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OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1050.2200	New Section
1050.2210	New Section
1050.2220	New Section
1050.2230	New Section
1050.2240	New Section
1050.2250	New Section
1050.2260	New Section
1050.2270	New Section
- 4) Statutory Authority: Section 7-1 of the Residential Mortgage License Act of 1987 [205 ILCS 635/7-1]
- 5) A complete description of the subjects and issues involved: Section 7-1 of the Residential Mortgage License Act of 1987 [205 ILCS 635] requires that a Loan Originator register with the Commissioner pursuant to administrative rules adopted by the Commissioner. These administrative rules provide for provisional registration of Loan Originators from July 1, 2004 through December 31, 2004. During this period of provisional registration, provided the Commissioner issues a Provisional Certificate of Registration, the Loan Originator shall be in compliance with the registration requirement of Section 7-1 of the Act. All Provisional Certificates of Registration shall expire on December 31, 2004. During the period of provisional registration, a Loan Originator may apply for a regular initial, and annually renewable, Certificate of Registration. The procedure and requirements for this application will be set forth in general administrative rules adopted by the Commissioner. Loan Originators who fail to submit a timely and complete application for a regular initial Certificate of Registration shall not be permitted to act as a Loan Originator after December 31, 2004.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any rulemakings pending on this Part? Yes

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1050.100	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.132	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.140	Amendment	March 26, 2004 (28 Ill. Reg. 5052)
1050.157	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.245	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.246	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.247	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.248	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.250	Amendment	March 26, 2004 (28 Ill. Reg. 5052)
1050.270	Amendment	March 26, 2004 (28 Ill. Reg. 5052)
1050.360	Repeal	March 26, 2004 (28 Ill. Reg. 5052)
1050.425	Amendment	March 26, 2004 (28 Ill. Reg. 5052)
1050.1100	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.1175	Amendment	March 26, 2004 (28 Ill. Reg. 5052)
1050.1200	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.1790	Amendment	March 26, 2004 (28 Ill. Reg. 5052)
1050.1800	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.1900	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2000	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2110	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2115	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2120	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2125	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2130	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2135	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2140	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2145	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2150	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2155	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2160	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2165	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2170	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2175	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2180	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2185	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2190	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2195	New	March 26, 2004 (28 Ill. Reg. 5052)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objectives: These amendments neither create nor expand any state mandates affecting units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Jeff Riley
Legislative Liaison
Office of Banks and Real Estate
500 E. Monroe Street
Springfield IL 62701
217/782-6167
Telefax: 217/558-4297
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking applies to residential mortgage licensees.
- B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking requires new procedures involving the registration of loan.
- 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 is identical to the text of the Emergency Amendments that begins on page 7137 of this *Illinois Register*.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.280 Proposed Action:
Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 5) A Complete Description of the Subjects and Issues Involved: The Department of Commerce and Economic Opportunity requested that a designated rate of \$86,474 annually be established effective April 16, 2004, for a Public Service Administrator, position number 37015-42-10-900-10-01.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.230	Amend	27 Ill. Reg. 17304, 11/21/2003
310.280	Amend	27 Ill. Reg. 17304, 11/21/2003
310.Appendix A, Table AB	Amend	27 Ill. Reg. 17304, 11/21/2003
310.450	Amend	28 Ill. Reg. 2896, 2/20/2004
310.Appendix A, Table I	Amend	28 Ill. Reg. 2896, 2/20/2004
310.Appendix A, Table L	Amend	28 Ill. Reg. 2896, 2/20/2004
310.Appendix A, Table W	Amend	28 Ill. Reg. 2896, 2/20/2004

- 10) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Ms. Dawn DeFraties
Bureau Manager
Department of Central Management Services

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

503 William G. Stratton Building
Springfield IL 62706
Telephone: (217) 524-8773
Fax: (217) 558-4497

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] No

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

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

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2004
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 310.310 Physician Specialist Rate
 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
 310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
 310.420 Objectives
 310.430 Responsibilities
 310.440 Merit Compensation Salary Schedule
 310.450 Procedures for Determining Annual Merit Increases
 310.455 Intermittent Merit Increase
 310.456 Merit Zone (Repealed)
 310.460 Other Pay Increases
 310.470 Adjustment
 310.480 Decreases in Pay
 310.490 Other Pay Provisions
 310.495 Broad-Band Pay Range Classes
 310.500 Definitions
 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
 310.530 Implementation
 310.540 Annual Merit Increase Guidechart for Fiscal Year 2004
 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

- 310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU)
 310.TABLE AA NR-916 (Department of Natural Resources, Teamsters)
 310.TABLE AB VR-007 (Plant Maintenance Engineers, Operating Engineers)
 310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
 310.TABLE D HR-001 (Teamsters Local #726)
 310.TABLE E RC-020 (Teamsters Local #330)
 310.TABLE F RC-019 (Teamsters Local #25)
 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
 310.TABLE H RC-006 (Corrections Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2004
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2004
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2004
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2004

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; amended at 28 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

Section 310.280 Designated Rate

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

Department of Children & Family Services

Public Service Administrator (Pos. No. 37015-16-23-120-00-01)	<u>Annual Salary</u> 85,104
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Department of Commerce & Economic Opportunity

<u>Public Service Administrator</u> <u>(Pos. No. 37015-42-10-900-10-01)</u>	<u>Annual Salary</u> <u>86,474</u>
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Department of Human Services

Administrative Assistant I (Pos. No. 00501-10-68-010-80-21)	<u>Annual Salary</u> 55,200
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Medical Administrator I, Option D (Pos. No. 26401-10-79-006-00-21)	<u>Annual Salary</u> 142,368
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Medical Administrator V	<u>Annual Salary</u>
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

(Pos. No. 26406-10-76-000-00-01)	186,000
Public Service Administrator (Pos. No. 37015-10-23-100-30-01)	<u>Annual Salary</u> 76,572
Senior Public Service Administrator (Pos. No. 40070-10-65-000-00-01)	<u>Annual Salary</u> 105,475
Senior Public Service Administrator (Pos. No. 40070-10-81-920-00-21)	<u>Annual Salary</u> 105,480
<u>Illinois Labor Relations Board</u>	
Private Secretary II (Pos. No. 34202-50-19-000-00-01)	<u>Annual Salary</u> 51,900
<u>Department of Natural Resources</u>	
Administrative Assistant II (Pos. No. 00502-12-30-000-20-01)	<u>Annual Salary</u> 50,520
<u>Department of Public Aid</u>	
Senior Public Service Administrator (Pos. No. 40070-33-20-000-00-61)	<u>Annual Salary</u> 123,060
<u>Department of Public Health</u>	
Senior Public Service Administrator (Pos. No. 40070-20-80-000-00-81)	<u>Annual Salary</u> 134,000
<u>Department of Revenue</u>	
Public Service Administrator (Pos. No. 37015-25-61-140-80-01)	<u>Annual Salary</u> 76,668
Public Service Administrator (Pos. No. 37015-25-61-140-90-01)	<u>Annual Salary</u> 74,904

Department of State Police

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Senior Public Service Administrator (Pos. No. 40070-21-10-000-00-01)	<u>Annual Salary</u> 117,828
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Senior Public Service Administrator (Pos. No. 40070-21-40-000-00-01)	<u>Annual Salary</u> 117,828
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(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.14 Proposed Action: New Section
- 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: These proposed amendments will establish presumptive eligibility for children that will allow them to have immediate health insurance coverage while their applications for medical benefits are being reviewed. Presumptive eligibility will allow children to access needed medical care without delay during the review period. Medical coverage under presumptive eligibility will apply to persons under 19 years of age and will include all medical assistance services. The temporary period of medical coverage under presumptive eligibility will continue until the application review concludes and a determination has been made concerning eligibility for medical benefits.

Presumptive eligibility of children for medical assistance is a state option that was established by the Balanced Budget Act of 1997. Presumptive eligibility was later expanded under the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000.

Amendments concerning presumptive eligibility are also being proposed at 89 Ill. Adm. Code 125: Children's Health Insurance Program. During fiscal year 2005, medical services provided under presumptive eligibility provisions are expected to result in an increase in costs of approximately \$18 million.

- 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? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.378	New Section	April 2, 2004 (28 Ill. Reg. 5606)
120.379	Amendment	April 2, 2004 (28 Ill. Reg. 5606)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

120.387	Amendment	April 2, 2004 (28 Ill. Reg. 5606)
120.530	New Section	February 27, 2004 (28 Ill. Reg. 3685)
120.540	New Section	April 30, 2004 (28 Ill. Reg. 6573)

- 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:

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: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

13) Regulatory Agenda on Which this Rulemaking Was Summarized: January 2004

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 7152:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 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:

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: None
 - 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 Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 7163:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Licensing and Regulation of Pawnbrokers
- 2) Code Citation: 38 Ill. Adm. Code 360
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
360.110	Amended
360.160	Amended
360.170	Amended
360.630	Amended
- 4) Statutory Authority: Authorized by the Pawnbroker Regulation Act [205 ILCS 510/0.05]
- 5) Effective Date of Rulemaking: April 29, 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) Notice of Proposal Published in Illinois Register: 28 Ill. Reg. 2889; February 20, 2004
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In the Table of Contents, the title of Section 360.170 was changed from "Display of License" to "Display of License; Duplicate License".
- 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 an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments increase the application fee and the annual renewal fee from \$600 to \$765. The rulemaking permits the issuance of a duplicate license. It provides that the agency shall send out the renewal forms no later

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

than May 1, rather than April, 1, and the renewal fee shall be due no later than June 1, rather than May 1.

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

Jeff Riley
Legislative Liaison
Office of Banks and Real Estate
500 E. Monroe Street
Springfield IL 62701
217/782-6167

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

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 360
LICENSING AND REGULATION OF PAWNBROKERS

SUBPART A: DEFINITIONS

Section
360.10 Definitions

SUBPART B: PAWNSHOP LICENSE

Section
360.100 Purpose
360.110 Application for License
360.120 Processing of Application
360.130 Standards for Licensure
360.140 Initial Applications for License from Persons Operating or Who Have Operated a
Pawnshop for the Two Years Preceding July 1, 1998
360.150 Change in Control or Form of Ownership, Change in Location, Change in Name
of Pawnshop, Voluntary Surrender of License; Fees
360.160 Expiration and Renewal of Licenses; Fees
360.170 Display of License; [Duplicate License](#)

SUBPART C: FORMS

Section
360.200 Purpose and Scope
360.210 Forms

SUBPART D: UNIFORM RULES FOR HEARINGS BEFORE THE COMMISSIONER

Section
360.300 Scope
360.310 Procedure for Hearings before the Commissioner

SUBPART E: RULES AND PROCEDURES APPLICABLE
TO PROCEEDINGS RELATING TO ORDERS

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

Section

360.400	Scope
360.410	Grounds for an Order
360.420	Effective Date of Order; Service

SUBPART F: RULES AND PROCEDURES APPLICABLE TO PROCEEDINGS RELATING TO ASSESSMENT AND COLLECTION OF CIVIL MONEY PENALTIES

Section

360.500	Scope
360.510	Assessment of Penalties
360.520	Effective Date of, Payment under, and Service of an Order to Pay

SUBPART G: RULES AND PROCEDURES APPLICABLE TO PROCEEDINGS FOR REVOCATION OR SUSPENSION OF LICENSE

Section

360.600	Scope
360.610	Grounds for Suspension of License
360.620	Grounds for Revocation of License
360.630	Notice to Customers
360.640	Effective Date of Revocation or Suspension; Service

AUTHORITY: Implementing and authorized by the Pawnbroker Regulation Act [205 ILCS 510].

SOURCE: Emergency Rule adopted at 22 Ill. Reg. 12963, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 19730, effective October 29, 1998; amended at 28 Ill. Reg. 6967, effective April 29, 2004.

SUBPART B: PAWNSHOP LICENSE

Section 360.110 Application for License

- a) Requirement, where to file. Section 0.05(c) of the Pawnbroker Regulation Act [205 ILCS 510/0.05(c)] provides that it is unlawful to operate a pawnshop without a license issued by the Commissioner. All requests for an application package must be directed to the Office of Banks and Real Estate, Bureau of Banks and Trust Companies, 500 East Monroe, Springfield, Illinois 62701-[15094532](#)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

(Telephone (217) 785-2900) or to the Office of Banks and Real Estate, Bureau of Banks and Trust Companies, 310 South Michigan Avenue, Suite 2130, Chicago, Illinois 60604-4278 (Telephone (312) 793-3000) by written correspondence or telephone. A separate license is required for each pawnshop location.

