 3100.490 Construction of Rules and Regulations
- 3100.500 Written Order
- 3100.510 Paragraph 1312(d) Record Keeping
- 3100.520 Emergency Medication Kits
- 3100.530 Transfer Between Pharmacies of Prescription Information for Refill Purposes

AUTHORITY: Implementing and authorized by the Illinois Controlled Substances Act [720 ILCS 570].

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Controlled Substances Act, effective October 22, 1975; amended at 3 Ill. Reg. 38, p. 277, effective September 20, 1979; amended at 4 Ill. Reg. 46, p. 1297, effective November 5, 1980; amended at 5 Ill. Reg. 3528, effective March 25, 1981; amended at 5 Ill. Reg. 8693, effective August 12, 1981; amended at 6 Ill. Reg. 10015, effective August 5, 1982; codified at 8 Ill. Reg. 543; amended at 8 Ill. Reg. 2498, effective February 9, 1984; amended at 8 Ill. Reg. 16344, effective August 23, 1984; amended at 11 Ill. Reg. 18246, effective October 27, 1987; transferred from Chapter VII, 77 Ill. Adm. Code 1650 (Department of Registration and Education) to Chapter XV, 77 Ill. Adm. Code 3100 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2922; amended at 20 Ill. Reg. 9063, effective July 1, 1996; amended at 24 Ill. Reg. 16672, effective October 27, 2000; emergency amendment at 28 Ill. Reg. 4985, effective March 5, 2004, for a maximum of 150 days.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

Section 3100.10 Definitions**EMERGENCY**

- a) Authority: This Part is made and issued by the Department of Professional Regulation pursuant to the Illinois Controlled Substances Act [720 ILCS 570], which empowers the Department to promulgate rules relating to the registration and control of the manufacture, distribution and dispensing of controlled substances within this State.
- b) Definitions: The following terms shall be defined as follows:
- "Act" means the Illinois Controlled Substances Act [720 ILCS 570].
- "Basic Class" is defined as set forth in Title 21, Chap. II, Sec. 1301.02 of the Federal Regulations relating to Food and Drugs (21 CFR 1301.02).
- "Controlled Substances Code Number" means the number assigned to controlled substances and controlled drug preparations by the Drug Enforcement Administration of the Department of Justice.
- "Department" means the Department of Professional Regulation of the State of Illinois.
- "Director" means the Director of the Department of Professional Regulation of the State of Illinois.
- "Hearing Officer" means either the Director or any person he/she appoints pursuant to Section 3100.190 of this Part. Such person shall have full power to receive evidence, decide evidentiary questions, issue subpoenas and otherwise conduct a hearing.
- "Individual Practitioner" means a physician, dentist, veterinarian, podiatrist or therapeutically certified optometrist licensed in the State of Illinois to practice his/her profession, a licensed physician assistant who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or a licensed advanced practice nurse with prescriptive authority, in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.

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NOTICE OF EMERGENCY AMENDMENTS

"Institutional Practitioner" means a hospital or other party (other than an individual) licensed, registered or otherwise permitted by the State of Illinois to dispense a controlled substance in the course of professional practice but does not include a pharmacy.

"Mid-Level Practitioner Controlled Substances License" is a license issued to a licensed physician assistant or licensed advanced practice nurse authorized to prescribe by a physician in accordance with the professional licensure Act of the profession or a euthanasia agency.

"Registrant" means a person or party registered or licensed under or holding a certificate of registration or license pursuant to the Act.

"Rules" means this Part.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 4985, effective March 5, 2004, for a maximum of 150 days)

Section 3100.85 Application for Mid-Level Practitioner Controlled Substances License
EMERGENCY

- a) An individual applicant for a mid-level practitioner controlled substances license shall file an application on forms provided by the Department. The application shall include:
- 1) The physician assistant or advanced practice nurse license number. The license shall be active and in good standing;
 - 2) The license number and controlled substances license number of the delegating physician;
 - 3) A notice of delegation of prescriptive authority signed by the physician indicating the schedule of controlled substances that the practitioner may dispense or prescribe. A separate notice of prescriptive authority shall be submitted by each supervising or collaborating physician; and
 - 4) The required fee.

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- b) A euthanasia agency applicant for a mid-level practitioner controlled substances license shall file an application on forms provided by the Department. The application shall include:
- 1) The euthanasia agency license number. The license shall be active and in good standing;
 - 2) The required fee.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 4985, effective March 5, 2004, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3) Section Number:
147.150 Amendment
147.Table A Amendment
- 4) Date Proposal published in Illinois Register: May 30, 2003
- 5) Date Adoption published in Illinois Register: December 12, 2003
- 6) Date Request for Expedited Correction Published in Illinois Register: March 12, 2004
- 7) Adoption Effective Date: November 26, 2003
- 8) Correction Effective Date: November 26, 2003
- 9) Reason for Approval of Expedited Correction: The Department proposed amendments to 89 Ill. Adm. Code 147 on May 30, 2003, at 27 Ill. Reg. 8658. These extensive changes were necessary, pursuant to Public Act 92-0848, to establish a new methodology for the nursing component of rates for nursing facilities that is based upon a federally required assessment tool, the Minimum Data Set (MDS).

During the rulemaking period, a number of changes were made in the proposed amendments. However, one agreed upon change concerning the amendments in Section 147.150 does not appear in the adopted rule text as published on December 12, 2003, at 27 Ill. Reg. at 18680. This unintentional discrepancy, which is at the end of Section 147.150(c)(1)(B), appears in the published adoption as "the base wage"; however, the text should read "the mean wage"

Two other unintentional discrepancies involve changes that were made during the second notice period, but do not appear in the published adoption. Under Section 147.Table A, subsection (e)(5) Mental Health Services (Psychosocial Adaptation Services), one MDS item was changed to read, "Any Ela-p>0", but the published adoption reads, "Any Ela-p>1".

Similarly, under Section 147.Table A, subsection (e)(5) Mental Health Services (Psychiatric Rehabilitation Services), Level 5, the numbers found for the five MDS Items were changed to ">1", but they appear as ">0" in the published adoption.

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NOTICE OF EXPEDITED CORRECTION

The expedited correction of these inadvertent errors will allow for accurate implementation of the MDS-based reimbursement system. Without these changes, facilities will not be given the proper credit in the reimbursement system for certain residents. The Department will ensure that distribution of the corrected rules will be made to the affected public and long term care industry.

- 10) Information and questions regarding this request 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 Corrected Rules begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147

REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section

- 147.5 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Repealed)
- 147.15 Comprehensive Resident Assessment (Repealed)
- 147.25 Functional Needs and Restorative Care (Repealed)
- 147.50 Service Needs (Repealed)
- 147.75 Definitions (Repealed)
- 147.100 Reconsiderations (Repealed)
- 147.105 Midnight Census Report
- 147.125 Nursing Facility Resident Assessment Instrument
- 147.150 Minimum Data Set (MDS) Based Reimbursement System
- 147.175 Minimum Data Set (MDS) Integrity
- 147.200 Basic Rehabilitation Aide Training Program (Repealed)
- 147.205 Nursing Rates (Repealed)
- 147.250 Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) (Repealed)
- 147.300 Payment to Nursing Facilities Serving Persons with Mental Illness
- 147.301 Sanctions for Noncompliance
- 147.305 Psychiatric Rehabilitation Service Requirements for Individuals With Mental Illness in Residential Facilities (Repealed)
- 147.310 Inspection of Care (IOC) Review Criteria for the Evaluation of Psychiatric Rehabilitation Services in Residential Facilities for Individuals with Mental Illness (Repealed)
- 147.315 Comprehensive Functional Assessments and Reassessments (Repealed)
- 147.320 Interdisciplinary Team (IDT) (Repealed)
- 147.325 Comprehensive Program Plan (CPP) (Repealed)
- 147.330 Specialized Care – Administration of Psychopharmacologic Drugs (Repealed)
- 147.335 Specialized Care – Behavioral Emergencies (Repealed)
- 147.340 Discharge Planning (Repealed)
- 147.345 Reimbursement for Program Costs in Nursing Facilities Providing Psychiatric Rehabilitation Services for Individuals with Mental Illness (Repealed)
- 147.350 Reimbursement for Additional Program Costs Associated with Providing Specialized Services for Individuals with Developmental Disabilities in Nursing Facilities

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NOTICE OF EXPEDITED CORRECTION

147.TABLE A	Staff Time (in Minutes) and Allocation by Need Level
147.TABLE B	Staff Time and Allocation for Restorative Programs (Repealed)
147.TABLE C	Comprehensive Resident Assessment (Repealed)
147.TABLE D	Functional Needs and Restorative Care (Repealed)
147.TABLE E	Service (Repealed)
147.TABLE F	Social Services (Repealed)
147.TABLE G	Therapy Services (Repealed)
147.TABLE H	Determinations (Repealed)
147.TABLE I	Activities (Repealed)
147.TABLE J	Signatures (Repealed)
147.TABLE K	Rehabilitation Services (Repealed)
147.TABLE L	Personal Information (Repealed)

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

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.Table H and 140.Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 6238, effective April 18, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 28, 1991; emergency amendment at 15 Ill. Reg. 16435, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4035, effective March 4, 1992; amended at 16 Ill. Reg. 6479, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13361, effective August 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14233, effective August 31, 1992; amended at 16 Ill. Reg. 17332, effective November 6, 1992; amended at 17 Ill. Reg. 1128, effective January 12, 1993; amended at 17 Ill. Reg. 8486, effective June 1, 1993; amended at 17 Ill. Reg. 13498, effective August 6, 1993; emergency amendment at 17 Ill. Reg. 15189, effective September 2, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2405, effective January 25, 1994; amended at 18 Ill. Reg. 4271, effective March 4, 1994; amended at 19 Ill. Reg. 7944, effective June 5, 1995; amended at 20 Ill. Reg. 6953, effective May 6, 1996; amended at 21 Ill.