- b) Instructions, contents. An application for a license must be submitted on the form prescribed in Section 360.210 of this Part. An application for a license shall be made under oath and state the full name and address of the applicant together with any other relevant information the Commissioner shall require. The application shall also include, but not be limited to, the following requirements:
- 1) Disclosure of Principal Parties. The full name and place of residence of all principal parties must be provided.
 - 2) Background Investigation. The Commissioner may require that credit and criminal history record investigations be conducted on each applicant and principal party. Each applicant and principal party shall complete an Authorization For Release of Personal Information form that authorizes the Commissioner to conduct a criminal history record investigation and a review of retail credit agencies' records (including credit reports and ratings). At the request of the Commissioner, each applicant and principal party shall submit to, and have performed, a criminal history record investigation in the form and manner required by the Department of State Police and the Federal Bureau of Investigation. The Commissioner need not cause additional criminal history record investigations to be conducted on an applicant or principal party for whom the Commissioner or any other government agency has caused such investigations to have been conducted previously unless such additional investigations are otherwise required by law or unless the Commissioner deems such additional investigations to be necessary for the purposes of carrying out the Commissioner's statutory powers and responsibilities.
 - 3) Fees. The applicant must submit the Application Fee of ~~\$765~~[\\$600](#) with the completed application. Unless otherwise permitted by the Commissioner, the payment of all fees shall be made by certified check, money order, an electronic transfer of funds, or an automatic debit of an account. Certified checks or money orders shall be made payable to the Office of Banks and Real Estate.

(Source: Amended at 28 Ill. Reg. 6967, effective April 29, 2004)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

Section 360.160 Expiration and Renewal of Licenses; Fees

- a) License Expiration. Every license shall expire on June 30 of each year. The holder of a license may request to renew such license by filing an application with the Commissioner.
- b) License Renewal. All applications for license renewal for the succeeding license period must be mailed to the Commissioner and be postmarked no later than ~~June~~ May 1 of each year. An application package and related instructions will be mailed to all licensees prior to ~~May~~ April 1 of each year at the address listed on their most recent application. All applications must be submitted on the form prescribed in Section 360.210 of this Part, in accordance with the Commissioner's instructions. The payment of the ~~applicable~~ Renewal Fee of \$765 must accompany the application. In addition to the applicable Renewal Fee, a Late Filing Fee of \$50 per day shall be assessed for all applications postmarked after ~~June~~ May 1 of each year, unless an exception has been granted by the Commissioner. All applications for license renewal will be held to the standards set forth in Section 360.130 of this Part. The application process will be administered according to the rules set forth in Section 360.120 of this Part. The Renewal Fee will not be prorated.

(Source: Amended at 28 Ill. Reg. 6967, effective April 29, 2004)

Section 360.170 Display of License; Duplicate License

- a) The license must be conspicuously displayed for public view at the place of business provided on the license.
- b) Upon written request, a licensee may obtain a duplicate license. The fee for the issuance of a duplicate license is \$50.

(Source: Amended at 28 Ill. Reg. 6967, effective April 29, 2004)

**SUBPART G: RULES AND PROCEDURES APPLICABLE TO PROCEEDINGS FOR
REVOCATION OR SUSPENSION OF LICENSE****Section 360.630 Notice to Customers**

If the Commissioner enters an order revoking the license of a pawnshop, the Commissioner shall,

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

on the day the order becomes final, or such other day as the order prescribes, mail a written notification of revocation of license to all persons who have things in pledge at the most recent address listed on the pawn ticket. The Commissioner shall also publish the notification in two consecutive issues of a local newspaper of general circulation. The Commissioner shall be reimbursed by the licensee for all expenses incurred in connection with the notification. The Notification of License Revocation shall include the information provided in substantially the following form:

NOTIFICATION OF LICENSE REVOCATION (centered, in caps and bold)
(DATE)

1. Pursuant to Section ~~0.05(a)(10)~~~~0.05(a)(7)~~ of the Pawnbroker Regulation Act [~~205 ILCS 510/0.05(a)(10)~~~~205 ILCS 510/0.05(a)(7)~~], the license of (name of pawnshop) has been revoked as of (the date the order becomes final).
2. (Name and address of pawnshop) is no longer permitted to engage in the business of receiving property in pledge or as security for money or other thing advanced.
3. The revocation of license shall not impair or affect the obligation of either the pawnbroker or the pledger to fulfill the terms of any preexisting memorandum, contract, or note.
4. If you have a current business transaction with (name and address of pawnshop), you should contact (address and phone number of Commissioner's agent) within 30 business days to make arrangements for the disposition of any business transaction.
5. The grounds for the license revocation are (list all grounds as stated in the order).

(Source: Amended at 28 Ill. Reg. 6967, effective April 29, 2004)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Telecommunications Relay Services
- 2) Code Citation: 83 Ill. Adm. Code 756
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
756.10	Amendment
756.15	Amendment
756.20	Repealed
756.30	Amendment
756.100	Amendment
756.105	Amendment
756.110	Amendment
756.115	Amendment
756.120	Amendment
756.125	Amendment
756.205	Amendment
756.210	Amendment
756.215	Amendment
756.220	Amendment
756.225	Amendment
756.300	Amendment
756.305	Amendment
- 4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101].
- 5) Effective date of amendments: May 1, 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 Commission's Springfield office and is available for public inspection:
- 9) Notice of Proposal published in Illinois Register: 9/19/03; 27 Ill. Reg. 14726
- 10) Has JCAR issued a Statement of Objections to these amendments? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 11) Differences between proposal and final version: Nonsubstantive technical and grammatical changes as requested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 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: These amendments incorporate into the Part changes made by the Federal Communications Commission that will update and improve telephone relay service (TRS) operations and specifications and communications assistant standards, implement the 7-1-1 dialing code, and provide for free local calls from payphones. The amendments modify the billing and revenue requirements that were specific to the provisioning of the TRS by AT&T and generally update terminology and definitions.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217/785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

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

SOURCE: Adopted at 12 Ill. Reg. 17321, effective October 15, 1988; amended at 15 Ill. Reg. 5618, effective April 15, 1991; emergency amendment at 16 Ill. Reg. 14470, effective September 3, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1848, effective February 1, 1993; amended at 17 Ill. Reg. 12294, effective July 15, 1993; amended at 28 Ill. Reg. 6974, effective May 1, 2004.

SUBPART A: GENERAL PROVISIONS

Section 756.10 Definitions

"7-1-1" means the abbreviated dialing code for accessing all types of relay services anywhere in the United States.

"Act" means the ~~The~~ Public Utilities Act (~~Ill. Rev. Stat. 1991, ch. ch. 111½, pars. 1-101 et seq.~~) [220 ILCS 5].

"Advisory Council" means the advisory council established by 83 Ill. Adm. Code 755.405.

"American Sign Language" or "ASL" means a visual language based on hand shape, position, movement, and orientation of the hands in relation to each other and the body.

"ASCII" ~~is an acronym for~~ ~~means~~ the American Standard Code for Information Interexchange which employs an eight bit code and can operate at any standard transmission baud rate including 300, 1200, 2400 and higher.

"Baudot" means a seven bit code, only five of which are information bits. Baudot is used by some text telephones to communicate with each other at a 45.5 baud rate.

"Call release" means a Telecommunications Relay Service (TRS) feature that allows the Communications Assistant (CA) to sign-off or be "released" from the telephone line after the CA has set up a telephone call between the originating text

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telephone (TTY) caller and a called TTY party, such as when a TTY user must go through a TRS facility to contact another TTY user because the called TTY party can only be reached through a voice-only interface, such as a switchboard.

"Communications Assistant" ~~"Communication Assistant"~~ or "CA" means a person who transliterates or interprets conversations from text to voice and from voice to text between two or more end users of TRS. CA supercedes the term "TRS operator". relay services.

"Commission" means the Illinois Commerce Commission.

~~"Deaf or hard of hearing" refers to a person with a permanent hearing loss who can regularly and routinely communicate by telephone only through the aid of devices which can send and receive written messages over the telephone network. "Deaf-blind" refers to a person who is deaf or hard of hearing and who also has a sight disability and who can regularly and routinely communicate by telephone only through the aid of a telebraille device.~~

"Disability" refers to a condition of being permanently hearing disabled, deaf or hard of hearing, deaf-blind, speech-disabled, hearing-sight disabled, or speech-sight disabled, as those terms are defined in 83 Ill. Adm. Code 755.10 or speech-disabled blind.

"FCC" means Federal Communications Commission.

"Hearing carry over" or "HCO" means a ~~reduced~~ form of TRS where the person with the speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation. Two-line HCO is an HCO service that allows TRS users to use one telephone line for hearing and the other for sending TTY messages. HCO-to-TTY allows a relay conversation to take place between an HCO user and a TTY user. HCO-to-HCO allows a relay conversation to take place between two HCO users.

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

"Interexchange carrier" or "IXC" means ~~"IXC" means interexchange carrier,~~

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~~which is~~ a telecommunications carrier providing interexchange service as defined in Section 13-205 of the Act [\[220 ILCS 13-205\]](#).

"Non-English language relay service" means a telecommunications relay service that allows persons with hearing or speech disabilities who use languages other than English to communicate with voice telephone users in a shared language other than English, through a CA who is fluent in that language.

"Public Safety Answering Point" or "PSAP" means a facility that has been designated to receive 9-1-1 calls and route them to emergency services personnel.

"Qualified Interpreter" means an interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

~~"LEC" means local exchange carrier, which is a telecommunications carrier providing local service as defined in Section 13-204 of the Act.~~

"Relay system" means the configuration, provision, and operation of the facilities, equipment and personnel through which the [telecommunications carriers LEC's](#) shall provide relay service.

"Speech-to-speech relay service" or "STS" means a telecommunications relay service that allows individuals with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with speech disabilities and can repeat the words spoken by that person.

"Speed dialing" means a TRS feature that allows a TRS user to place a call using a stored number maintained by the TRS facility. In the context of TRS, speed dialing allows a TRS user to give the CA a "short-hand" name or number for the user's most frequently called telephone numbers.

"SS7" or "Signaling System 7" means a carrier out-of-band signaling network used for call routing, billing, and management. SS7 provides for the delivery of Caller ID, improves access to 9-1-1, and eliminates the need to collect some information currently collected manually through caller profiles.

~~"Speech-disabled" means a person with a permanent speech disability which precludes oral communication, who can regularly and routinely communicate by telephone only through the aid of devices which can send or receive written messages over the telephone network.~~

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~~"Speech disabled blind" means a speech-impaired person who also has a sight disability.~~

"Staff Liaison" means the Staff Liaison established by 83 Ill. Adm. Code 755.400.

"System provider" means that corporation, organization, coalition or entity who, under contract to the ITAC, provides the relay system through which the telephone communications carriers LEC's shall provide relay service.

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

~~"TT" means text telephone, a device which employs graphic or braille communication in the transmission of coded signals through wire or radio communication system. The term shall include any "telebraille" device, a TT which employs braille language symbols.~~

"Telecommunications Relay Service" or "TRS" (TRS) or "Relay service" means telephone transmission services that provide the ability for an individual with a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. This term includes services that enable two-way communication between an individual who uses a text telephone or other nonvoice terminal device and an individual who does not use such a device, speech-to speech-services, non-English language relay service, and video relay service. TRS supersedes the terms "dual party relay system", "message relay services", and "TDD Relay".

"Text telephone" or "TTY" means a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system. TTY supersedes the term "TDD" or "telecommunications device for the deaf" and "TT".

"Three-way calling" means a TRS feature that allows more than two parties to be on the telephone line at the same time with the CA.

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"Transliterate" means to verbally express a message received by TTY ~~FF~~ or to send by TTY ~~FF~~ a verbal message received.

"Video relay service" or "VRS" means a telecommunications relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller.

"Voice carry over" or "VCO" means a ~~reduced~~ form of TRS where the person with the hearing disability is able to speak directly to the other end user. The CA types the response back to the person with the hearing disability. The CA does not voice the conversation. Two-line VCO is a VCO service that allows TRS users to use one telephone line for voicing and the other for receiving TTY messages. A VCO-to-TTY TRS call allows a relay conversation to take place between a VCO user and a TTY user. VCO-to-VCO allows a relay conversation to take place between two VCO users.

(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)

Section 756.15 Dispute Procedures

- a) The system provider shall assign to one or more of its personnel the duty of hearing any dispute by a relay service user. ~~The Such~~ personnel shall consider the user's allegations and shall explain the user's situation and system provider's assertions in connection therewith. ~~The Such~~ personnel shall be authorized to act on behalf of the system provider in resolving the complaint and shall be available during all hours for this duty.
- b) The system provider shall direct its personnel engaged in personal contact with the user seeking dispute resolution under the provisions of this Part to inform the user of his/her right to have the problem considered and acted upon by supervisory personnel of the relay service where any dispute cannot be resolved.
- c) Should a user express nonacceptance of the decision of supervisory personnel, the supervisory personnel shall then inform the user of his/her right to have the problem reviewed by ITAC, and shall furnish the user with the telephone number and address of ITAC.
- d) The system provider shall maintain a log of consumer complaints and must retain

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the log until the next application for certification by the FCC is granted. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.