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Reg. 12203, effective August 22, 1997; amended at 26 Ill. Reg. 3093, effective February 15, 2002; emergency amendment at 27 Ill. Reg. 10863, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18680, effective November 26, 2003; expedited correction at 28 Ill. Reg. 4992, effective November 26, 2003.

Section 147.150 Minimum Data Set (MDS) Based Reimbursement System

- a) Public Act 92-0848 requires the Department to implement, effective July 1, 2003, a payment methodology for the nursing component of the rate paid to nursing facilities. Reimbursement for this component shall be calculated using the Minimum Data Set (MDS). Increased reimbursement under this payment methodology shall be paid only if specific appropriation for this purpose is enacted by the General Assembly.
- b) The nursing component of the rate shall be calculated annually and may be adjusted quarterly. The determination of rates shall be based upon a composite of MDS data collected from each eligible resident in accordance with Section 147. Table A for those eligible residents who are recorded in the Department's Medicaid Management Information System as of 30 days prior to the rate period as present in the facility on the last day of the second quarter preceding the rate period. Residents for whom MDS resident identification information is missing or inaccurate, or for whom there is no current MDS record for that quarter, shall be placed in the lowest MDS acuity level for calculation purposes for that quarter. The nursing component of the rate may be adjusted on a quarterly basis if any of the following conditions are met:
 - 1) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section exceeds total variable nursing time calculated for the previous rate quarter by more than five percent.
 - 2) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section exceeds:
 - A) total variable nursing time as calculated for the annual rate period by more than ten percent;
 - B) total variable nursing time as recalculated and adjusted for the annual period by more than five percent.
 - 3) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section declines from the total variable nursing time as

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calculated for the annual period by more than five percent. No quarterly nursing component rate reduction shall exceed five percent from the previous rate quarter.

- c) Per diem reimbursement rates for nursing care in nursing facilities consist of three elements: variable time reimbursement; fringe benefit reimbursement; and reimbursement for supplies, consultants, medical directors and nursing directors.
- 1) Variable Time Reimbursement. Variable nursing time is that time necessary to meet the major service needs of residents that vary due to their physical or mental conditions. Each need level or specific nursing service measured by the Resident Assessment Instrument is associated with an amount of time and staff level (Section 147. Table A). Reimbursement is developed by multiplying the time for each service by the wage(s) of the type of staff performing the service except for occupational therapy, physical therapy and speech therapy. If more than one level of staff are involved in delivering a service, reimbursement for that service will be weighted by the wage and number of minutes allocated to each staff type. When a service can be provided by either a registered nurse (RN) or licensed practical nurse (LPN), the wage used will be weighted by the average mix of RNs and LPNs in the sample of facilities used to set rates. In calculating a facility's rate, the figures used by the Department for wages will be determined in the following manner:
- A) The mean wages for the applicable staff levels (RNs, LPNs, certified nursing assistants (CNAs), activity staff, social workers), as reported on the cost reports and determined by regional rate area, will be the mean wages.
- B) Fringe benefits will be the average percentage of benefits to actual salaries of all nursing facilities based upon cost reports filed pursuant to 89 Ill. Adm. Code 140.543. Fringe benefits will be added to the meanbase wage.
- C) The base wage, including fringe benefits, will then be updated for inflation from the time period for which the wage data are available to the midpoint of the rate year to recognize projected base wage changes.
- D) Special minimum wage factor. The process used in subsection (c)(1)(A) of this Section to determine regional mean wages for

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RNs, LPNs and CNAs will include a minimum wage factor. For those facilities below 90% of the Statewide average, the wage is replaced by 90% of the Statewide average.

- E) On July 1 of each year beginning July 1, 2003, the base wage calculated in subsection (c)(1)(C) of this Section shall be multiplied by a ratio:
- i) The numerator of which is the quotient obtained by dividing the amounts estimated by the Department to be available in the rate period for the nursing component of the rate Statewide by the Department's estimate of the number of patient days Statewide for the rate period eligible for reimbursement from the Department.
 - ii) The denominator of which shall be the mean Statewide base rate per patient day.
- 2) Vacation, Sick Leave and Holiday Time. The time to be added for vacation, sick leave, and holidays will be determined by multiplying the total of Variable Time by 5%.
- 3) Special Supplies, Consultants and the Director of Nursing. Reimbursement will be made for health care and program supplies, consultants required by the Department of Public Health (including the Medical Director), and the Director of Nursing by applying a factor to variable time and vacation, sick leave and holiday time. (A list of consultants required by the Department of Public Health can be found in 77 Ill. Adm. Code 300.830).
- A) Supplies will be updated for inflation using the General Services Inflator (see 89 Ill. Adm. Code 140.551). Health care and program salaries shall be updated for inflation using the Nursing and Program Inflator (see 89 Ill. Adm. Code 140.552). A factor for supplies will be the Statewide mean of the ratio of total facility health care and programs supply costs to total facility health care and programs salaries.
 - B) The Director of Nursing and the consultants will be updated for inflation using the Nursing and Program Inflator (see 89 Ill. Adm. Code 140.552). A factor for the Director of Nursing and

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consultant costs shall be the Statewide mean of the ratio of all facilities Director of Nursing and consultant costs to total facility health care and programs salaries.

- C) These costs shall be updated pursuant to cost reports as referenced in 89 Ill. Adm. Code 153.125(f).
- d) **Determination of Facility Rates.**
An amount for each resident will be calculated by multiplying the number of minutes from the assessment by the appropriate wages for each assessment item (see subsection (c)(1) of this Section), adding the amounts for vacation, sick and holiday time (see subsection (c)(2) of this Section), and supplies, consultants, and the Director of Nursing (see subsection (c)(3) of this Section). The average of the rates for eligible residents assessed will become the facility's per diem reimbursement rate for each eligible resident in the facility.
- e) A transition period from the payment methodology in effect on June 30, 2003, to the payment methodology in effect July 1, 2003, shall be provided for a period not exceeding June 30, 2005, as follows:
- 1) MDS-based rate adjustments under this Section shall not be effective until the attainment of a threshold. The threshold shall be attained at the earlier of either:
 - A) when all nursing facilities have established a rate (sum of all components) which is no less than the rate effective June 30, 2002, or
 - B) July 1, 2005.
 - 2) For a facility that would receive a lower nursing component rate per resident day under the payment methodology effective July 1, 2003, than the facility received June 30, 2003, the nursing component rate per resident day for the facility shall be held at the level in effect on June 30, 2003, until a higher nursing component rate of reimbursement is achieved by that facility.
 - 3) For a facility that would receive a higher nursing component rate per resident day under the payment methodology in effect on July 1, 2003, than the facility received June 30, 2003, the nursing component rate per

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resident day for the facility shall be adjusted based on the payment methodology in effect July 1, 2003.

- 4) Notwithstanding subsections (e)(2) and (3) of this Section, the nursing component rate per resident day for the facility shall be adjusted in accordance with subsection (c)(1)(E) of this Section.

(Source: Expedited correction at 28 Ill. Reg. 4992, effective November 26, 2003)

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Section 147. TABLE A Staff Time (in Minutes) and Allocation by Need Level

- a) Effective July 1, 2003, each Medicare and Medicaid certified nursing facility shall complete, and transmit quarterly to the Department, a full Minimum Data Set (MDS) for each resident who resides in a certified bed, regardless of payment source. A description of the MDS items referenced in the tables found following subsection (e) of this Table A are contained in the Long Term Care Resident Assessment Instrument User's Manual available from the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244 (December 2002).
- b) Table A identifies 37 MDS items that shall be used to calculate a profile on each Medicaid-eligible resident within each facility.
- c) The profile for each Medicaid-eligible resident shall then be blended to determine the nursing component of the nursing facility's Medicaid rate.
- d) Each MDS item in Table A includes a description of the item and the variable time referred to in Section 147.150(c)(1). The variable time assigned to each level represents the type of staff that should be delivering the service (unlicensed, licensed, social worker and activity) and the number of minutes allotted to that service item.
- e) Following is a listing of the 37 reimbursable MDS items found in Table A.
 - 1) Base Social Work and Activity
 - 2) Activities of Daily Living (ADL)
 - 3) Restorative Programs
 - PROM
 - AROM
 - Splint/Brace
 - Bed Mobility
 - Mobility/Transfer

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Walking

Dressing/Grooming

Eating

Prosthetic Care

Communication

Other Restorative

Continence

4) Medical Services

Discharge Planning

End Stage Care

Pain Management

Infectious Disease

Acute Medical Conditions

Nutrition

Skin Care Programs

Decubitus Prevention

Moderate Skin Intensity or Ostomy Care Services

Intensive Skin Care Services

IV Therapy

Injections

Oxygen Therapy

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Extensive Respiratory Services

Hydration

5) Mental Health (MH) Services

Psychosocial Adaptation

Cognitive Impairment/Memory Assistance

Psychiatric Rehabilitation

6) Special Patient Need Factors:

Communication: add 1% of staff time accrued for ADLs through MH

Vision Problems: add 2% of staff time accrued for ADLs through MH

Accident/Fall Prevention: add 3% of staff time accrued for ADLs through MH

Restraint Free Care: add 2% of staff time accrued for ADLs through MH

Activities: add 2% of staff time accrued for ADLs through MH

MDS ITEMS AND ASSOCIATED STAFF TIMES

1) Base Social Work and Activity

Level		Unlicensed	Licensed	Social Worker	Activity
I	All Clients	0	0	5	10

2) Activities of Daily Living

Level	Composite Scores	Unlicensed	Licensed	Social Worker	Activity
I	Composite 7-8	50	15		

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II	Composite 9-11	62	19		
III	Composite 12-14	69	21		
IV	Composite 15-29	85	25		

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ADL Scoring Chart for the above Composite Levels

MDS values equal to “-” denote missing data.

ADL	MDS items	Description	Score
Bed Mobility	G1aA = - or G1aA = 0 or G1aA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision	1
	G1aA = 2.	Self-Performance = limited assistance	3
	G1aA = 3 or G1aA = 4 or G1aA = 8 AND G1aB = - or G1aB = 0 or G1aB = 1 or G1aB = 2.	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur Support = missing Support = no set up or physical help Support = set up help only Support = 1 person assist	4
	G1aB = 3 or G1aB = 8.	Support = 2+ person physical assist Support = activity did not occur	5
Transfer	G1bA = - or G1bA = 0 or G1bA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision	1
	G1bA = 2.	Self-Performance = limited assistance	3
	G1bA = 3 or G1bA = 4 or G1bA = 8 AND G1bB = - or G1bB = 0 or G1bB = 1 or G1bB = 2.	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur Support = missing Support = no set up or physical help Support = set up help only Support = 1 person assist	4
	G1bB = 3 or G1bB = 8.	Support = 2+ person physical assist Support = activity did not occur	5

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Locomotion	G1eA = - or G1eA = 0 or G1eA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision	1	
	G1eA = 2.	Self-Performance = limited assistance	3	
	G1eA = 3 or G1eA = 4 or G1eA = 8 AND G1eB = - or G1eB = 0 or G1eB = 1 or G1eB = 2.	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur Support = missing Support = no set up or physical help Support = set up help only Support = 1 person assist	4	
	G1eB = 3 or G1eB = 8.	Support = 2+ person physical assist Support = activity did not occur	5	
	Toilet	G1iA = - or G1iA = 0 or G1iA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision	1
		G1iA = 2.	Self-Performance = limited assistance	3
		G1iA = 3 or G1iA = 4 or G1iA = 8 AND G1iB = - or G1iB = 0 or G1iB = 1 or G1iB = 2.	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur Support = missing Support = no set up or physical help Support = set up help only Support = 1 person assist	4
		G1iB = 3 or G1iB = 8.	Support = 2+ person physical assist Support = activity did not occur	5

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Dressing	G1gA = - or	Self-Performance = missing	1
	G1gA = 0 or	Self-Performance = independent	
	G1gA = 1.	Self-Performance = supervision	
	G1gA = 2.	Self-Performance = limited assistance	2
	G1gA = 3 or	Self-Performance = extensive assistance	3
	G1gA = 4 or	Self-Performance = total dependence	
	G1gA = 8.	Self-Performance = activity did not occur	
Hygiene	G1jA = - or	Self-Performance = missing	1
	G1jA = 0 or	Self-Performance = independent	
	G1jA = 1.	Self-Performance = supervision	
	G1jA = 2.	Self-Performance = limited assistance	2
	G1jA = 3 or	Self-Performance = extensive assistance	3
	G1jA = 4 or	Self-Performance = total dependence	
	G1jA = 8.	Self-Performance = activity did not occur	

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Eating	G1hA = - or G1hA = 0 or G1hA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision	1
	G1hA = 2.	Self-Performance = limited assistance	2
	G1hA = 3 or G1hA = 4 or G1hA = 8	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur	3
	Or		
	K5a = 1 or K5b = 1 and Intake = 1	Parenteral/IV in last 7 days Tube feeding in last 7 days See below	
	Where		
	Intake = 1 if		
	K6a = 3 or	Parenteral/enteral intake 51-75% of total calories	
	K6a = 4	Parenteral/enteral intake 76-100% of total calories	
	Or Intake = 1 if		
K6a = 2 and	Parenteral/enteral intake 25-50% of total calories		
K6b = 2 or	Average fluid intake by IV or tube is 501-1000 cc/day		
K6b = 3 or	Average fluid intake by IV or tube is 1001-1500 cc/day		
K6b = 4 or	Average fluid intake by IV or tube is 1501-2000 cc/day		
K6b = 5.	Average fluid intake by IV or tube is over 2000 cc/day		

3) Restorative Programs**Passive Range of Motion**

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Lev	MDS items	Description	Unl	Lic	SW	Act
	G4aA > 0 or	Any function limits in ROM of neck				
	G4bA > 0 or	Any function limits in ROM of arm				
	G4cA > 0 or	Any function limits in ROM of hand				
	G4dA > 0 or	Any function limits in ROM of leg				
	G4eA > 0 or	Any function limits in ROM of foot				
	G4fA > 0 or	Any function limits in ROM of other limitation or loss				
	G4aB > 0 or	Any function limits in voluntary movement of neck				
	G4bB > 0 or	Any function limits in voluntary movement of arm				
	G4cB > 0 or	Any function limits in voluntary movement of hand				
	G4dB > 0 or	Any function limits in voluntary movement of leg				
	G4eB > 0 or	Any function limits in voluntary movement of foot				
	G4fB > 0 or	Any function limits in voluntary movement of other limitation or loss				
	AND					
I	$3 \leq P3a \leq 5$	3 to 5 days of PROM rehab	10	6		
II	$6 \leq P3a \leq 7$	6 to 7 days of PROM rehab	15	6		

Active Range of Motion

Lev	MDS items	Description	Unl	Lic	SW	Act
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	G4aA,B > 0 or G4bA,B > 0 or G4cA,B > 0 or G4dA,B > 0 or G4eA,B > 0 or G4fA,B > 0 or AND	Any function limits in voluntary ROM or movement of neck Any function limits in voluntary ROM or movement of arm Any function limits in voluntary ROM or movement of hand Any function limits in voluntary ROM or movement of leg Any function limits in voluntary ROM or movement of foot Any function limits in voluntary ROM or movement of other limitation or loss				
I	$3 \leq P3b \leq 5$	3 to 5 days of AROM rehab	10	6		
II	$6 \leq P3b \leq 7$	6 to 7 days of AROM rehab	15	6		

Splint/Brace Assistance

Lev	MDS items	Description	Unl	Lic	SW	Act
I	$3 \leq P3c \leq 5$	3 to 5 days of assistance	10	6		
II	$6 \leq P3c \leq 7$	6 to 7 days of assistance	15	6		

Bed Mobility Restorative

Lev	MDS items	Description	Unl	Lic	SW	Act
	$0 < G1aA < 8$ And $G7 = 1$	Need assistance in bed mobility Some or all ADL tasks broken into subtasks				
	AND					
I	$3 \leq P3d \leq 5$	3 to 5 days of rehab or restorative techniques	10	6		

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II	$6 \leq P3d \leq 7$	6 to 7 days of rehab or restorative techniques	15	6		
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Mobility (Transfer) Restorative

Lev	MDS items	Description	Unl	Lic	SW	Act
	$0 < G1bA < 8$ And $G7 = 1$ AND	Need assistance in transfer Some or all ADL tasks broken into subtasks				
I	$3 \leq P3e \leq 5$	3 to 5 days of rehab or restorative techniques	10	6		
II	$6 \leq P3e \leq 7$	6 to 7 days of rehab or restorative techniques	15	6		

Walking Restorative

Lev	MDS items	Description	Unl	Lic	S W	Act
	$0 < G1cA < 8$ or $0 < G1dA < 8$ or $0 < G1eA < 8$ or $0 < G1fA < 8$ or And $G7 = 1$ AND	Any function limits in walking in room Any function limits in walking in corridor Any function limits in locomotion on unit Any function limits in locomotion off unit Some or all ADL tasks broken into subtasks				
I	$3 \leq P3f \leq 5$	3 to 5 days of rehab or restorative techniques	10	6		
II	$6 \leq P3f \leq 7$	6 to 7 days of rehab or restorative techniques	15	6		

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Dressing/Grooming Restorative

Lev	MDS items	Description	Unl	Lic	SW	Act
	0 < G1gA < 8 And G7 = 1 AND	Need assistance in dressing Some or all ADL tasks broken into subtasks				
I	3 ≤ P3g ≤ 5	3 to 5 days of rehab or restorative techniques	10	6		
II	6 ≤ P3g ≤ 7	6 to 7 days of rehab or restorative techniques	15	6		

Eating Restorative

Lev	MDS items	Description	Unl	Lic	SW	Act
	0 < G1hA < 8 or K1b = 1 And G7 = 1 AND	Need assistance in eating Has swallowing problem Some or all ADL tasks broken into subtasks				
I	3 ≤ P3h ≤ 5	3 to 5 days of rehab or restorative techniques	10	6		
II	6 ≤ P3h ≤ 7	6 to 7 days of rehab or restorative techniques	15	6		