~~e)d)~~ In cases where the dispute is not resolved, ITAC shall direct its personnel to inform the user of his/her right to have the problem reviewed by the Commission and shall furnish the user with the telephone number and address of the Staff Liaison Consumer Services Division of the Commission. In addition, ITAC shall offer the assistance of the Advisory Council pursuant to Section 756.305(b).

~~f)e)~~ Billing disputes

- 1) When a customer disputes a particular bill, the customer's telecommunications carrier LEC shall not discontinue service for nonpayment so long as the customer:
 - A) pays the undisputed portion of the bill;
 - B) pays all future periodic bills by the due date; and
 - C) enters into discussion with the customer's telecommunications carrier LEC to settle the dispute.
- 2) No late payment charge shall be charged on any disputed bill paid within 14 days of resolution of the dispute if the complaint was filed with the telecommunications carrier LEC before the bill became past due.

~~g)f)~~ Disputes arising under this Part shall also be governed by 83 Ill. Adm. Code 735.200.

(Source: Amended at 278 Ill. Reg. 6974, effective May 1, 2004)

Section 756.20 Notice (Repealed)

~~Unless otherwise indicated, "notice" means notice within 30 days of the event for which notice is required. Notice shall be given in writing or by TT. Notice given by TT shall be subject to hard copy recovery by, and at the discretion of, the receiver, except that an LEC or its agent shall mail a Braille copy of any notice to a telebraille recipient within 48 hours of the original transmission of notice.~~

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(Source: Repealed at 28 Ill. Reg. 6974, effective May 1, 2004)

Section 756.30 Waiver

If ITAC, on behalf of the telecommunications carriers, determines that compliance with any portion of this Part is technologically or financially infeasible, it may request a waiver of such provision. A request for a waiver shall be made by petition and shall set forth a full statement of the reason for the requested waiver. The burden of proof in any request for a waiver shall be upon ITAC and ITAC must show, among other things, that such modification would not violate any legislative mandate. If the Commission grants such waiver, it may specify the period for which such waiver is granted.

(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)

SUBPART B: TELECOMMUNICATIONS CARRIER ~~LEC~~ OBLIGATIONS**Section 756.100 Components of Relay Service**

- a) Each telecommunications carrier ~~The LEC's~~ shall provide intrastate service whereby a person with a hearing or speech disability can communicate with voice telephone users through the use of a trained CA or functionally equivalent technology. At a minimum, relay service shall:
- 1) Provide text-to-voice and voice-to-text relay service;
 - 2) Be capable of communicating with ASCII or Baudot format at any speed generally in use;
 - 3) Provide speech-to-speech relay service;
 - 4) Provide Spanish language relay service;
 - 5) Provide VCO, two-line VCO, VCO-to-TTY, and VCO-to-VCO;
 - 6) Provide HCO, two-line HCO, HCO-to-TTY, HCO-to-HCO; and
 - 7) Provide access via the 7-1-1 dialing code to all relay services as a toll free call.

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- b) The minimum requirements listed in this Section do not prevent ITAC from offering more relay services, including but not limited to Video Relay Service and Non-English language relay service.
- c) TRS providers are required to provide the following features:
- 1) Call release functionality;
 - 2) Speed dialing functionality;
 - 3) Three-way calling functionality; and
 - 4) Answering machine and voice mail retrieval. The LEC's shall provide intrastate relay service whereby a person with a disability utilizing a TT (either ASCII or Baudot code capable) can communicate with a hearing person through the voice assistance of a CA. All TRS conversations between TT and voice callers shall be in real time. The relay service shall accept calls that can be dialed directly by a CA at the request of the originating caller. Specifically the CA shall do the following: a) Accept a call from a TT-equipped caller, place a call to an individual who does not have a disability and transliterate the TT messages to voice messages and the voice messages to TT messages in order to complete the communications link; and b) Accept a call from a caller who does not have a disability, place a call to a TT-equipped individual and transliterate the voice messages to TT messages and TT messages to voice messages in order to complete the communications link.

(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)

Section 756.105 Relay Service Execution and Administration

Each telecommunications carrier ~~The LEC's~~ shall:

- a) Fund the relay service in part through tariffed charges to relay service users as provided in Section 756.125(a). The telecommunications carriers ~~LEC's~~ shall derive the balance of the relay service funding requirements from the revenues collected as authorized by the Commission pursuant to Section 13-703(c) of the Act;
- b) Jointly administer the relay service through their joint agent, ~~the ITAC~~, on behalf

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of the carriers;

- c) Direct the ITAC, on behalf of the carriers, to develop and circulate, pursuant to the requirements of Section 756.115, a Request-for-Proposal (RFP) for the provision of the relay system;
- d) Direct the ITAC, on behalf of the carriers, to establish a system provider selection procedure pursuant to the requirements of Section 756.115;
- e) Direct the ITAC, on behalf of the carriers, to contract, pursuant to Section 756.120, with a system provider for the provision of the relay system;
- f) Bill and collect charges for relay-assisted calls pursuant to the requirements of Sections 756.125(a) and 756.220; and
- g) Retain individual and collective responsibility for ensuring the provision and maintenance of the relay service consistent with the standards set forth in this Part.

(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)

Section 756.110 Publicity Concerning Relay Service

- a) Telecommunications carriers or ITAC, on their behalf, LEC's shall publicize the relay service to increase awareness of the availability and use of all forms of TRS offered in Illinois. Efforts to educate the public about TRS should extend to all segments of the public, including individuals who are hard of hearing or speech disabled and senior citizens, as well as members of the general population. Publicity shall include, at a minimum:
 - 1) Annual bill inserts and notices published in the directories;
 - 2) Placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TTY ~~TT~~ numbers in telephone directories;
 - 3) Notification, at least annually, ~~Written notification~~ to conventional news media such as daily, weekly, or and monthly newspapers newspaper or magazines, and the news departments of television or and radio stations, electronic media, or other cost-effective means of communication;

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- 4) Written notification, at least annually, to organizations and to newsletters serving individuals with disabilities. Organizations and newsletters wishing to receive such notification must contact the telecommunications carriers through ITAC LEC's and place themselves on a relay service information service list; ~~and~~
 - 5) Written notification to designated offices of the ~~State of Illinois~~-social service agencies, as provided in 83 Ill. Adm. Code 755.110**(b)(3); and (a)(4)**.
 - 6) Ongoing education and outreach programs that publicize the availability of 7-1-1 access to TRS in a manner reasonably designed to reach the largest number of consumers possible.
- b) Relay service information publicized by the telecommunications carriers or ITAC, on their behalf, LEC's shall include the items listed in this subsection. Each publication shall include all items whenever feasible and consistent with the purpose of the publicity.
- 1) Relay service access numbers;
 - 2) A description of the relay service functions offered, which shall include, at a minimum, those prescribed in Section 756.100;
 - 3) Statements of the full time availability of relay service; and
 - 4) Statements advising that for the quickest response, TTY TT-users should directly contact their local 9-1-1 service in emergency situations, or appropriate local emergency agencies in areas where 9-1-1 is not in service, instead of employing the relay service to complete emergency calls, and explaining the process defined in Section 756.205(e) (as defined in 83 Ill. Adm. Code 725).

(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)

Section 756.115 RFP Selection Process

- a) The ITAC, on behalf of the carriers, shall develop and circulate to prospective system providers an RFP for the provision of the relay system through which

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[telecommunications carriers LEC's](#) shall provide the relay service mandated by Section 13-703(b) of the Act and this Part.

- 1) The RFP shall require each respondent to submit a proposal for the design, configuration and supply of a statewide relay system meeting or exceeding the minimum specifications and standards prescribed in Sections 756.200, 756.205, 756.210 and 756.215.
- 2) The RFP shall require each respondent to supply, either through direct provision or through the securing of services and facilities provided by other entities, the following:
 - A) All relay center buildings, real estate, permits, rights-of-way or clearances necessary to operate the relay system as specified in this Part;
 - B) All telecommunications trunks, cables or lines connected to the relay center in order to receive or initiate telecommunications for the purposes of providing the relay system as specified in this Part;
 - C) All telecommunications or other facilities and equipment required in order to provide the relay system as specified in this Part;
 - D) All supplies, furniture or miscellaneous items required in order to provide the relay system as specified in this Part; and
 - E) All personnel and the training of such personnel required in order to staff and operate the relay system as specified in this Part.
- 3) The RFP shall state whether responses shall be based on a cost-plus-fee or a fixed-cost type contract.
- 4) Prior to circulating the RFP to prospective system providers, ITAC, [on behalf of the carriers](#), shall file the RFP with the Commission for approval, providing copies to the Advisory Council and Staff Liaison on the file date.
 - A) The Advisory Council and Staff Liaison shall have the opportunity to file comments on the RFP within 20 business days following the file date of the RFP. The ITAC, [on behalf of the carriers](#), shall be

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allowed to respond to the comments within 10 business days following the close of the comment period.

- B) The Commission shall approve or disapprove the RFP for circulation to prospective system providers by ITAC, [on behalf of the carriers](#), based upon the conformity of the RFP with the requirements of Section 13-703(b) of the Act and this Part.
- C) If the Commission disapproves the RFP, the Commission shall:
 - i) Specify those aspects which do not conform to the specifications of this Part; and
 - ii) Direct ITAC, [on behalf of the carriers](#), to revise the RFP in regard to those elements.
- 5) System provider proposals shall be evaluated on the following criteria:
 - A) The ability of a proposal to cost-effectively achieve the relay system requirements prescribed by this Part;
 - B) A bidder's abilities to fulfill the conditions of its proposal. The bidder shall be assessed according to its financial condition (e.g., net worth, cash flow, and ability to raise capital); technical, operational and managerial expertise; and past experience and level and quality of performance.
 - C) A bidder's prior experience in providing relay services.
- 6) Each RFP will indicate a date, time, and place for prospective system providers to submit a bid or proposal. Responses received late shall not be considered.
- 7) All bids or proposals received prior to the time set for opening shall be opened in public at the date, time, and place specified in the RFP.
- b) Evaluation procedure
 - 1) Within two business days following the deadline for submission of proposals by all parties, the ITAC, [on behalf of the carriers](#), shall file with

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the Commission and provide to the Advisory Council and Staff Liaison a copy of each bid or proposal with a sworn statement by the president, a vice-president or secretary of ITAC, [on behalf of the carriers](#), stating that said proposals are complete records and that they were received by ITAC under seal which was not broken except as provided in subsection (a)(7);

- 2) If, after evaluating all proposals, the ITAC Board determines that no proposals meet the requirements of Section 13-703(b) of the Act, this Part, or the RFP, the ITAC, [on behalf of the carriers](#), shall file with the Commission notice of this determination and a report citing the specific deficiencies of each proposal in adequately fulfilling the requirements of Section 13-703(b) of the Act, this Part, or the RFP.
 - A) The Advisory Council and the Staff Liaison shall have the opportunity to file comments on this report within 20 business days of filing by ITAC, [on behalf of the carriers](#). Comments in opposition to the ITAC, [on behalf of the carriers](#), determination shall cite and defend that proposal which the commentator believes best meets or exceeds the requirements of Section 13-703(b) of the Act, this Part, and the RFP.
 - B) The ITAC Board shall have the opportunity to file a response to the comments within 10 business days of the close of the comment period.
 - C) Based upon the requirements of Section 13-703(b) of the Act, this Part, and the RFP, the Commission shall either:
 - i) approve the ITAC determination and direct ITAC to develop and issue a new RFP according to the requirements of this Part, or to reissue its prior RFP, or to request any or all bidders to supplement their proposals to conform to the RFP; or
 - ii) deny the ITAC determination and specify a proposal which the ITAC shall be directed to accept.