Prosthetic Care

Lev	MDS items	Description	Unl	Lic	SW	Act
I	3 ≤ P3i ≤ 5	3 to 5 days of assistance	10	6		
II	6 ≤ P3i ≤ 7	6 to 7 days of assistance	15	6		

Communication Restorative

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Lev	MDS items	Description	Unl	Lic	SW	Act
	C4 > 0 AND	Deficit in making self understood				
I	$3 \leq P3j \leq 5$	3 to 5 days of rehab or restorative techniques	10	6		
II	$6 \leq P3j \leq 7$	6 to 7 days of rehab or restorative techniques	15	6		

Other Restorative

Lev	MDS items	Description	Unl	Lic	SW	Act
	Q1c= 1 or 2 And Q2 < 2 And P1ar = 1 AND	Stay projected to be within 90 days Improved or no change in care needs Provide training to return to community				
I	$3 \leq P3k \leq 5$	3 to 5 days of rehab or restorative techniques	10	6		
II	$6 \leq P3k \leq 7$	6 to 7 days of rehab or restorative techniques	15	6		

Continence

Lev	MDS items	Description	Unl	Lic	SW	Act
I	H3a = 1 And (H1b > 1 or G1iA > 1)	Any scheduled toileting plan Incontinent at least 2 or more times a week Self-Performance = limited to total assistance	22	3		

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II	H3b = 1 and H1b > 1 OR H3b = 1 and (H1b ≤ 1 and H4 = 1)	Bladder retraining program Incontinent at least 2 or more times a week Bladder retraining program for one quarter Residents continence has improved in last 90 days	22	8	22	8
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4) Medical Services**Discharge Planning**

Lev	MDS items	Description	Unl	Lic	SW	Act
I	Q1c= 1 or 2 And Q2 < 2 And P1ar = 1	Stay projected to be within 90 days Improved or no change in care needs Provide training to return to community		16	16	

End Stage Care

Lev	MDS items	Description	Unl	Lic	SW	Act
I	J5c = 1	End stage disease, 6 or fewer months to live Restoratives set to level '0' except AROM, PROM, Splint/Brace: limit of 4 quarters	10	12	8	

Pain Management

Lev	MDS items	Description	Unl	Lic	SW	Act
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I	J2a > 0 And J2b > 1	Demonstrate or complain of pain Moderate to excruciating intensity	4	8	1	1
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Infectious Disease

Lev	MDS items	Description	Unl	Lic	SW	Act
I	I2a = 1 or I2b = 1 or I2i = 1 or I2k = 1 or I2e = 1 or I2g = 1 or I2l = 1 or I3 = ICD9 code 041.01,133.0	Antibiotic resistant infection Clostridium Difficile TB Viral Hepatitis Pneumonia Septicemia Wound Infection Streptococcus Group A, Scabies	18	17	1	

Acute Medical Conditions

Lev	MDS items	Description	Unl	Lic	SW	Act
I	J5b = 1 and P1ae = 1 and P1ao = 0 or (J5a= 1 and P1ao = 0 and P1ae = 1) and (B5a = 2 or	Acute episode or flare-up of chronic condition Monitoring acute medical condition Not Hospice care Condition makes resident's cognitive, ADL, mood or behavior patterns unstable Not Hospice care Monitoring acute medical condition Easily distracted over last 7 days	1	23	1	

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B5b = 2 or	Periods of altered perceptions or awareness of surroundings over last 7 days
B5c = 2 or	Episodes of disorganized speech over last 7 days
B5d = 2 or	Periods of restlessness over last 7 days
B5e = 2 or	Periods of lethargy over last 7 days
B5f = 2)	Mental function varies over course of day in last 7 days

Nutrition

Lev	MDS items	Description	Unl	Lic	SW	Act
I	K5h = 1	On a planned weight change program	4	3	1	
II	K5b =1 and	Tube feeding in last 7 days	0	22	1	
	Intake = 1	See below				
	Intake = 1 if					
	K6a = 3 or	Parenteral/ enteral intake 51-75% of total calories				
	K6a = 4	Parenteral/enteral intake 76-100% of total calories				
	Or Intake = 1 if					
	K6a = 2 and	Parenteral/enteral intake 25-50% of total calories				
	K6b = 2 or	Average fluid intake by IV or tube is 501-1000 cc/day				
	K6b = 3 or	Average fluid intake by IV or tube is 1001-1500 cc/day				
	K6b = 4 or	Average fluid intake by IV or tube is 1501-2000 cc/day				

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K6b = 5	Average fluid intake by IV or tube is over 2000 cc/day
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Skin Care Programs – only the highest qualifying level of the moderate skin intensity or intensive skin care applies

Decubitus Prevention

Lev	MDS items	Description	Unl	Lic	SW	Act
	M3 = 1 or Any two of:	History of resolved ulcers in last 90 days	15	8		
	M5a	Pressure relieving device(s) for chair				
	M5b	Pressure relieving device(s) for bed				
	M5c	Turning or repositioning program				
	M5d	Nutrition or hydration intervention for skin				
	M5i	Other prevention for skin (other than feet)				

Moderate Skin Intensity Services or Ostomy Care Services

Lev	MDS items	Description	Unl	Lic	SW	Act
I	M1a > 0 or M1b > 0 or Any of:	Stage 1 ulcers Stage 2 ulcers Other Skin Problems (below):	5	10		
	M4a	Abrasions, bruises				
	M4b	Burns				
	M4c	Open lesions other than ulcers				
	M4d	Rashes				
	M4e	Skin desensitized to pain or pressure				

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

M4f	Skin tears or cuts (other than surgery)
M4g	Surgical wounds
And any of:	Skin Treatments (below):
M5a	Pressure relieving device(s) for chair
M5b	Pressure relieving device(s) for bed
M5c	Turning or repositioning program
M5d	Nutrition or hydration intervention for skin
M5e	Ulcer care
M5f	Surgical wound care
M5g	Application of dressings(other than feet)
M5h	Application of ointments(other than feet)
M5i	Other prevention for skin (other than feet)
OR	
(M6b = 1 or	Infection of the foot
M6c = 1) and	Open lesion of the foot
M6f = 1 or	And application of a dressing
P1af = 1	Provide ostomy care in last 14 days
	Set Intensive Skin Care Services to zero

Intensive Skin Care Services

Lev	MDS items	Description	Unl	Lic	SW	Act
II	M1c > 0 or	Stage 3 ulcers	5	30		

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

M1d > 0	Stage 4 ulcers
And any of:	Skin Treatments (below):
M5a	Pressure relieving device(s) for chair
M5b	Pressure relieving device(s) for bed
M5c	Turning or repositioning program
M5d	Nutrition or hydration intervention for skin
M5e	Ulcer care
M5f	Surgical wound care
M5g	Application of dressings (other than feet)
M5h	Application of ointments (other than feet)
M5i	Other prevention for skin (other than feet)
	Set Moderate Skin Intensity Services to zero

IV Therapy

Lev	MDS items	Description	Unl	Lic	SW	Act
I	P1ac = 1 or K5a = 1	IV medication in last 14 days Nutrition via parenteral/IV in last 7 days	9	30		

Injections

Lev	MDS items	Description	Unl	Lic	SW	Act
I	O3 > 0	Number of injections in last 7 days		6		

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

Oxygen Therapy

Lev	MDS items	Description	Unl	Lic	SW	Act
I	P1ag = 1	Oxygen therapy administered in last 14 days	9	15		

Extensive Respiratory Services

Lev	MDS items	Description	Unl	Lic	SW	Act
I	P1ai = 1 or P1aj = 1	Performed suctioning in last 14 days Administered tracheostomy care in last 14 days	15	30		

Hydration

Lev	MDS items	Description	Unl	Lic	SW	Act
I	H2b = 1 or Any two of: 1 ≤ O4e ≤ 7 I3 a,b,c,d,e = 276.5 I2j = 1 J1c = 1 J1d = 1 J1h = 1 J1j = 1 And K5a,b = 0	Constipation Received a diuretic medication in last 7 days Volume depletion, dehydration Urinary Tract Infection in last 30 days Dehydrated Did not consume most fluids provided (3 days) Fever Internal bleeding Not have parenteral /IV or feeding tube	15	7		1

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

5) Mental Health Services – only the highest qualifying score of the three services applies**Psychosocial Adaptation Services**

Lev	MDS items	Description	Unl	Lic	SW	Act
I	(P2a = 1 or P2b = 1 or P2c = 1 or P2d = 1) and Any E1a-p > 0 ⁴ or F1g = 1 or Any F2a-g = 1 or Any F3a-c = 1 or E4aA > 0 or E4bA > 0 or E4cA > 0 or E4dA > 0 or E4eA > 0 or	Behavior symptom evaluation Evaluation by licensed MH specialist within last 90 days Group therapy Resident specific changes to environment Indicators of depression No indicators of psychosocial well-being Any unsettled relationships Issues with past roles Wandering in last 7 days Verbally abusive in last 7 days Physically abusive in last 7 days Inappropriate or disruptive behavior in last 7 days Resisted care in last 7 days	12	6	8	2

Cognitive Impairment/Memory Assistance Services

Lev	Description	Unl	Lic	SW	Act
II	Cognitive Performance Scale of > = to 3	16	6	11	10
III	Cognitive Performance Scale of > = to 5	21	11	16	15