(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)

Section 756.120 System Provider Interactions

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- a) Upon Commission approval and ITAC acceptance of a proposal, the ITAC and the selected respondent shall draft a contract in which each telecommunications carrier LEC shall ~~approve and~~ concur ~~in~~ as a party. The terms of the contract shall be consistent with the conditions of the proposal. This contract shall be filed with the Commission by a petition pursuant to 83 Ill. Adm. Code 200 and shall take effect only upon Commission approval. The Commission shall approve the contract if it is consistent with the specifications of Section 13-703(b) of the Act, this Part, the RFP, and the selected proposal.
- b) Upon Commission approval of the contract, the selected respondent shall be designated as the system provider.
- c) In addition to the provisions of subsection (a) ~~above~~, the following general conditions shall apply to the contract between ITAC, on behalf of the carriers, and the system provider:
- 1) The system provider shall comply with the reporting requirements in Section 756.215.
 - 2) The ITAC, on behalf of the carriers, ~~and the LEC's~~ shall perform a yearly evaluation of the system provider's operations to determine compliance with the contract. The system provider shall be required to address any reported service deficiencies.
 - 3) The contract shall state the terms under which it may be amended.
 - 4) The contract shall state the terms under which it may be unilaterally terminated by ITAC or the system provider.
- d) At least 14 months prior to the termination of an approved contract, ITAC, on behalf of the carriers, shall file a new RFP with the Commission pursuant to Section 756.115, for the provision of a relay system. ~~e) If the system provider is not an LEC, and the system provider has proposed a relay system which requires the system provider to employ tariffed LEC services or facilities, the system provider shall purchase those services or facilities at the appropriate tariffed rates. If the system provider employs LEC local access lines in any phase of completing relay-assisted calls, the LEC will bill the system provider for those access lines at the business service rate.~~

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(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)

Section 756.125 Filing Requirements

In addition to the filing requirements prescribed in other Sections of this Part, the following filing requirements shall apply:

- a) Each telecommunications carrier LEC shall file a tariff:
 - 1) Providing a description of the relay service functions offered, that shall include, at a minimum, those mandated in Section 756.100; and
 - 2) Setting forth the basis for rates that which shall be charged for relay-assisted calls.
 - A) Local TRS payphone calls shall be free.
 - B) TRS users shall not be charged for local calls placed or received through the relay system. For calls other than local calls, TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination. A relay-assisted call shall be billed according to the rate(s) which would otherwise have applied if the call had been dialed directly from the originating point to the terminating point on the day, time, and duration of the actual call. B) If the relay-assisted call is to be processed other than on a direct dial basis, the appropriate operator handled surcharges shall apply, in addition to the customer direct dial charge as specified in the tariff.
 - C) Any discounts which would apply to a direct call between the originating and terminating points on the same day, time and duration of the relay-assisted call, shall be applied to the charges billed for the relay-assisted call.
 - D) Access via the 7-1-1 dialing code to all relay services shall be toll free.

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- b) Each IXC shall file a tariff setting forth the basis for rates which shall be charged for relay-assisted calls which originate and terminate in different exchanges and which if dialed directly without intervention by the relay service would have been transmitted by an IXC.
- 1) ~~TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination. A relay-assisted call shall be billed according to the rate(s) which would otherwise have applied if the call had been dialed directly from the originating point to the terminating point on the day, time, and duration of the actual call.~~
 - 2) ~~Access via the 7-1-1 dialing code to all relay services shall be toll free. If the relay-assisted call is to be processed other than on a direct dial basis, the appropriate operator handled surcharges shall apply, in addition to the customer direct dial charge as specified in the tariff.~~
 - 3) Any discounts ~~that~~ ~~which~~ would apply to a direct call between the originating and terminating points on the same day, time and duration of the relay-assisted call shall be applied to the charges billed for the relay-assisted call.
- c) The ITAC, on behalf of the carriers, shall file an annual report with the Commission (to be filed no later than April 30 of each year) ~~that~~ ~~which~~ shall contain the following information:
- 1) Updates on administration procedures for the relay service;
 - 2) A description of program activities of the past year;
 - 3) A description and brief evaluation of program effectiveness; and
 - 4) As an appendix, the annual report provided by the system provider to the ITAC per the requirement of Section 756.215.

(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)

SUBPART C: RELAY SERVICE PROGRAM STANDARDS AND SPECIFICATIONS

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Section 756.205 Relay Service Operations and Specifications

- a) TRS Relay service as described in Section 756.100(a) ~~756.100~~ shall operate at all times be provided via a relay system operating at all times (24 hours a day, 7 days a week, 52 weeks a year) for all Illinois exchanges. Relay services that are not mandated as described in Section 756.100(b) by the FCC need not be provided at all times.
- b) TRS Relay service shall have adequate redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use.
- c) TRS ~~The relay system~~ shall be initially designed to handle on a statewide basis the current calling volume, 50,000 calls per month, with capabilities to alter the expand the initially established facilities to handle the projected volume of calls, 200,000 calls per month.
- d) At a minimum, TRS ~~The relay system~~ shall be accessed by callers via the 7-1-1 dialing code and a toll-free telephone number number(s). The same toll-free telephone number shall be available to the Illinois relay system regardless of the relay system provider. Callers shall be required to dial (enter) no more than 11 digits in order to access the relay system.
- e) TRS shall have a system for incoming emergency calls that, at a minimum, automatically and immediately transfers the caller to an appropriate PSAP. An appropriate PSAP is the designated PSAP to which a direct call from the particular number would be delivered. In addition, a CA must pass along the caller's telephone number to the PSAP when a caller disconnects before being connected to emergency services.
- f) TRS users shall have access to their chosen interexchange carrier through the TRS and to all other operator services, to the same extent that access is provided to standard telephone users.
- g) TRS shall transmit conversations between TTY and voice callers in real time. The relay service shall accept calls that can be dialed directly by a CA at the request of the originating caller. Specifically, the CA shall accept and complete TRS calls with the ability to transliterate text messages to voice and voice messages to text.
- h)e) TRS ~~The relay system~~ shall ensure ~~include~~ adequate TRS facility staffing to

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provide callers with efficient access under projected calling volumes, so that the probability of a busy response due to CA unavailability shall be functionally equivalent to what a voice caller would experience, as defined in 83 Ill. Adm. Code Part 730.520, in attempting to reach a party through the voice telephone network.

- i) ~~f)~~ TRS facilities ~~The relay system~~ shall, except during network failure, answer 85% of all calls within 10 seconds by any method that results in the caller's call immediately being placed, not put in a queue or on hold. The 10 seconds begins at the time the call is delivered to the TRS facility's network. The call is considered delivered when the TRS facility's equipment accepts the call from the local telecommunications carrier and the public switched network actually delivers the call to the TRS center. Abandoned calls shall be included in the speed-of-answer calculation. A TRS provider's compliance with this subsection shall be measured on a daily basis. The system shall be designed to a P.01 standard. A telecommunications carrier shall provide the call attempt rates and the rates of calls blocked between the telecommunications carrier and the TRS facility to relay administrators and the TRS providers upon request. and no more than 30 seconds shall elapse between receipt of dialing information and the dialing of the requested number. ~~g)The relay system shall receive and transmit TT signals in either Baudot or ASCII codes, according to the preference of the originator or recipient of a TT call. The relay center(s) equipment shall be designed with capabilities to automatically identify incoming TT signals as either Baudot or ASCII transmissions and to adjust transmissions from the relay center to the code employed by the incoming TT signal. h)The relay center(s) shall create for each relay assisted call an Extended Message Record (EMR). The record shall contain, at a minimum, the following information: 1) Telephone number or credit card number to be billed—NPA Prefix Line Number; 2) Terminating Telephone Number—NPA Prefix Line Number; 3) Originating Telephone Number—NPA Prefix Line Number; 4) Date; 5) Start time; and 6) End time. i)The system provider shall forward the EMR for each call to the appropriate LEC within fourteen days of the date such service was supplied, and billing shall take place by the next appropriate billing period.~~
- j) Consistent with the obligations of telecommunications carrier operators, CAs are prohibited from refusing single or sequential calls or limiting the length of calls utilizing relay services. The system provider shall process all single or sequential calls and will not limit the duration of calls made through the relay system.
- k) TRS shall be capable of handling any type of call normally provided by carriers

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unless the FCC determines that it is not technologically feasible to do so. Relay service providers have the burden of proving the infeasibility of handling any type of call. The system provider shall provide as standard features both VCO and HCO technology.

- l) CAs must alert the TRS user to the presence of a recorded message and interactive menu through a hot key on the CA's terminal. The hot key will send text from the CA to the consumer's TTY indicating that a recording or interactive menu has been encountered. Relay providers shall electronically capture recorded messages and retain them for the length of the call. Relay providers may not impose any charges for additional calls, which must be made by the relay user in order to complete calls involving recorded or interactive messages.
- m) TRS shall be capable of handling pay-per-call calls.
- n) The system provider shall be permitted to decline to complete a call because credit authorization is denied.
- o)m) A TRS facility shall ensure that adequate ~~Adequate~~ network facilities shall be used in conjunction with ~~TRS outgoing relay service calls~~ so that, under projected calling volume, the probability of a busy response due to loop ~~or~~ trunk congestion ~~congestions~~ shall be functionally equivalent to what a voice caller would experience, as defined in 83 Ill. Adm. Code 730.520, in attempting to reach a party through the voice telephone network.
- p) TRS facilities are permitted to use SS7 technology or any other type of similar technology to enhance the functional equivalency and quality of TRS. TRS facilities that utilize SS7 technology are independently subject to the Calling Party Telephone Number rules set forth at 47 CFR 64.1600 to 64.1604.
- q) When a TRS facility is able to transmit any calling party identifying information to the public network, the TRS facility must pass through, to the called party, at least one of the following: the number of the TRS facility, 7-1-1, or the 10-digit number of the calling party.

(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)

Section 756.210 Communications Assistant Standards

- a) TRS providers are responsible for requiring that all CAs ~~Before the relay system~~

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~~begins operation and subsequent to commencing operations, each CA shall be sufficiently trained to effectively meet be familiar with the specialized special communications needs of individuals persons with hearing and speech disabilities who employ the use of a TT. The system provider may shall request such training from organizations with prior experience in the provision of services to persons with disabilities. In addition, each CA shall have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette. CAs must possess clear and articulate voice communications. CAs must provide a typing speed of a minimum of 60 words per minute. Technological aids may be used to reach the required typing speed. Providers must give oral-to-type tests of CA speed. TRS providers are responsible for requiring that VRS CAs are qualified interpreters.~~

- b) ~~CAs are prohibited from disclosing the content of any relayed conversation regardless of content and, with a limited exception for STS CAs, from keeping records of the content of any conversation beyond the duration of a call. CA's shall keep all communicated information strictly confidential, except as otherwise required or permitted by law.~~
- 1) Except for purposes of billing calls and as otherwise required or permitted by law, ~~CAs CA's~~ shall not reveal information about any call, including the fact that the call occurred.
 - 2) At the request of the user, STS CAs may retain information from a particular call in order to facilitate the completion of consecutive calls. The caller may request the STS CA to retain such information, or the CA may ask the caller if he wants the CA to repeat the same information during subsequent calls. The CA may retain the information only for as long as it takes to complete the subsequent calls.
 - 3) Appropriate measures must be taken by relay providers to ensure that confidentiality of VRS users is maintained.
 - 4)2) When training new ~~CAs CA's~~ by the method of sharing past experiences, the trainers shall not reveal any of the following information:
 - A) Names, genders, or ages of the parties to the call;
 - B) Originating or terminating points of call; and

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C) Specifics of the information conveyed in the call.

- c) CAs are prohibited from altering CA's shall not intentionally alter a relayed conversation and, to the extent that it is not inconsistent with federal, State, or local law regarding the use of telecommunications carrier facilities for illegal purposes, must relay all conversations verbatim unless the relay user specifically requests summarization, or the user requests interpretation of an ASL call. An STS CA may facilitate the call of an STS user with a speech disability so long as the CA does not interfere with the independence of the user, the user maintains control of the conversation, and the user does not object.
- d) CAs ~~CA's~~ shall not counsel, advise or interject personal opinions or additional information into any communication which they are translating.
- e) ~~If requested by the originating caller, CA's shall attempt to complete calls 3 times, consecutively, without delay when receiving busy signals.~~
- e)f) Any paper printouts made at a relay center of communications conducted over the relay service shall be destroyed at the completion of the call except as otherwise required or permitted by law.
- f)g) No CA shall disconnect a call against the wishes of the originating and terminating parties without first obtaining the permission of the CA's supervisor. In the instance that a call is terminated, the supervisor shall log the reason for the termination and sign the log. The supervisor shall authorize such disconnections only in instances in which the caller is abusive to or intentionally uncooperative with the CA.
- g)h) All CA calls shall be carefully supervised. Disconnects shall be made promptly at the end of each call. ~~i) Upon receiving an emergency call from a TT user, a CA shall attempt to complete the call to a Public Safety Answering Point number which the caller supplied and which can be directly accessed by the CA.~~
- h) CAs answering and placing a TTY-based TRS or VRS call must stay with the call for a minimum of 10 minutes. CAs answering and placing an STS call must stay with the call for a minimum of 15 minutes.
- i) TRS providers must make best efforts to accommodate a TRS user's requested CA gender when a call is initiated and, if a transfer occurs, at the time the call is transferred to another CA.

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- j) Relay providers must offer STS users the option to maintain at the relay center a list of names and telephone numbers that the STS user calls. When the STS user requests one of these names, the CA must repeat the name and state the telephone number to the STS user. This information must be transferred to any new STS provider.

(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)

Section 756.215 System Provider Reporting Requirements

- a) The system provider shall maintain its records of relay service operations so as to permit review and determination of relay service results. Such records shall be made available during normal business hours for inspection by an individual telecommunications carrier-LEC, the ITAC, the Commission, the Advisory Council, or the Staff Liaison.
- b) The system provider shall perform traffic studies and maintain records to the extent and frequency necessary to determine that the requirements of this Part and the contract are being met.
- c) The system provider shall provide to the ITAC an annual report of operations, traffic patterns and accounting details of the relay system. The annual report shall be submitted to ITAC no later than February 28 of each year.
- d) The ITAC, on behalf of the carriers, is and each LEC is obligated to review the relay system operations in order to assure the furnishing of service in accordance with the standards set forth in this Part.