Cognitive Performance Scale Codes

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

Scale	Description
0	Intact
1	Borderline Intact
2	Mild Impairment
3	Moderate Impairment
4	Moderate Severe Impairment
5	Severe Impairment
6	Very Severe Impairment

Impairment Count for the Cognitive Performance Scale

I code	MDS items	Description
		Note: None of B2a, B4, or C4 can be missing
IC 1	B2a = 1	Memory problem
IC 2	B4 = 1 or 2	Some dependence in cognitive skills
IC 3	$1 \leq C4 \leq 3$	Difficulty finding words to rarely or never understood

Severe Impairment Count for the Cognitive Performance Scale

I code	MDS items	Description
		Note: None of B2a, B4, or C4 can be missing
SIC 0	Below not met	
SIC 1	B4 = 2	Moderately impaired in cognitive skills
SIC 2	C4 = 2 or 3	Sometimes understood to rarely or never understood

Cognitive Performance Scale

Scale	MDS items	Description
Coma	N1a = 0 and	Awake all or most of the time in the morning
	N1b = 0 and	Awake all or most of the time in the afternoon
	N1c = 0 and	Awake all or most of the time in the evening
	B1 = 1 and	Is comatose

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

6	G1aA = 4 or 8 And	Bed-Mobility Self-Performance = total dependence or did not occur
	G1bA = 4 or 8 And	Transfer Self-Performance = total dependence or did not occur
	G1hA = 4 or 8 And	Eating Self-Performance = total dependence or did not occur
	G1iA = 4 or 8 And	Toilet Use Self-Performance = total dependence or did not occur
	Not (B4 = 0,1, 2)	Not have cognitive skills independent to moderately impaired
6	B4 = 3 And	Cognitive skills severely impaired
	G1hA = 4 or 8	Eating Self-Performance = total dependence or did not occur
5	B4 = 3 And	Cognitive skills severely impaired
	G1hA = - or ≤ 3	Eating Self-Performance = missing to extensive assistance
4	If IC code = 2 or 3	Some dependence in cognitive skills Difficulty finding words to rarely or never understood
	And SIC code = 2	Sometimes understood to rarely or never understood
3	If IC code = 2 or 3	Some dependence in cognitive skills Difficulty finding words to rarely or never understood
	And SIC code = 1	Moderately impaired in cognitive skills
	If IC code = 2 or 3	Some dependence in cognitive skills Difficulty finding words to rarely or never understood
2	And SIC code = 0	Better than moderate cognition skills and usually can be understood
1	If IC code = 1	Memory problem

Psychiatric Rehabilitation Services

Lev	MDS items	Description	Unl	Lic	SW	Act
IV	I1dd = 1 or	Anxiety Disorder	20	10	20	
	I1ff = 1 or	Manic depression (bipolar)				
	I1gg = 1 or	Schizophrenia				
	J1e = 1 or	Delusions in last 7 days				
	J1i = 1	Hallucinations in last 7 days				

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

V	If above And	24	12	30	5
	E4aA > <u>10</u> or	Wandering in last 7 days			
	E4bA > <u>10</u> or	Verbally abusive in last 7 days			
	E4cA > <u>10</u> or	Physically abusive in last 7 days			
	E4dA > <u>10</u> or	Inappropriate or disruptive behavior in last 7 days			
	E4eA > <u>10</u> or	Resisted care in last 7 days			

6) **Special Patient Need Factors**

Communication

Count	MDS items	Description	Staff Minutes
I	C4 > 0 or	Deficit in making self understood	1% of all staff time accrued in all categories from ADLs through Mental Health
	C6 > 0	Deficit in understanding others	

Vision Problems

Count	MDS items	Description	Staff Minutes
I	D1 > 0 or	Vision impaired to Severely impaired	2% of all staff time accrued in all categories from ADLs through Mental Health
	D2a = 1 or	Decreased peripheral vision	
	D2b = 1	Experience halos around lights, light flashes	

Accident/Fall Prevention

Count	MDS items	Description	Staff Minutes
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DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

I	G3a > 0 or	Unable to maintain position as required for balance test while standing	3% of all staff time accrued in all categories from ADLs through Mental Health
	G3b > 0 or	Unable to maintain position as required for balance test while sitting	
	J4a = 1 or	Fell in past 30 days	
	J4b = 1 or	Fell in past 31 – 180 days	
	J1n = 1 or	Has unsteady gait	
	E4aA > 0	Wandered in last 7 days	

Restraint Free

Count	MDS items	Description	Staff Minutes
I		In last assessment:	2% of all staff time accrued in all categories from ADLs through Mental Health
	P4c > 1 or	Used trunk restraint daily in last 7 days	
	P4d > 1 or	Used limb restraint daily in last 7 days	
	P4e > 1	Used chair that prevents rising daily in last 7 days	
	And	And in current assessment:	
	P4c = 0 and	Not used trunk restraint in last 7 days	
P4d = 0 and	Not used limb restraint in last 7 days		

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

P4e = 0	Not used chair that prevents rising in last 7 days
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Activities

Count	MDS items	Description	Staff Minutes
I	N2 = 0 or 1 and (G6a = 1 or C4 > 1 or C6 > 1 or E1o > 0 or (AA3-A3a) / 365.25 ≤ 50 or E1p > 0 or E4aA > 0 or E4bA > 0 or E4cA > 0 or	Involved in activities more than 1/3 of time Bedfast all or most of the time Sometimes or rarely or never understood Sometimes or rarely or never understands others Withdraws from activities of interest more than 5 days a week Resident is 50 years of age or younger at the time of the assessment reference date Reduced social interaction Wandering in last 7 days Verbally abusive in last 7 days Physically abusive in last 7 days	2% of all staff time accrued in all categories from ADLs through Mental Health

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

E4dA > 0 or	Inappropriate or disruptive behavior in last 7 days
E4eA > 0 or	Resisted care in last 7 days
G4bB > 0 or	Limited ROM voluntary movement of arm
G4cB > 0 or	Limited ROM voluntary movement of hand
G4dB > 0) or	Limited ROM voluntary movement of leg
E2 > 0 and	Indicators of being depressed
(E1a > 0 or	Made negative statements
E1n > 0 or	Makes repetitive physical movements
E4eA > 0 or	Resisted care in last 7 days
E1o > 0 or	Withdraws from activities of interest more than 5 days a week
E1p > 0 or	Reduced social interaction
E1j > 0 or	Unpleasant mood in morning more than 5 days a week
N1d > 0 or	Not awake all or most of the time
N1a,b,c ≤ 1 and	Not awake all or most of the time

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

B1 = 0) or	Not comatose
E1g > 0 or	Repeated statements that something terrible will happen
K3a = 1	Weight loss (5% in 30 days or 10% in 180 days)

(Source: Expedited correction at 28 Ill. Reg. 4992, effective November 26, 2003)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
MARCH 23, 2004

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@legis.state.il.us
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR**PROPOSED RULEMAKINGS**Building Commission

1. Alternative Dispute Resolution Procedure (2 Ill. Adm. Code 3203)
 - First Notice Published: 27 Ill. Reg. 17322 – 11/21/03
 - Expiration of Second Notice: 4/10/04

Central Management Services

2. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 27 Ill. Reg. 17304 – 11/21/03
 - Expiration of Second Notice: 3/24/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
MARCH 23, 2004

Emergency Management Agency

3. Fees for Analytical Testing of Community Drinking Water Supply Samples for Radionuclides (32 Ill. Adm. Code 336)
 - First Notice Published: 27 Ill. Reg. 18940 – 12/19/03
 - Expiration of Second Notice: 4/11/04

Human Services

4. Child Care (89 Ill. Adm. Code 50)
 - First Notice Published: 27 Ill. Reg. 13919 – 8/22/03
 - Expiration of Second Notice: 4/26/04
5. Determination of Need (DON) and Resulting Service Cost Maximums (SCMs) (89 Ill. Adm. Code 769)
 - First Notice Published: 27 Ill. Reg. 17320 – 11/21/03
 - Expiration of Second Notice: 4/9/04

Insurance

6. Managed Care Dental Plans (50 Ill. Adm. Code 5425)
 - First Notice Published: 27 Ill. Reg. 15682 – 10/10/03
 - Expiration of Second Notice: 4/7/04

Natural Resources

7. Camping on Department of Natural Resources Properties (17 Ill. Adm. Code 130)
 - First Notice Published: 27 Ill. Reg. 18495 – 12/12/03
 - Expiration of Second Notice: 3/26/04
8. Firewood Collection (17 Ill. Adm. Code 170)
 - First Notice Published: 28 Ill. Reg. 298 – 1/2/04
 - Expiration of Second Notice: 4/9/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
MARCH 23, 2004

9. Rental of Boats and Boating Facilities (17 Ill. Adm. Code 210)
 - First Notice Published: 28 Ill. Reg. 302 – 1/2/04
 - Expiration of Second Notice: 4/9/04

Pollution Control Board

10. Permits (35 Ill. Adm. Code 309)
 - First Notice Published: 27 Ill. Reg. 14765 – 9/19/03
 - Expiration of Second Notice: 4/8/04

Professional Regulation

11. Medical Practice Act of 1987 (68 Ill. Adm. Code 1285)
 - First Notice Published: 27 Ill. reg. 16362 – 10/31/03
 - Expiration of Second Notice Period: 4/18/04