(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)

Section 756.220 Relay Service Billing and Collection Procedures

- a) ~~Upon receipt of an EMR from the system provider, each LEC shall:~~
- 1) ~~Calculate the charges for each call pursuant to the tariff specifications of Section 756.125(a);~~
 - 2) ~~Credit the amount of the charge for each call to an account for remittance to ITAC at the end of the period; and~~
 - 3) ~~Post the amount of the charge for each call to the appropriate customer account for billing.~~

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- b) ~~For relay-assisted calls which originate and terminate in the same local calling area which receives LEC service on a "flat rate" basis or which receives LEC service on a "local measured service" basis where customers are allowed an amount of unbilled usage, each LEC shall:~~
- 1) ~~Determine on a monthly basis the actual number of these calls placed through the relay system by the LEC's customers;~~
 - 2) ~~Perform a separate study to determine the amount of usage revenue associated with all local calls (i.e., revenue associated with calls in excess of a monthly call allowance) on a per call basis;~~
 - 3) ~~Apply this revenue per call figure to the number of calls which originate and terminate in the same local calling area, and which are placed through the relay system by the LEC's customers; and~~
 - 4) ~~Post the resultant revenue to an account for remittance to ITAC at the end of the period.~~
- a)e) Any disputes or customer refusals to pay charges assessed for relay-assisted calls shall be governed by Section 756.15.
- b)d) Uncollectible charges for relay-assisted calls shall be determined and treated the same as a telecommunications carrier's ~~an LEC's or such~~ IXC's other uncollectible charges.
- c)e) Nonpayment of charges for relay-assisted calls shall be treated the same as nonpayment of other monthly charges collected from customers by telecommunications carriers ~~LEC's or IXCs such~~ IXC's.
- d) All billing for TRS shall comply with the requirements of Section 756.125(a) and (b). ~~Each LEC shall record the costs incurred in the billing and collection of relay-assisted calls. Each LEC shall report these costs to ITAC for direct reimbursement from the revenues generated pursuant to Section 13-703(c) of the Act.~~

(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)

Section 756.225 Relay Service Revenues

- a) Each telecommunications carrier ~~The LEC's~~ shall remit the revenues collected each month pursuant to Section 13-703(c) of the Act to ITAC.
- b) From those revenues the ITAC, on behalf of the carriers, shall pay the system provider for any fees or charges due under the contract specified in Section

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756.120.:

- c) The relay system provider shall credit ITAC monthly in an amount equal to the intrastate TRS toll revenues billed by the relay system provider. This credit will not include intrastate toll calls processed through any carrier of choice other than the system provider. 1)Reimburse the LEC's for costs incurred by the LEC's in the billing and collection of charges for relay assisted calls; 2)Reimburse the LEC's for any other costs directly incurred by the LEC through the provision of relay service, including:A)Relay service publicity; B)Account and tax administration; C)Auditing and reporting; D)Taxes; and E)LEC staff assignments; and 3)Pay the system provider for any fees or charges due under the contract specified in Section 756.120.

(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)

SUBPART D: OVERSIGHT AND REVIEW

Section 756.300 Staff Liaison

- a) The Executive Director of the Illinois Commerce Commission shall appoint one Staff member to act as Staff Liaison to the programs required by Section 13-703 of the Act. The Staff Liaison shall serve as a contact person and advisor to the Advisory Council for the relay system program.
- b) The Staff Liaison shall maintain a log of consumer complaints about TRS and must retain the log until the next application for FCC certification is granted. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution. Summaries of the logs must be submitted annually to the FCC and at the time of certification.
- c) The name of the Staff Liaison as contact person or office for TRS consumer information and complaints about intrastate TRS shall be submitted to the FCC. This submission must include, at a minimum, the name and address of the State office that receives complaints, grievances, inquiries and suggestions, voice and TTY telephone numbers, fax number, e-mail address, and physical address to which correspondence should be sent.
- d) The Staff Liaison shall be responsible for the compilation and coordination of the FCC filing for State relay certification or recertification. In addition, the Staff Liaison is responsible for coordination of the notification to the FCC of

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substantial changes in the State's TRS program within 60 days after the changes occur.

(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)

Section 756.305 Advisory Council Rights

- a) The ITAC and the telecommunications carrier LEC shall serve one copy of all filings, reports, or other information pertaining to the relay service provided to the Commission on the chairperson of the Advisory Council.
- b) Upon the receipt of complaints concerning the relay service, the system provider, ITAC or the telecommunications carrier LEC staff shall inform the complainant that if the complainant remains dissatisfied in the complainant's dispute, the complainant may contact the Advisory Council. The system provider, ITAC, or the telecommunications carrier LEC staff shall provide the complainant with the name, telephone number and business address of ~~a~~-designated members member(s) of the Advisory Council and inform the recipient that the Advisory Council may be able to aid the complainant in the complainant's dispute.

(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)

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- 1) Heading of the Part: Standards for Certification in Specific Teaching Fields
- 2) Code Citation: 23 Ill. Adm. Code 27
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
27.140	Amendment
27.200	Amendment
27.230	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6, 14C-8, and Art. 21
- 5) Effective Date of Amendments: April 29, 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) Notice of Proposal Published in Illinois Register: January 2, 2004; 28 Ill. Reg. 201
- 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? No changes were requested by JCAR, and no agreement letter was issued.
- 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 accomplishes two technical corrections, one in the common core of standards for science and the other in the common core of standards for social science. A performance indicator in the science standards is being expanded to reflect the original intent of the drafters of these standards. With regard to social sciences, ISBE needed to revise one time reference to be consistent with others used in the same and related sections. It was determined that not only "BC

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and “AD” would be used, but also “BCE” and “CE”, standing for “Before the Common Era” and “Common Era”.

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

Lee Patton, Interim Director
Certification and Professional Development
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
(217) 782-4123

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 27

STANDARDS FOR CERTIFICATION IN SPECIFIC TEACHING FIELDS

SUBPART A: GENERAL

Section

27.10 Purpose and Effective Dates

SUBPART B: FUNDAMENTAL LEARNING AREAS

Section

27.100 English Language Arts
27.110 Reading
27.120 Reading Specialist
27.130 Mathematics
27.140 Science – A Common Core of Standards
27.150 Biology
27.160 Chemistry
27.170 Earth and Space Science
27.180 Environmental Science
27.190 Physics
27.200 Social Science – A Common Core of Standards
27.210 Economics
27.220 Geography
27.230 History
27.240 Political Science
27.250 Psychology
27.260 Sociology and Anthropology
27.270 Physical Education
27.280 Health Education
27.300 Dance
27.310 Drama/Theatre Arts
27.320 Music
27.330 Visual Arts
27.340 Foreign Language
27.350 General Curricular Standards for Special Education Teachers

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SUBPART C: ADDITIONAL TEACHING FIELDS

Section

27.400	Agricultural Education
27.410	Business, Marketing, and Computer Education
27.420	English as a New Language (ENL)
27.430	Family and Consumer Sciences
27.440	Health Careers
27.450	Library Information Specialist
27.460	Technology Education
27.470	Technology Specialist
27.480	Work-Based Learning Teacher/Coordinator

AUTHORITY: Implementing Article 21 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21 and 2-3.6].

SOURCE: Adopted at 26 Ill. Reg. 6293, effective April 22, 2002; amended at 27 Ill. Reg. 18586, effective December 1, 2003; amended at 28 Ill. Reg. 4553, effective February 24, 2004; amended at 28 Ill. Reg. 7002, effective April 29, 2004.

SUBPART B: FUNDAMENTAL LEARNING AREAS

Section 27.140 Science – A Common Core of Standards

All science teachers shall be required to demonstrate competence in the common core of science standards set forth in this Section. In addition, each science teacher shall be required to demonstrate competence in at least one of the science designation areas for which standards are described in Sections 27.150 through 27.190 of this Part: biology, chemistry, earth and space science, environmental science, and/or physics.

- a) Science as Inquiry – The competent science teacher understands scientific inquiry and has the ability to conduct scientific inquiry.
 - 1) Knowledge Indicators – The competent science teacher:
 - A) understands assumptions, processes, purposes, requirements, and tools of scientific inquiry.
 - B) understands mathematical processes and tools for collecting, managing, and communicating information.

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- C) understands different approaches to conducting scientific investigations.
- 2) Performance Indicators – The competent science teacher:
- A) plans and conducts scientific investigations using appropriate tools and technology.
 - B) applies mathematical and statistical methods to collect, analyze, and communicate results of investigations.
 - C) displays, illustrates, and defends the results of an investigation.
 - D) uses evidence and logic in developing proposed explanations that address scientific questions and hypotheses.
- b) Technological Design – The competent science teacher understands the concepts, principles and processes of technological design.
- 1) Knowledge Indicators – The competent science teacher:
- A) understands the processes, capabilities, limitations and implications of technology and technological design and redesign.
 - B) understands technology and technological design as the use of tools throughout human history.
- 2) Performance Indicators – The competent science teacher:
- A) identifies real-world problems or needs to be solved through technological design.
 - B) addresses a problem situation by identifying a design problem, proposing a design solution, implementing the solution, evaluating the solution, revising the design upon evaluation, and communicating the design and the process.
 - C) identifies the inquiry process in the investigation of past, current, and potential technological designs.

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- c) Molecular and Cellular Sciences – The competent science teacher understands and can apply concepts that explain the cell, the molecular basis of heredity, and biological evolution.
- 1) Knowledge Indicators – The competent science teacher:
 - A) understands viral, sub-cellular and cellular structure and function.
 - B) understands the nature and function of the gene, with emphasis on the molecular basis of inheritance and gene expression.
 - C) understands the processes of change at the microscopic and macroscopic levels.
 - 2) Performance Indicators – The competent science teacher:
 - A) describes the processes of the cell cycle and analyzes the transmission of genetic information.
 - B) demonstrates an understanding of organelles, cells, tissues, organs, and organ systems and their functions.
 - C) identifies scientific evidence from various sources to demonstrate knowledge of theories about processes of biological evolution.
 - D) demonstrates the ability to use instruments or to explain functions of the technologies used to study the life sciences at the molecular and cellular level.
- d) Organisms and Ecosystems – The competent science teacher understands and can apply concepts that describe how living things interact with each other and with their environment.
- 1) Knowledge Indicators – The competent science teacher:
 - A) understands how living and nonliving factors interact with one another and with their environment.
 - B) understands the strategies and adaptations used by organisms to obtain the basic requirements of life.

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- C) understands that all environments are comprised of interrelated dynamic systems.
 - D) understands the concepts of populations, communities, ecosystems, ecoregions, and the role of biodiversity in living systems.
 - E) understands that humans are living organisms who uniquely interact with the environment.
- 2) Performance Indicators – The competent science teacher:
- A) develops a model or explanation that shows the relationships within the environment.
 - B) demonstrates an understanding of how communities, ecosystems, and ecoregions change.
 - C) demonstrates an understanding of the human as a living organism comparable to other life forms and functions.
 - D) describes physical, ecological, and behavioral factors that influence homeostasis within an organism and interrelationships among organisms.
 - E) demonstrates the ability to use instruments or to explain functions of the technologies used to study the life sciences at the organism and ecosystem level.
- e) Matter and Energy – The competent science teacher understands the nature and properties of energy in its various forms, and the processes by which energy is exchanged and/or transformed.
- 1) Knowledge Indicators – The competent science teacher:
- A) understands the atomic and nuclear structure of matter and the relationship to chemical and physical properties.
 - B) understands the principle of conservation as it applies to mass, charge, momentum, and energy.
 - C) understands the cause and effect of chemical reactions in natural

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and manufactured systems.

- D) understands the characteristics and relationships among thermal, acoustical, radiant, electrical, chemical, mechanical, and nuclear energies.
- 2) Performance Indicators – The competent science teacher:
- A) analyzes the properties of materials in relation to their chemical or physical structures and evaluates uses of the materials based on their properties.
 - B) explains conservation of mass and energy and explains interactions of energy with matter, including changes in state.
 - C) uses kinetic theory and the laws of thermodynamics to explain energy transformations.
 - D) analyzes atomic and nuclear reactions in natural and man-made energy systems.
 - E) demonstrates the ability to use instruments or to explain functions of the technologies used to study matter and energy.
- f) Force and Motion – The competent science teacher understands and applies the concepts that describe force and motion and the principles that explain them.
- 1) Knowledge Indicators – The competent science teacher:
- A) understands the concepts and interrelationships of position, time, velocity, and acceleration.
 - B) understands the concepts and interrelationships of force (including gravity and friction), inertia, work, power, energy, and momentum.
 - C) understands the nature and properties of electricity and magnetism.
 - D) understands the nature and properties of mechanical and electromagnetic waves.
- 2) Performance Indicators – The competent science teacher:

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- A) describes and predicts motions of bodies in inertial and accelerated frames of reference and in one and two dimensions in a physical system with association to the basic theories of force and motion.
 - B) analyzes and predicts motions and interactions involving forces within the context of conservation of energy and/or momentum.
 - C) describes the effects of gravitational, electromagnetic, and nuclear forces in real-life situations.
 - D) analyzes and predicts the behavior of mechanical and electromagnetic waves under varying physical conditions.
 - E) demonstrates abilities to use instruments or to explain functions of the technologies used to study force and motion.
- g) The Earth – The competent science teacher understands the dynamic nature of the Earth and recognizes that its features and structures result from natural processes.
- 1) Knowledge Indicators – The competent science teacher:
 - A) understands the structure and composition of the Earth's land, water, and atmospheric systems.
 - B) understands the transfer of energy within and among Earth's land, water, and atmospheric systems.
 - C) understands the scope of geologic time and the continuing physical changes of the Earth through time.
 - D) understands the interrelationships between living organisms and Earth's resources.
 - 2) Performance Indicators – The competent science teacher:
 - A) analyzes and explains large-scale dynamic forces, events, and processes that affect the Earth's land, water, and atmospheric systems.
 - B) identifies and explains Earth's processes and cycles and cites

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examples in real-life situations.

- C) evaluates scientific theories about Earth's origin and history and how those theories explain contemporary living systems.
 - D) identifies and evaluates the uses of Earth's resources.
 - E) demonstrates abilities to use instruments and/or to explain functions of the technologies used to study the earth sciences.
- h) The Universe – The competent science teacher understands and applies concepts that explain the composition, structure of, and changes in the universe and Earth's place in it.
- 1) Knowledge Indicators – The competent science teacher:
 - A) understands the properties and dynamic nature of the solar system.
 - B) understands the properties and dynamics of objects external to the solar system.
 - C) understands the scientific theories dealing with the origin of the universe.
 - 2) Performance Indicators – The competent science teacher:
 - A) observes, describes, and explains the relative and apparent motions of objects in the sky.
 - B) compares and analyzes evidence relating to the origin and physical evolution of the universe.
 - C) compares the processes involved in the life cycle of objects within the galaxies, including their physical and chemical characteristics.
 - D) demonstrates the ability to use instruments or to explain functions of the technologies and tools used in the study of the space sciences.
- i) Practices of Science – The competent science teacher understands and applies accepted practices and implications of science in contemporary and historical

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contexts.

- 1) Knowledge Indicators – The competent science teacher:
 - A) understands that the nature of science is a human endeavor characterized as tentative, public, replicable, probabilistic, historic, unique, holistic, and empirical.
 - B) understands the definitions of hypotheses, predictions, laws, theories, and principles and the historic and contemporary development and testing of them.
 - C) understands research and reports examples of hypotheses, predictions, laws, theories, and principles and valid and biased thinking.
 - D) understands the basis for safety practices and regulations in the study of science.
- 2) Performance Indicators – The competent science teacher:
 - A) researches and reports examples of creative and critical thinking skills in scientific research and technological innovation.
 - B) researches and reports examples of predictions, hypotheses, and theories in both valid and biased scientific thinking.
 - C) researches and reports examples of the development of science through time and the impact of societal values on the nature of science.
 - D) documents and practices safety rules and shows evidence of their necessity in the investigation of science.
 - E) demonstrates the ability to use instruments and is able to explain functions of appropriate safety equipment used to ensure and implement safe practices.
- j) Science, Technology, and Society – The competent science teacher understands the interaction among science, technology, and society, including historical and contemporary development of major scientific ideas and technological

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innovations.

- 1) Knowledge Indicators – The competent science teacher:
 - A) understands the ways that science and technology affect people's everyday lives, societal values, and systems; the environment; new knowledge; and technologies throughout history.
 - B) understands the processes and effects of scientific and technological breakthroughs and their effect on other fields of study, careers, and job markets.
- 2) Performance Indicators – The competent science teacher:
 - A) evaluates the efficacy of criteria for determining the effects of policies on local, [State, national, and global](#) scientific, environmental, and technological issues.
 - B) investigates and evaluates the credibility of scientific claims made in the media, during public debates, or in advertising or marketing campaigns.
 - C) investigates issues by defining and clearly articulating the scientific, technological, and societal connections to be investigated, as well as evaluating the consequences, implications, and potential options for resolution.
- k) Unifying Concepts – The competent science teacher understands the major unifying concepts of all sciences (systems, order, and organization; evidence, models, and explanation; constancy, change, and measurement; evolution and equilibrium; form and function), and how these concepts relate to other disciplines, particularly mathematics and the social sciences.
 - 1) Knowledge Indicators – The competent science teacher:
 - A) understands connections within and among the traditional scientific disciplines.
 - B) understands the fundamental comparability of the processes shared within and among the traditional scientific disciplines.

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- C) understands fundamental mathematical language, knowledge, and skills.
 - D) understands fundamental relationships among the sciences and the social sciences.
- 2) Performance Indicators – The competent science teacher:
- A) identifies and describes the application of the unifying concepts in real-life situations.
 - B) utilizes the unifying concepts from science, as well as concepts from mathematics, the social sciences, and other disciplines in his or her teaching.
 - C) expresses phenomenological relationships in the language of mathematics, solving simple algebraic equations, using scientific notation, constructing and interpreting graphs and using probabilities.
- l) Curriculum in Science – The competent science teacher understands how to develop learning outcomes for science instruction that incorporate State and national frameworks for teaching science and how to select appropriate curriculum materials to meet the standards-based outcomes.
- 1) Knowledge Indicators – The competent science teacher:
- A) understands the local, State and national goals and standards for science education.
 - B) understands the relationship of science concepts to the developmental level of students in classrooms.
 - C) understands how to articulate science instruction across units and from year to year.
- 2) Performance Indicators – The competent science teacher:
- A) identifies how an instructional design relates to local, State, and national goals and standards for science.

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- B) identifies appropriate curricular materials from a variety of sources and selects those that meet the developmentally appropriate, standards-led instructional outcomes.
 - C) demonstrates the ability to articulate learning across and among units of instruction, courses in science, and other disciplines.
- m) Planning for Instruction in Science – The competent science teacher understands how to plan learning experiences that utilize an appropriate variety of instructional methods and strategies that allow students to develop significant concepts in science and the ability to engage in scientific reasoning.
- 1) Knowledge Indicators – The competent science teacher:
 - A) understands how to use materials from the students' environment to help them use inquiry strategies to build concepts.
 - B) understands the appropriate use of various strategies of direct instruction, concept development, inquiry and problem solving that lead to knowledge and skills in scientific reasoning.
 - C) understands how concepts are developed in students' minds and how to address misconceptions that students have developed from prior experiences.
 - 2) Performance Indicators – The competent science teacher:
 - A) plans instruction that allows students to develop understanding of significant concepts and skills in science through hands-on experiences with real materials.
 - B) plans instruction that incorporates a variety of methods and strategies for learning, including demonstrations, the laboratory, and out-of-class resources.
 - C) plans instruction utilizing instructional technology, instructional materials, and scientific equipment.
 - D) plans instructional activities that create opportunities for students to test, modify, and sometimes abandon previous ideas about science.

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- n) Environment for Learning – The competent science teacher can design and manage safe and supportive learning environments in which all students can engage in scientific inquiry and concept development.
- 1) Knowledge Indicators – The competent science teacher:
 - A) understands liability and negligence, especially as applied to science teaching.
 - B) understands procedures for safe and ethical use and care of animals for science instruction.
 - 2) Performance Indicators – The competent science teacher:
 - A) designs and assesses learning environments to utilize safe practices to prevent potential problems of liability and negligence regarding the inventory, storage, and disposal of chemicals, resources, and equipment.
 - B) develops a set of criteria to measure and assesses the optimum learning environment that promotes scientific inquiry and learning.
 - C) develops procedures to adapt learning environments to meet students' special needs.
- o) Teaching Science – The competent science teacher understands how to guide and facilitate learning using a variety of methods and strategies that encourage students' development of scientific inquiry skills and concepts.
- 1) Knowledge Indicators – The competent science teacher:
 - A) understands the appropriate use of strategies for questioning, facilitating, and coaching to help students develop significant concepts, problem-solving skills, and scientific habits of mind.
 - B) understands the teacher's role in different teaching strategies, including concept development, inquiry, and direct instruction.
 - 2) Performance Indicators – The competent science teacher:

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- A) implements activities requiring students to collect data, reflect upon their findings, make inferences, and link new ideas to preexisting knowledge.
 - B) conducts instruction that has appropriate structure with flexibility to allow students to engage in productive inquiry as individuals and groups.
 - C) conducts instruction that encourages the curiosity, openness to new ideas and data, and skepticism that characterize science.
- p) Assessment – The competent science teacher understands standards-based science assessment designs, purposes, and analysis strategies, including technological collection capabilities and performance assessments.
- 1) Knowledge Indicators – The competent science teacher:
 - A) understands the alignment of student learning standards, instructional strategies, and local curriculum in the development of assessment tools and strategies.
 - B) understands the value of assessment data in guiding and changing instruction in science classrooms.
 - C) understands the importance of communicating criteria for success to students.
 - D) understands the importance and impact of State and local assessment policies.
 - 2) Performance Indicators – The competent science teacher:
 - A) plans and conducts assessment to evaluate scientific inquiry assessment tasks in multiple disciplines.
 - B) plans and conducts assessment to evaluate technological design assessment tasks in multiple disciplines.
 - C) plans and conducts assessment to evaluate scientific case study/issue investigation assessment tasks in multiple disciplines.

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- D) plans and conducts assessment to evaluate student understanding using a variety of tools and strategies.
 - E) designs assessment tasks with clearly articulated criteria for student impact and program evaluation.
 - F) evaluates assessment data to propose responses to program evaluation and potential improvement.
- q) Connections in Teaching Science – The competent science teacher can relate science to the daily lives and interests of students as well as to the larger framework of human endeavor and to learning in other disciplines.
- 1) Knowledge Indicators – The competent science teacher:
 - A) understands how students can identify and utilize science concepts in their daily lives.
 - B) understands the relationship of learning in science to learning in other disciplines.
 - 2) Performance Indicators – The competent science teacher:
 - A) engages students in the examination of science applications in their personal lives and interests and in the examination of local issues.
 - B) assists students in relating knowledge of other disciplines, particularly mathematics and social sciences, to concepts of science in applications to their personal lives.
 - C) orients students to potential careers related to applications of scientific and technological knowledge.
- r) Learning Science and the Community – The competent science teacher can make effective use of human and institutional resources beyond the classroom.
- 1) Knowledge Indicators – The competent science teacher:
 - A) understands applications of science concepts and inquiry to the context of a community.

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- B) understands how parents and other community members and institutions support science learning in the classroom.
 - C) understands how to use the resources of the student's community to support inquiry.
- 2) Performance Indicators – The competent science teacher:
- A) uses data about a community in conducting learning activities in science.
 - B) conducts activities that involve parents and other members of the community in the science program.
 - C) utilizes individuals and agencies that provide science education in the community in the science program.
 - D) develops and tests a community resource inventory, including its non-formal learning opportunities, business/industry connections, and parent/community resources.
 - E) uses synchronous and asynchronous telecommunication capabilities to collaborate with community members and other experts as an integral component of projects.
- s) Content Reading – The competent science teacher understands the process of reading and demonstrates instructional abilities to teach reading in the content area of science.
- 1) Knowledge Indicators – The competent science teacher:
- A) understands that the reading process is the construction of meaning through the interactions of the reader's background knowledge and experiences, the information in the text, and the purpose of the reading situation.
 - B) recognizes the relationships among the four language arts (reading, writing, listening, and speaking), and knows how to provide opportunities to integrate these through instruction.
 - C) understands how to design, select, modify, and evaluate materials

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in terms of the reading needs of the learner.

- D) understands the importance of and encourages the use of literature for adolescents in the curriculum and for independent reading.
 - E) understands the relationship between oral and silent reading.
 - F) understands the role of subject-area vocabulary in developing reading comprehension.
 - G) understands the importance of the unique study strategies required of the specific content area in developing reading comprehension.
 - H) understands the importance of the relationship between assessment and instruction in planning.
- 2) Performance Indicators – The competent science teacher:
- A) plans and teaches lessons for students that develop comprehension of content-area materials through instructional practices that include analyzing critically, evaluating sources, and synthesizing and summarizing material.
 - B) plans and teaches lessons on how to monitor comprehension and correct confusions and misunderstandings that arise during reading.
 - C) plans and models use of comprehension strategies before, during, and after reading of text.
 - D) provides opportunities for students to develop content-area vocabulary through instructional practices that develop connections and relationships among words, use of context clues, and understanding of connotative and denotative meaning of words.
 - E) plans and teaches lessons that encourage students to write about the content read in order to improve understanding.
 - F) plans and teaches lessons to help students develop study strategies that include previewing and preparing to read text effectively,

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recognizing organizational patterns unique to informational text, and using graphic organizers as an aid for recalling information.