Public Aid

12. Medical Assistance Programs (89 Ill. Adm. Code 120)
 - First Notice Published: 27 Ill. Reg. 18961 – 12/19/03
 - Expiration of Second Notice: 4/18/04

Public Health

13. Illinois Home Health Agency Code (77 Ill. Adm. Code 245)
 - First Notice Published: 27 Ill. Reg. 18507 – 12/12/03
 - Expiration of Second Notice: 4/8/04
14. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
 - First Notice Published: 27 Ill. Reg. 14162 – 8/29/03
 - Expiration of Second Notice: 3/24/04
15. Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
 - First Notice Published: 27 Ill. Reg. 14164 – 8/29/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
MARCH 23, 2004

-Expiration of Second Notice: 3/24/04

16. Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)
 - First Notice Published: 27 Ill. Reg. 14166 – 8/29/03
 - Expiration of Second Notice: 3/24/04
17. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
 - First Notice Published: 27 Ill. Reg. 14168 – 8/29/03
 - Expiration of Second Notice: 3/24/04
18. Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
 - First Notice Published: 27 Ill. Reg. 14170 – 8/29/03
 - Expiration of Second Notice: 3/24/04
19. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
 - First Notice Published: 27 Ill. Reg. 17957 – 12/1/03
 - Expiration of Second Notice: 4/8/04

Purchased Care Review Board

20. Governor's Purchased Care Review Board (89 Ill. Adm. Code 900)
 - First Notice Published: 27 Ill. Reg. 8523 – 5/23/03
 - Expiration of Second Notice: 3/24/04

Racing Board

21. Race Track Operators and Their Duties (11 Ill. Adm. Code 1305)
 - First Notice Published: 27 Ill. Reg. 7218 – 4/18/03
 - Expiration of Second Notice: 4/26/04
22. License and Applications; Association Licenses (Repealer) (11 Ill. Adm. Code 1407)
 - First Notice Published: 27 Ill. Reg. 7222 – 4/18/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
MARCH 23, 2004

-Expiration of Second Notice: 4/26/04

23. Regulations for Meetings (11 Ill. Adm. Code 1424)
-First Notice Published: 27 Ill. Reg. 7226 – 4/18/03
-Expiration of Second Notice: 4/26/04

Secretary of State

24. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 27 Ill. Reg. 16410 – 10/31/03
-Expiration of Second Notice: 4/7/04

State Police

25. Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds (20 Ill. Adm. Code 1286)
-First Notice Published: 27 Ill. Reg. 19154 – 12/26/03
-Expiration of Second Notice: 4/4/04

State Toll Highway Authority

26. State Toll Highway Rules (92 Ill. Adm. Code 2520)
-First Notice Published: 28 Ill. Reg. 17492 – 12/1/03
-Expiration of Second Notice: 4/17/04

EMERGENCY RULEMAKINGS

Central Management Services

27. Senior Citizens and Disabled Persons Prescription Drug Discount Program (80 Ill. Adm. Code 2151)
-Notice Published: 28 Ill. Reg. 4379 – 3/5/04

Professional Regulation

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
MARCH 23, 2004

28. Nursing and Advanced Practice Nursing Act – Registered Nurse and Licensed Practical Nurse (68 Ill. Adm. Code 1300)
-Notice Published: 28 Ill. Reg. 3928 – 2/27/04

PEREMPTORY RULEMAKINGAgriculture

29. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)
-Notice Published: 28 Ill. Reg. 3513 – 2/20/04

EXEMPT RULEMAKINGSPollution Control Board

30. Sewer Discharge Criteria (35 Ill. Adm. Code 307)
-Proposed Date: 12/1/03
-Adopted Date: 2/20/04
31. Pretreatment Programs (35 Ill. Adm. Code 310)
-Proposed Date: 12/1/03
-Adopted Date: 2/20/04

EXPEDITED CORRECTION

32. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 28 Ill. Adm. Code 4756 – 3/12/04

AGENCY RESPONSEPublic Aid

33. Medical Payment (89 Ill. Adm. Code 140; 27 Ill. Reg. 14776)

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 March 2, 2004 through March 8, 2004 and have been scheduled for review by the Committee at its March 23, 2004 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>
4/17/04	<u>Illinois State Toll Highway Authority</u> , State Toll Highway Rules (92 Ill. Adm. Code 2520)	12/1/03 27 Ill. Reg. 17492	3/23/04
4/18/04	<u>Department of Public Aid</u> , Medical Assistance Programs (89 Ill. Adm. Code 120)	12/19/03 27 Ill. Reg. 18961	3/23/04
4/18/04	<u>Department of Professional Regulation</u> , Medical Practice Act of 1987 (68 Ill. Adm. Code 1285)	10/31/03 27 Ill. Reg. 16362	3/23/04

ILLINOIS COMMUNITY COLLEGE BOARD

JULY 2004 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501.501
- 1) Rulemaking: Proposed amendment to Definition of Terms
- A) Description: Additions to existing rules will be proposed to allow districts to modify their practices and procedures to design systems that would eliminate the need for districts to physically distribute midterm class lists or final grade sheets to instructors, collect the signed forms, and store hard copies.
- B) Statutory authority: 110 ILCS 2-16.02
- C) Scheduled meeting/hearing dates: None scheduled. The proposed amendments was submitted as a future action agenda item in the February ICCB agenda materials. Pending comments/revisions from the Board and/or system, the rules amendment will be submitted to the ICCB for initial approval at its May or June meeting, with submission to the Index Department immediately following Board approval.
- D) Date agency anticipates First Notice: June 2004
- E) Affect on small businesses, small municipalities or not-for-profit corporations: The ICCB believes that this rulemaking will not affect not-for-profit corporations.
- F) Agency contact person for information:
- Cherie VanMeter
Administrative Aide
Illinois Community College Board
401 East Capitol Avenue
Springfield IL 62701-1711
217/785-0053
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501.507

ILLINOIS COMMUNITY COLLEGE BOARD

JULY 2004 REGULATORY AGENDA

- 1) Rulemaking: Proposed amendment to Credit Hour Grants
 - A) Description: Additions to existing rules will be proposed to allow districts to modify their practices and procedures to design systems that would eliminate the need for districts to physically distribute midterm class lists or final grade sheets to instructors, collect the signed forms, and store hard copies.
 - B) Statutory authority: 110 ILCS 805/2-16.02
 - C) Scheduled meeting/hearing dates: None scheduled. The proposed amendment was submitted as a future action agenda item in the February ICCB agenda materials. Pending comments/revisions from the Board and/or system, the rules amendments will be submitted to the ICCB for initial approval at its May or June meeting, with submission to the Index Department immediately following Board approval.
 - D) Date agency anticipates First Notice: June 2004
 - E) Affect on small businesses, small municipalities or not-for-profit corporations: The ICCB believes that this rulemaking will not affect not-for-profit corporations.
 - F) Agency contact person for information:

Cherie VanMeter
Administrative Aide
Illinois Community College Board
401 East Capitol Avenue
Springfield IL 62701-1711
217/785-0053
 - G) Related rulemakings and other pertinent information: None

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.595 and 302.669, the following water quality criteria have been derived as listed. This listing updates revisions to existing criteria for the period August 1, 2003 through October 31, 2003. No new criteria were used during the period November 1, 2003 through January 31, 2004. The Illinois Environmental Protection Agency now maintains a list of derived water quality criteria on its website at <http://www.epa.state.il.us/water/water-quality-standards/water-quality-criteria.html>.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; 24 Ill. Reg. 14428, September 29, 2000; 25 Ill. Reg. 270, January 5, 2001; 25 Ill. Reg. 4049, March 16, 2001; 25 Ill. Reg. 7367, June 8, 2001; 25 Ill. Reg. 12186, September 21, 2001; 25 Ill. Reg. 16175, December 14, 2001; 26 Ill. Reg. 4,974, March 29, 2002; 26 Ill. Reg. 13370, September 6, 2002; 27 Ill. Reg. 1736, January 31, 2003; 27 Ill. Reg. 7350, April 18, 2003; and 27 Ill. Reg. 17128, November 7, 2003.

Chemical: Acenaphthene	CAS #83-32-9
Acute criterion: 120 ug/l	Chronic criterion: 62 ug/l
Date criteria derived: November 14, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Acenaphthylene	CAS # 208-96-8
Acute criterion: 190 ug/L	Chronic criterion: 15 ug/L
Date criteria derived: March 1, 1998	
Applicable waterbodies Not used during this period.	
Chemical: Acetone	CAS #67-64-1
Acute criterion: 1,500 mg/l	Chronic criterion: 120 mg/l
Date criteria derived: May 25, 1993	

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies: Not used during this period.	
Chemical: Acetonitrile	CAS #75-05-8
Acute criterion: 380 mg/l	Chronic criterion: 30 mg/l
Date criteria derived: December 7, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Acrylonitrile	CAS #107-13-4
Acute criterion: 910 ug/l	Chronic criterion: 73 ug/l
Human health criterion (HNC): 0.21 ug/l	
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Anthracene	CAS #120-12-7
Human health criterion (HTC): 35 mg/l	
Date criteria derived: August 18, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(a)anthracene	CAS #56-55-3
Human health criterion (HNC): 0.16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(a)pyrene	CAS #50-32-8
Human health criterion (HNC): 0.016 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(b)fluoranthene	CAS # 205-99-2
Human health criterion (HNC): 0.16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(k)fluoranthene	CAS #207-08-9
Human health criterion (HNC): 1.6 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Carbon tetrachloride	CAS #56-23-5
Acute criterion: 3,500 ug/l	Chronic criterion: 280 ug/l
Human health criterion (HNC): 1.4 ug/l	
Date criteria derived: June 18, 1993	
Applicable waterbodies: Not used during this period.	