- G) plans and teaches units that require students to carry out research or inquiry using multiple texts, including electronic resources.
- H) provides continuous monitoring of students' progress through observations, work samples, and various informal reading assessments.
- I) analyzes and evaluates the quality and appropriateness of instructional materials in terms of readability, content, length, format, illustrations, and other pertinent factors.
- J) promotes the development of an environment that includes classroom libraries that foster reading.

(Source: Amended at 28 Ill. Reg. 7002, effective April 29, 2004)

Section 27.200 Social Science – A Common Core of Standards

All social science teachers shall be required to demonstrate competence in the common core of social science standards. In addition, each social science teacher shall be required to demonstrate competence in at least one of the social science areas for which standards are described in Sections 27.210 through 27.260 of this Part: economics, geography, history, political science, psychology, and/or sociology and anthropology.

- a) The competent social science teacher understands the connections among the behavioral sciences, economics, geography, history, political science, and other learning areas.
 - 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the structure, purpose, and methodology of the social sciences.
 - B) understands the interdependence of the social science disciplines.
 - C) understands the use of social science concepts to interpret human actions.

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- D) understands the relationship between the social sciences and other learning areas.
- 2) Performance Indicators – The competent social science teacher:
- A) explains the methods social scientists employ to answer questions about the human experience.
 - B) integrates concepts from the social sciences in constructing discipline-specific lessons and units.
 - C) develops interdisciplinary approaches to the teaching of general social science.
- b) The competent social science teacher understands the use of analysis, interpretation, and evaluation.
- 1) Knowledge Indicators – The competent social science teacher:
- A) understands the value of informed opinion based on systematic analysis of evidence.
 - B) understands the strengths and weaknesses of primary and secondary sources of evidence.
 - C) understands the importance of multiple sources of information.
 - D) understands the complexity of causation.
 - E) understands the tentative nature of interpretations about human actions.
 - F) understands the difference between fact and conjecture and between evidence and assertion.
- 2) Performance Indicators – The competent social science teacher:
- A) demonstrates the ability to compare and contrast.
 - B) differentiates between facts and interpretations.

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- C) analyzes cause-and-effect relationships.
 - D) compares competing narratives and multiple perspectives.
 - E) identifies the central questions addressed in a narrative.
 - F) analyzes data from a variety of sources before reaching a general conclusion or interpretation.
- c) The competent social science teacher understands how to use the tools of social science inquiry to conduct research and interpret findings.
- 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the tools of social science research.
 - B) understands the use of research in reaching conclusions and developing interpretations.
 - C) understands ethical approaches for conducting research and interpreting findings.
 - 2) Performance Indicators – The competent social science teacher:
 - A) gathers data, using appropriate methods and technology.
 - B) assesses the credibility and authority of sources and research findings.
 - C) formulates appropriate questions by observing and analyzing evidence.
 - D) organizes and presents findings in an appropriate format.
- d) The competent social science teacher understands basic political concepts and systems.
- 1) Knowledge Indicators – The competent social science teacher:
 - A) understands concepts used in the study of government and politics.

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- B) understands the basic purposes and functions of government (e.g., executive, legislative, and judicial).
 - C) understands the types of political systems (e.g., democracy, oligarchy, monarchy – limited and unlimited).
- 2) Performance Indicators – The competent social science teacher:
- A) explains the basic concepts used in the study of government and politics (e.g., political socialization, representation, and authority).
 - B) explains why governments exist and the basic functions they perform.
 - C) compares the characteristics of democracy, autocracy, oligarchy, monarchy, and totalitarianism.
- e) The competent social science teacher understands the formation and implementation of public policy in the United States and other nations.
- 1) Knowledge Indicators – The competent social science teacher:
- A) understands the role played by officials in the legislative, executive, judicial, and administrative branches of government.
 - B) understands the role played by interest groups, political parties and candidates, public opinion, and the mass media.
- 2) Performance Indicators – The competent social science teacher:
- A) analyzes public policy issues from the perspectives of different groups, individuals, and government officials.
 - B) explains how public policy is formed and carried out at local, State, and national levels.
 - C) evaluates the role of political parties, interest groups, and the media in public policy debate.
 - D) identifies examples of political leadership influencing public policy.

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- f) The competent social science teacher understands the principles of constitutional government in the United States and Illinois.
- 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the historical development of United States and Illinois constitutional government.
 - B) understands the principles of representative government that form the foundation of constitutional democracy.
 - 2) Performance Indicators – The competent social science teacher:
 - A) explains how historical events and significant individuals have affected the development of United States constitutional government.
 - B) analyzes the fundamental principles (e.g., separation of powers, checks and balances, individual rights, and federalism) that led to the development of democratic government in the United States and Illinois.
- g) The competent social science teacher understands the organization and functions of government at national, State, and local levels in the United States.
- 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the organizational structure of national, State, and local government.
 - B) understands the operations of the executive, legislative, and judicial branches of government.
 - C) understands the functions of national, State, and local governments.
 - 2) Performance Indicators – The competent social science teacher:
 - A) explains how and why powers of the national government are distributed, shared, and limited in a federal system.

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- B) analyzes the relationships among national, State, and local governments.
- h) The competent social science teacher understands the rule of law and the rights and responsibilities of individual citizens in a democratic society, with an emphasis on the United States and Illinois.
- 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the sources, purposes, and functions of law (e.g., basic legal rights and responsibilities).
 - B) understands the rights extended to citizens through the Bill of Rights and other amendments.
 - C) understands the role of the Supreme Court in defining, expanding, and limiting individual rights.
 - D) understands the role of responsible citizenship.
 - 2) Performance Indicators – The competent social science teacher:
 - A) evaluates the rights and responsibilities of the individual in relation to his or her family, social groups, community, and nation.
 - B) evaluates historical and current issues regarding the judicial protection of individual rights (e.g., landmark court decisions and amendments).
 - C) examines the implications of responsible citizenship (e.g., decision-making, volunteerism, and voting).
- i) The competent social science teacher understands the purposes and functions of international organizations and global connections, with an emphasis on the role of the United States.
- 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the function and global impact of major international and multinational organizations.

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- B) understands the development and implementation of United States foreign policy.
- 2) Performance Indicators – The competent social science teacher:
- A) analyzes the influence of international organizations on world affairs.
 - B) identifies examples of individuals and interest groups that influence United States foreign policy.
- j) The competent social science teacher understands economic concepts, terms, and theories.
- 1) Knowledge Indicators – The competent social science teacher:
- A) understands the impact of scarcity and opportunity cost on the allocation of resources.
 - B) understands the effects of supply and demand on economic decisions.
 - C) understands that cost/benefit analysis influences economic decision-making.
 - D) understands the role of money in an economic system.
- 2) Performance Indicators – The competent social science teacher:
- A) analyzes how allocation of scarce resources affects a society's standard of living.
 - B) uses supply and demand theory to analyze production, consumption, prices, and the market value of labor.
 - C) uses marginal analysis to analyze the costs and benefits of voluntary exchange and to evaluate historical and contemporary social issues.
 - D) analyzes the characteristics and functions of money and applies an

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understanding of money to personal finance and consumer decisions.

- k) The competent social science teacher understands various types of economic systems.
 - 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the differences among various economic systems.
 - B) understands the role of government in an economic system.
 - C) understands the importance of financial institutions in a market economy.
 - 2) Performance Indicators – The competent social science teacher:
 - A) compares the characteristics of command, traditional, and market economic systems and assesses how values and beliefs influence economic decisions in different societies.
 - B) evaluates the costs and benefits of government policies and how they affect decisions by consumers and producers.
 - C) explains how banks and other financial institutions facilitate saving, borrowing, and investment.
- l) The competent social science teacher understands the components and operation of the United States economy.
 - 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the basic principles of free enterprise, including entrepreneurship.
 - B) understands the roles of the federal government and the Federal Reserve System in the U.S. economy.
 - C) understands the impact of government policies on economic decision-making.

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- D) understands the impact of economic problems such as inflation and unemployment.
- 2) Performance Indicators – The competent social science teacher:
- A) explores the impact of competition and monopoly on businesses and households.
 - B) analyzes the relationships among households, firms, and government agencies in a market economy.
 - C) evaluates the effects of taxes, subsidies, income transfers, interest rates, and other policies on the decisions of consumers and producers.
 - D) analyzes economic problems (e.g., inflation and unemployment).
- m) The competent social science teacher understands international economic structures, processes, and relationships.
- 1) Knowledge Indicators – The competent social science teacher:
- A) understands the interconnectedness of comparative advantage, specialization, and trade.
 - B) understands the effects of economic interdependence and free trade.
 - C) understands the impact of availability of resources on economic growth and stability.
 - D) understands the global effects of resource supply and demand.
- 2) Performance Indicators – The competent social science teacher:
- A) analyzes how specialization and comparative advantage affect global production, consumption, voluntary trade, and economic interdependence.
 - B) evaluates trade incentives and disincentives such as subsidies and quotas, and examines how the availability of resources affects

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specialization and trade among nations and regions.

- n) The competent social science teacher understands historical concepts, terms, and theories.
 - 1) Knowledge Indicators – The competent social science teacher:
 - A) understands chronological thinking and periodization.
 - B) understands cause and effect.
 - C) understands change and continuity.
 - D) understands historical context.
 - 2) Performance Indicators – The competent social science teacher:
 - A) places historical events in the proper chronological framework and compares alternative models of periodization.
 - B) analyzes the causes and effects of historical events.
 - C) explains patterns of historical succession and duration, continuity, and change.
 - D) explains events in relationship to historical setting.
- o) The competent social science teacher understands major political developments and compares patterns of continuity and change in different regions of the world.
 - 1) Knowledge Indicators – The competent social science teacher:
 - A) understands 19th and 20th century ideologies and their global influence (e.g., liberalism, republicanism, socialism, Marxism, nationalism, communism, fascism, nazism).
 - B) understands the nature and significance of modern revolutions.
 - C) understands the origins and impact of exploration and imperialism.
 - D) understands the development of representative government.

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- 2) Performance Indicators – The competent social science teacher:
 - A) explains the effect of European political ideologies on other regions and nations of the world.
 - B) describes the causes and effects of modern political revolutions.
 - C) evaluates the impact of colonization and decolonization on colonizers and colonized.
 - D) describes the origins and development of a representative government.
- p) The competent social science teacher understands major social and cultural developments and compares patterns of continuity and change in different regions of the world.
 - 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the evolution and distinctive characteristics of major Asian, African, and American pre-Columbian societies and cultures.
 - B) understands the philosophical and cultural legacies of ancient Greece and Rome.
 - C) understands the origins, central ideas, and influence of major religious and philosophical traditions such as Buddhism, Islam, Confucianism, Judaism, and Christianity.
 - D) understands the culture and ideas of the Medieval, Renaissance, and Reformation periods.
 - E) understands the culture and ideals of the modern world since the Age of Enlightenment.
 - 2) Performance Indicators – The competent social science teacher:
 - A) describes changing relations among social classes, ethnic groups, religious denominations, and genders.

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- B) explains the process of cultural diffusion.
 - C) explains the effect of religious diversity on global society.
 - D) analyzes the effects of ethnic diversity within a society.
- q) The competent social science teacher understands major scientific, geographic, and economic developments and compares patterns of continuity and change in different parts of the world.
- 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the connections among civilizations accelerated by changing means of transportation and communication.
 - B) understands the major landmarks in the use of the environment from the Paleolithic Period through the transformation from agricultural to industrial societies.
 - C) understands the effect of technology on the environment.
 - D) understands the origins and impact of capitalism and other economic systems.
 - 2) Performance Indicators – The competent social science teacher:
 - A) describes the connections between transportation and communication and their effects on civilizations throughout the course of world history.
 - B) describes the progression from hunter-gatherer societies to agricultural and industrial societies.
 - C) evaluates the effect of technology on the environment over time.
 - D) describes the effect of globalization of the world economy since 1500 ~~AD-CE~~ (sometimes also referred to as "CE").
- r) The competent social science teacher understands major political developments and compares patterns of continuity and change in the United States and the State

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of Illinois.