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Chlorobenzene	CAS #108-90-7
Acute criterion: 990 ug/l	Chronic criterion: 79 ug/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloroform	CAS #67-66-3
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Human health criterion (HNC): 130 ug/l	
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Chrysene	CAS #218-01-9
Human health criterion (HNC): 16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichlorobenzene	CAS #95-50-1
Acute criterion: 210 ug/l	Chronic criterion: 17 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichlorobenzene	CAS #541-73-1
Acute criterion: 500 ug/l	Chronic criterion: 200 ug/l
Date criteria derived: July 31, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloroethane	CAS #107-06-2
Acute criterion: 25 mg/l	Chronic criterion: 4.5 mg/l
Human health criterion (HNC): 23 ug/l	
Date criteria derived: March 19, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethylene	CAS #75-35-4
Acute criterion: 3,000 ug/l	Chronic criterion: 240 ug/l
Human health criterion (HNC): 0.95 ug/l	
Date criteria derived: March 20, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dichlorophenol	CAS #120-83-2
Acute criterion: 630 ug/l	Chronic criterion: 83 ug/l
Date criteria derived: November 14, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloropropane	CAS #78-87-5

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 4,800 ug/l	Chronic criterion: 380 ug/l
Date criteria derived: December 7, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichloropropylene	CAS #542-75-6
Acute criterion: 99 ug/l	Chronic criterion: 7.9 ug/l
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dimethyl phenol	CAS #105-67-9
Acute criterion: 740 ug/l	Chronic criterion: 220 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol	CAS #534-52-1
Acute criterion: 29 ug/l	Chronic criterion: 2.3 ug/l
Date criteria derived: November 14, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dinitrophenol	CAS #51-28-5
Acute criterion: 85 ug/l	Chronic criterion: 4.1 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 2,6-dinitrotoluene	CAS #606-20-2
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Date criteria derived: February 14, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Diquat	CAS #85-00-7
Acute criterion: 990 ug/l	Chronic criterion: 80 ug/l
Date criteria derived: January 30, 1996	
Applicable waterbodies: Not used during this period.	
Chemical: Ethyl mercaptan (ethanethiol)	CAS #75-08-1
Acute criterion: 17 ug/l	Chronic criterion: 2 ug/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Fluoranthene	CAS #206-44-0
Human health criterion (HTC): 120 ug/l	
Date criteria derived: August 10, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Formaldehyde	CAS #50-00-0

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 4.9 mg/l	Chronic criterion: 0.39 mg/l
Date criteria derived: January 19, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobenzene	CAS #118-74-1
Human health criterion (HNC): 0.00025 ug/l	
Date criteria derived: November 15, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobutadiene	CAS #87-68-3
Acute criterion: 35 ug/l	Chronic criterion: 2.8 ug/l
Date criteria derived: March 23, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachloroethane	CAS #67-72-1
Acute criterion: 380 ug/l	Chronic criterion: 31 ug/l
Human health criterion (HNC): 2.9 ug/l	
Date criteria derived: November 15, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: n-Hexane	CAS #110-54-3
Acute criterion: 250 ug/l	Chronic criterion: 20 ug/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Isobutyl alcohol = 2-methyl-1-propanol	CAS #78-83-1
Acute criterion: 430 mg/l	Chronic criterion: 35 mg/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Methylene chloride	CAS #75-09-2
Acute criterion: 17 mg/l	Chronic criterion: 1.4 mg/l
Human health criterion (HNC): 340 ug/l	
Date criteria derived: January 21, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Methyl ethyl ketone	CAS #78-93-3
Acute criterion: 320 mg/l	Chronic criterion: 26 mg/l
Date criteria derived: July 1, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl-2-pentanone	CAS #108-10-1
Acute criterion: 46 mg/l	Chronic criterion: 1.4 mg/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: January 13, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 2-methyl phenol	CAS #95-48-7
Acute criterion: 4.7 mg/l	Chronic criterion: 0.37 mg/l
Date criteria derived: November 8, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl phenol	CAS #106-44-5
Acute criterion: 670 ug/l	Chronic criterion: 120 ug/l
Date criteria derived: January 13, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: methyl tert-butyl ether (MTBE)	CAS #134-04-4
Acute criterion: 67 mg/l	Chronic criterion: 6.7 mg/l
Date criteria derived: September 18, 1997	
Applicable waterbodies: Not used during this period.	
Chemical: Naphthalene	CAS #91-20-3
Acute criterion: 510 ug/l	Chronic criterion: 68 ug/l
Date criteria derived: November 7, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: 4-nitroaniline	CAS #100-01-6
Acute criterion: 1.5 mg/l	Chronic criterion: 0.12 mg/l
Date criteria derived: May 5, 1996	
Applicable waterbodies: Not used during this period.	
Chemical: Nitrobenzene	CAS #98-95-3
Acute criterion: 15 mg/l	Chronic criterion: 8.0 mg/l
Human health criterion (HTC): 0.52 mg/l	
Date criteria derived: February 14, 1992; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Pentachlorophenol	
Acute criterion: 20 ug/l	Chronic criterion: 13 ug/l
Date criteria derived: national criterion at pH of 7.8, September 1986	
Applicable waterbodies: Not used during this period.	
Chemical: Phenanthrene	CAS #85-01-8
Acute criterion: 46 ug/l	Chronic criterion: 3.7 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Propylene Acute criterion: 4.0 mg/l Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.	CAS #115-07-1 Chronic criterion 0.40 mg/l
Chemical: Pyrene Human health criterion (HTC): 3.5 mg/l Date criteria derived: December 22, 1992 Applicable waterbodies: Not used during this period.	CAS #120-00-0
Chemical: Tetrachloroethylene Acute criterion: 1,200 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	CAS #127-18-4 Chronic criterion: 150 ug/l
Chemical: Tetrahydrofuran Acute criterion: 220 mg/l Date criteria derived: March 16, 1992 Applicable waterbodies: Not used during this period.	CAS #109-99-9 Chronic criterion: 17 mg/l
Chemical: 1,2,4-trichlorobenzene Acute criterion: 370 ug/l Date criteria derived: December 14, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #120-82-1 Chronic criterion: 72 ug/l
Chemical: 1,1,1-trichloroethane Acute criterion: 4,900 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #71-55-6 Chronic criterion: 390 ug/l
Chemical: 1,1,2-trichloroethane Acute criterion: 19 mg/l Human health criterion (HNC): 12 ug/l Date criteria derived: December 13, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #79-00-5 Chronic criterion: 4.4 mg/l
Chemical: Trichloroethylene Acute criterion: 12,000 ug/l Human health criterion (HNC): 25 ug/l Date criteria derived: October 23, 1992 Applicable waterbodies: Not used during this period.	CAS #79-01-6 Chronic criterion: 940 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher
Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

PROCLAMATION

2004-30**Certified Athletic Trainers Week**

WHEREAS, physical activities and athletics are some of the best ways to promote optimal physical and mental health in one's lifestyle, but those activities also carry with them the possibility of injury; and

WHEREAS, Illinois certified athletic trainers are educated and responsible individuals whose duties include the prevention, evaluation, treatment, and rehabilitation of injuries caused during such activities; and

WHEREAS, due to the proven success rates of certified athletic trainers in Illinois, more people are partaking in physical activities with the knowledge that if they do become injured, there are quality trainers who can assist with rehabilitation; and

WHEREAS, for their continued commitment to providing quality care and injury prevention to the physically active, the State of Illinois recognizes certified athletic trainers as an integral part of our health care system:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 4-11, 2004 as CERTIFIED ATHLETIC TRAINERS WEEK in Illinois and encourage all citizens to recognize the great services they provide.

Issued by the Governor March 4, 2004.

Filed by the Secretary of State March 5, 2004.

2004-31**Illinois Food Products Month**

WHEREAS, located in the heartland of America, Illinois has the distinction of consistently being one of the top producers of raw commodities in this country; and

WHEREAS, Illinois' 76,000 farms cover more than 28 million acres, which account for nearly 80 percent of the State's total land area; and

WHEREAS, Illinois' agricultural commodities generate more than \$9 billion in revenue each year. Billions of additional dollars flow into the State's economy annually from ag-related industries such as farm machinery manufacturing, agricultural real estate, and the production and sale of value-added food products; and

WHEREAS, of those agricultural commodities, corn accounts for nearly 40 percent of the revenue, while soybeans contribute about 33 percent, and the combined marketing of livestock, dairy, and poultry produces about 23 percent; and

WHEREAS, rural Illinois agricultural production, processing, and manufacturing strengthens our state's urban economies; and

WHEREAS, Illinois ranks fourth in the nation for total number of food processing businesses with over 1,900 operations Statewide. These companies are comprised of more than 136,000 employees, ranking Illinois only second to California in the total number of people employed in food manufacturing:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim

PROCLAMATION

March 2004 as ILLINOIS FOOD PRODUCTS MONTH in Illinois, and encourage all citizens to recognize and celebrate the hard working citizens who keep our state in the forefront of agricultural production and manufacturing.

Issued by the Governor March 4, 2004.

Filed by the Secretary of State March 5, 2004.

2004-32**American Red Cross Month**

WHEREAS, American Red Cross chapters and blood regions in Illinois have selflessly devoted their time and energy to serving those most in need of donor blood; and

WHEREAS, thousands of American Red Cross volunteers in Illinois work to prepare for and respond to natural and man-made disasters; and

WHEREAS, each year, hundreds of thousands of Illinois residents are taught how to save a life through the use of first aid, CPR, Automated External Defibrillators, and water safety by the American Red Cross; and

WHEREAS, each year, the American Red Cross collects hundreds of thousands of units of lifesaving blood in Illinois that are received by sick and injured children, adults, and seniors every day; and

WHEREAS, the American Red Cross relays thousands of emergency messages to and from members of our military and their families each year; and

WHEREAS, since the tragic events of September 11, 2001, the American Red Cross has devoted itself to educating the public on how to prepare their families for acts of terrorism:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2004 as AMERICAN RED CROSS MONTH in Illinois, and encourage all citizens to support the efforts of the American Red Cross by making donations of time, blood and money.

Issued by the Governor March 4, 2004.

Filed by the Secretary of State March 5, 2004.

2004-33**Child Abuse Prevention Month**

WHEREAS, society as a whole has been plagued by the terrible tragedy of cases of child abuse and neglect; and

WHEREAS, discovering solutions to child abuse and neglect requires involvement from the citizens of Illinois; and

WHEREAS, effective child abuse prevention programs have contributed to the State's dramatic decline in reports of child abuse and neglect, from 139,720 child reports in Fiscal Year 1995 to 97,452 child reports in Fiscal Year 2003; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created by the Illinois Department of Children and Family Services, Prevent Child Abuse-Illinois

PROCLAMATION

and other government entities, social service agencies, schools, religious organizations, law enforcement agencies, businesses and individual citizens; and

WHEREAS, the Illinois Department of Children and Family Services is a nationally recognized leader in developing innovations aimed at protecting children from abuse, and is the nation's largest welfare agency whose quality services have earned accreditation from the Council on Accreditation for Children and Family Services; and

WHEREAS, all citizens throughout Illinois should learn the warning signs of child abuse and neglect and report suspected cases to the Illinois Child Abuse Hotline at (800) 25-ABUSE:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2004 as CHILD ABUSE PREVENTION MONTH in Illinois, and encourage all citizens to support child abuse prevention programs.

Issued by the Governor March 4, 2004.

Filed by the Secretary of State March 5, 2004.

2004-34**Illinois Arts Education Week**

WHEREAS, the State of Illinois declares that arts education, which includes dance, drama, music and visual arts, is an essential part of basic education for all students, providing them with a balanced education that will aid in developing their full potential; and

WHEREAS, the arts serve to enrich the lives of children in Illinois and throughout the country, by helping them develop creative ability, self-expression, self-reflection and cognitive skills, discipline, a heightened appreciation of beauty and cross-cultural understanding; and

WHEREAS, experience in the arts develops insights and abilities central to the experience of life, and the arts are collectively an important repository of our culture; and

WHEREAS, many national and state professional education associations hold celebrations in the month March focused on students' participation in the arts; and

WHEREAS, these celebrations give Illinois schools a unique opportunity to focus on the value of the arts for all students, to foster cross-cultural understanding, to give recognition to the state's outstanding young artists, to focus on careers in the arts available to Illinois students, and to enhance public support for this important part of their curriculum; and

WHEREAS, the fine arts are a significant component to a student's education and development, teaching them the language and production process of art, and helps them understand the role of the arts in civilizations, past and present:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 8-15, 2004 as ILLINOIS ARTS EDUCATION WEEK and encourage all citizens to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding in the visual and performing arts.

Issued by the Governor March 4, 2004.

Filed by the Secretary of State March 5, 2004.

2004-35

PROCLAMATION

School Social Work Week

WHEREAS, more than 2,200 school social workers in Illinois provide service to thousands of school-age children by enhancing their educational and psychosocial development, and maximizing their learning potential in an effort to help them achieve greater success in school; and

WHEREAS, school social workers assist those students who may have social or emotional problems that are negatively impacting their school experience; and

WHEREAS, school social workers help students with their family lives by assisting parents and school personnel in developing a gateway between a home and school community; and

WHEREAS, working closely with school administrators, workers, and other education professionals, school social workers help to develop programs that are flexible and responsive to individual student needs; and

WHEREAS, school social workers advocate for schools, families, children and youth in the legislative arena by supporting proposals to stabilize school funding, improve programs for at-risk children and youth, and offer training in conflict resolution and peer mediation to school children:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 7-13, 2004 as SCHOOL SOCIAL WORK WEEK in Illinois, and encourage all citizens to recognize and support the educational enhancements made possible by school social workers throughout the state.

Issued by the Governor March 4, 2004.

Filed by the Secretary of State March 5, 2004.

2004-36**Salvation Army Golden Diners March For Meals 30th Anniversary Week**

WHEREAS, the Salvation Army Golden Diners program provides nutritious meals to seniors who, due to either disabilities or financial constraints, cannot properly shop and/or cook for themselves; and

WHEREAS, seniors who become Golden Diners can eat at any of the 18 sites located throughout Kane, Kendall, and McHenry counties in Illinois; and

WHEREAS, the Salvation Army Golden Diners program serves a large number of participants each weekday; and

WHEREAS, a large network of volunteers help to prepare, serve, and deliver the meals that the Salvation Army Golden Diners program serve to seniors; and

WHEREAS, the Meals on Wheels Association of America has designated March of each year as a time to celebrate senior nutrition; and

WHEREAS, the Salvation Army Golden Diners are participating in the Meals on Wheels Association of America's "March For Meals" during the week of March 15th through the 19th:

PROCLAMATION

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 15-19, 2004 as SALVATION ARMY GOLDEN DINERS MARCH FOR MEALS 30TH ANNIVERSARY WEEK in Illinois, and encourage all citizens to recognize this organization for their work at helping seniors obtain a healthy lifestyle.

Issued by the Governor March 4, 2004.

Filed by the Secretary of State March 5, 2004.

2004-37**The 17th Annual Rita Hayworth Gala Benefiting The Alzheimer's Association Day**

WHEREAS, Alzheimer's disease is a complex, progressive disease that causes a gradual loss of cells from the brain, distorting memory, judgment, and the overall thinking ability of many individuals; and

WHEREAS, approximately 4.5 million Americans suffer from Alzheimer's disease; and

WHEREAS, the Alzheimer's Association is the leading national health organization dedicated to advancing Alzheimer's research and aid; and

WHEREAS, the Alzheimer's Association is the largest private sponsor of Alzheimer research, providing more than \$150 million in funding for hundreds of research studies since their founding in 1980; and

WHEREAS, the Alzheimer's Association is a proven authority on the issues that affect citizens with Alzheimer's disease and their families, serving as a voice for them in the capitals of every state, hundreds of U.S. congressional offices, and even the White House; and

WHEREAS, the Rita Hayworth Galas, held annually in New York and Chicago, are crucial fund-raising events that the Alzheimer's Association relies heavily on for financial support; and

WHEREAS, since 1985, the Rita Hayworth Galas have raised more than \$35 million in funds, with one hundred percent going directly to the Alzheimer's Association; and

WHEREAS, Princess Yasmin Aga Khan, the general chair of the Rita Hayworth Gala and the daughter of the late Rita Hayworth, has worked tirelessly over the years in supporting the advancement of critical Alzheimer's research. Her efforts have touched the lives of countless people throughout the country; and

WHEREAS, the Chicago Rita Hayworth Gala celebrates and honors medical research into the causes, treatment, prevention, and eventual cure of Alzheimer's disease:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 8, 2004 as THE 17th ANNUAL RITA HAYWORTH GALA BENEFITING THE ALZHEIMER'S ASSOCIATION DAY in Illinois.

Issued by the Governor March 4, 2004.

Filed by the Secretary of State March 5, 2004.

2004-38**Center On Halsted Day**

PROCLAMATION

WHEREAS, this is the 15th year of the Human First gala celebration; and

WHEREAS, Center on Halsted will be a multi-purpose, multi-functional facility for the lesbian, gay, bisexual, and transgender (LGBT) community of Chicago and the Midwest; and

WHEREAS, all the historical perspective of a successful 31-year-old social services agency (Horizons Community Services) is being brought to bear as the Center celebrates a new board of directors, expanded staffing, and an increased program focus in three major areas – youth, mental health, and community programming; and

WHEREAS, in a safe and nurturing environment, Center on Halsted will serve as a catalyst that links and provides community resources and enriches life experiences; and

WHEREAS, the Center will empower individuals to live full, healthy, and integrated lives; and

WHEREAS, Center on Halsted will strengthen the community by respecting all differences, celebrating diversity and fostering collaborative responses to community needs; and

WHEREAS, the life-saving dream of the Center on Halsted is being realized through the generosity of the city, the community, and the neighborhood:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 20, 2004 as CENTER ON HALSTED DAY in Illinois.

Issued by the Governor March 5, 2004.

Filed by the Secretary of State March 8, 2004.

ILLINOIS ADMINISTRATIVE CODE

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