- 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the evolution of American democracy, including its ideas, institutions, and practices, from the colonial period to the present.
 - B) understands the evolution of United States foreign policy and its relationship to domestic affairs and policy.
 - C) understands the development of political institutions in Illinois.
- 2) Performance Indicators – The competent social science teacher:
 - A) describes the origins and development of democracy in the United States.
 - B) explains the emergence of the United States as a world power.
 - C) describes the influence of domestic affairs on foreign policy.
 - D) describes the development of government in Illinois.
- s) The competent social science teacher understands major social and cultural developments and compares patterns of continuity and change in the United States and the State of Illinois.
 - 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the characteristics of migration and settlement of people who came to America from different regions from prehistory to the present.
 - B) understands the importance of family and local history and their relation to the larger context of American development.
 - C) understands the changing character of American society, culture, arts and letters, education, religion, and values.
 - 2) Performance Indicators – The competent social science teacher:

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- A) analyzes migration patterns and movement of people to and within the United States and Illinois.
 - B) identifies examples of continuity and change in American culture, arts and letters, education, religion, and values.
 - C) explains the concept of "e pluribus unum."
- t) The competent social science teacher understands the major scientific, geographic, and economic developments and compares patterns of continuity and change in the United States and the State of Illinois.
- 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the development of the United States and Illinois economies, including the agricultural, industrial, and service sectors.
 - B) understands the relationship between geography and economic developments.
 - 2) Performance Indicators – The competent social science teacher:
 - A) describes the impact of technological change and urbanization in the United States and Illinois.
 - B) describes the changing role of labor in the United States and Illinois.
 - C) describes the development and impact of capitalism in the United States and Illinois.
 - D) explains the changing role of the United States economy within the global economy.
- u) The competent social science teacher understands geographic representations, tools, and technologies and how to use them to obtain information about people, places, and environments on Earth.
- 1) Knowledge Indicators – The competent social science teacher:

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- A) understands the use of mental and other maps.
 - B) understands the use of aerial photographs and satellite images.
 - C) understands the advantages and disadvantages of various geographic representations, tools, and technologies.
- 2) Performance Indicators – The competent social science teacher:
- A) describes ways that mental and other maps influence human decisions about location, settlement, and public policy.
 - B) uses geographic tools and technologies such as aerial photographs and satellite images to pose and answer questions about spatial distributions and patterns on Earth.
 - C) evaluates the application of geographic tools and supporting technologies to solve problems (e.g., urban planning, location of commercial establishments).
- v) The competent social science teacher understands how culture and experience influence human perceptions of people, places, and regions.
- 1) Knowledge Indicators – The competent social science teacher:
- A) understands that culture and technology affect perceptions of places and regions.
 - B) understands that places and regions serve as cultural symbols for people.
 - C) understands the relationships between cultural change and changing perceptions of places and regions.
- 2) Performance Indicators – The competent social science teacher:
- A) identifies ways culture and technology influence perceptions of places and regions.
 - B) explains how cultural processes (e.g., gender roles, resource use,

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transportation, and communication) shape the features of places and regions.

- C) assesses the relationship between cultural change and the perception and use of places and regions.
- w) The competent social science teacher understands the physical and human characteristics of places and regions.
- 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the elements and types of places and regions.
 - B) understands changes in places and regions over time.
 - C) understands the connections among places and regions.
 - 2) Performance Indicators – The competent social science teacher:
 - A) analyzes human and physical processes to determine their role in the creation of different types of places and regions.
 - B) identifies human and physical changes in places and regions and explains the factors that contribute to those changes.
 - C) explains the significance of connections among places and regions over space and time.
- x) The competent social science teacher understands how physical processes and human activities influence spatial distributions.
- 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the trends and issues in world population patterns.
 - B) understands the impact of human migration on physical and human systems.
 - C) understands that cooperation and conflict influence spatial patterns on Earth.

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- D) understands that physical processes contribute to different spatial distributions.
- 2) Performance Indicators – The competent social science teacher:
- A) analyzes population trends, issues, and patterns.
 - B) explains the causes of, and the spatial patterns that result from, cooperation and conflict among groups and societies.
 - C) explains how human migration affects physical and human systems.
 - D) analyzes different spatial patterns to determine the influence of various physical processes.
- y) The competent social science teacher understands the role of science and technology in the modification of physical and human environments.
- 1) Knowledge Indicators – The competent social science teacher:
- A) understands that human actions coupled with technology result in modifications to the physical environment.
 - B) understands the functions, sizes, and spatial arrangement of human environments (e.g., cities).
 - C) understands the changes affecting physical and human environments.
- 2) Performance Indicators – The competent social science teacher:
- A) explains how technology expands human capability to modify human and physical environments.
 - B) explains the global impact of human action on the physical environment.
 - C) proposes solutions to environmental problems.
- z) The competent social science teacher understands the consequences of global

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interdependence on spatial patterns.

- 1) Knowledge Indicators – The competent social science teacher:
 - A) understands the causes and effects of increased global interdependence.
 - B) understands that the spatial distribution of resources affects the location and distribution of economic activities.
 - C) understands the spatial implications of international economic issues and problems.
 - 2) Performance Indicators – The competent social science teacher:
 - A) explains the primary causes for and effects of increased global interdependence.
 - B) analyzes how the distribution of resources affects the location of economic activities.
 - C) explains how international economic issues, opportunities, and problems result from increased global interdependence.
- aa) The competent social science teacher understands concepts, terms, and theories related to human behavior and development.
- 1) Knowledge Indicators – The competent social science teacher:
 - A) understands basic psychological concepts (e.g., cognition, development, personality).
 - B) understands fundamental theories of learning, motivation, and development.
 - C) understands cognitive, biological, and emotional influences on behavior.
 - D) understands main theories of personality (e.g., psychoanalytic, trait, behaviorism, humanism) and various types of psychological disorders.

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- 2) Performance Indicators – The competent social science teacher:
 - A) explains how physiology, learning, emotions, and motivation influence behavior.
 - B) applies knowledge of human development to examine physical, cognitive, social, emotional, and moral changes associated with different stages of life.
 - C) applies main concepts of personality theory and psychological disorders to explain behavior.
- bb) The competent social science teacher understands concepts, terms, and theories related to the study of cultures, the structure and organization of human societies, and the process of social interaction.
 - 1) Knowledge Indicators – The competent social science teacher:
 - A) understands basic sociological and anthropological concepts (e.g., acculturation, ethnocentrism, institutions).
 - B) understands social organization in various time periods (e.g., ancient, pre-industrial, industrial, postindustrial).
 - C) understands the impact of social customs, cultural values, and norms on behavior.
 - D) understands the influence of social class on life decisions.
 - E) understands sociological approaches to conformity and deviancy.
 - 2) Performance Indicators – The competent social science teacher:
 - A) applies a behavioral science point of view to general social phenomena and specific social situations.
 - B) analyzes interactions among individuals and groups within various social institutions (e.g., educational, religious, military).
 - C) explains the role played by tradition, the arts, and social

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institutions in the development and transmission of culture.

- D) analyzes ways in which common values and beliefs develop within societies.
 - E) analyzes conformity and deviancy from a sociological perspective.
- cc) The competent social science teacher understands the process of reading and demonstrates instructional abilities to teach reading in the content area of social science.
- 1) Knowledge Indicators – The competent social science teacher:
 - A) understands that the reading process is the construction of meaning through the interactions of the reader's background knowledge and experiences, the information in the text, and the purpose of the reading situation.
 - B) recognizes the relationships among the four language arts (reading, writing, listening, and speaking), and knows how to provide opportunities to integrate these through instruction.
 - C) understands how to design, select, modify, and evaluate materials in terms of the reading needs of the learner.
 - D) understands the importance of and encourages the use of literature for adolescents in the curriculum and for independent reading.
 - E) understands the relationship between oral and silent reading.
 - F) understands the role of subject-area vocabulary in developing reading comprehension.
 - G) understands the importance of the unique study strategies required of the specific content area in developing reading comprehension.
 - H) understands the importance of the relationship between assessment and instruction in planning.
 - 2) Performance Indicators – The competent social science teacher:

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- A) plans and teaches lessons to help students develop comprehension of content-area materials through instructional practices that include analyzing critically, evaluating sources, and synthesizing and summarizing material.
- B) plans and teaches lessons on how to monitor comprehension and correct confusions and misunderstandings that arise during reading.
- C) plans and models use of comprehension strategies before, during, and after reading of text.
- D) provides opportunities for students to develop content-area vocabulary through instructional practices that develop connections and relationships among words, use of context clues, and understanding of connotative and denotative meaning of words.
- E) plans and teaches lessons that encourage students to write about the content read in order to improve understanding.
- F) plans and teaches lessons to help students develop study strategies that include previewing and preparing to read text effectively, recognizing organizational patterns unique to informational text, and using graphic organizers as an aid for recalling information.
- G) plans and teaches units that require students to carry out research or inquiry using multiple texts, including electronic resources.
- H) provides continuous monitoring of student progress through observations, work samples, and various informal reading assessments.
- I) analyzes and evaluates the quality and appropriateness of instructional materials in terms of readability, content, length, format, illustrations, and other pertinent factors.
- J) promotes the development of an environment that includes classroom libraries that foster reading.

(Source: Amended at 28 Ill. Reg. 7002, effective April 29, 2004)

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Section 27.230 History

In addition to the standards for all social science teachers that are set forth in Section 27.200 of this Part, those who specialize in the teaching of history shall be required to meet the standards described in this Section.

- a) The competent history teacher understands major trends, key turning points, and the roles of influential individuals and groups in United States history from the colonial era through the growth of the American republic.
 - 1) Knowledge Indicators – The competent history teacher:
 - A) understands the interaction of European and Native American societies through the mid-19th century.
 - B) understands the development of political, religious, and socioeconomic institutions in the American colonies.
 - C) understands the role of the American Revolution in the development of United States society.
 - D) understands the impact of the industrial revolution, the institution of slavery, and westward expansion on regional and national development.
 - 2) Performance Indicators – The competent history teacher:
 - A) identifies political ideas that influenced the development of U.S. constitutional government.
 - B) assesses factors that contributed to the Age of Exploration and evaluates the consequences of the Columbian Exchange.
 - C) explains the social, economic, and political tensions that led to the American Revolution.
 - D) explains the factors that accounted for the differences between societies in New England, the mid-Atlantic, and the lower South.
 - E) explains the effect of the revolution on social, political, and

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economic relations in the new nation.

- F) explains the evolution of the two-party system.
- b) The competent history teacher understands major trends, key turning points, and the roles of influential individuals and groups in United States history from the Civil War through World War I.
- 1) Knowledge Indicators – The competent history teacher:
 - A) understands events that contributed to the U.S. Civil War.
 - B) understands the role of reconstruction in rebuilding the nation.
 - C) understands the role of big business in the transformation of U.S. society in the late 19th century.
 - D) understands the influences of Populism and Progressivism on U.S. society in the late 19th and early 20th centuries.
 - E) understands the composition and significance of late 19th century immigration.
 - F) understands the role of the U.S. in world affairs through World War I.
 - 2) Performance Indicators – The competent history teacher:
 - A) explains the effects of the Civil War on U.S. society.
 - B) evaluates reconstruction policies and their impact on U.S. society.
 - C) identifies the effects of industrialization and urbanization on the U.S.
 - D) traces the patterns of immigration settlement in different regions of the country.
 - E) describes the obstacles, opportunities, and contributions of immigrants.

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- F) assesses the relationship between business and labor.
 - G) explains the political, social, cultural, and economic contributions of Populism and Progressivism.
 - H) explains the causes of World War I and the reasons for U.S. involvement in the war.
- c) The competent history teacher understands major trends, key turning points, and the roles of influential individuals and groups in United States history in the twentieth century and beyond.
- 1) Knowledge Indicators – The competent history teacher:
 - A) understands the effects of the Great Depression on the United States.
 - B) understands the relationship between the New Deal and the development of welfare policies after 1932.
 - C) understands the origins of World War II and of U.S. involvement in the war.
 - D) understands the social transformation of the post-war United States.
 - E) understands the origins of the Cold War and its impact on the United States.
 - F) understands the significance of landmark events in foreign and domestic policies since 1945.
 - G) understands United States involvement in the Vietnam War.
 - 2) Performance Indicators – The competent history teacher:
 - A) evaluates the causes of the Great Depression and its impact on the United States.
 - B) explains reasons for U.S. participation in World War II.

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- C) evaluates the role of the United States in World War II and the impact of the war on the United States.
 - D) explains the origins of the Cold War and its impact on the United States.
 - E) identifies the origins and the course of post-1945 social movements, particularly the Civil Rights Movement.
 - F) explains the relationship between U.S. domestic and foreign policies in the 20th century.
 - G) assesses the U.S. military engagement in Vietnam and its effect on the United States.
- d) The competent history teacher understands major trends, key turning points, and the roles of influential individuals and groups in world history from prehistory to the Age of Exploration.
- 1) Knowledge Indicators – The competent history teacher:
 - A) understands the transition from prehistory to early civilizations, including non-western empires and tropical civilizations.
 - B) understands the development of classical civilizations from 1000 BC to 500 AD ([sometimes also referred to as "BCE" and "CE", respectively](#)).
 - C) understands the fragmentation and interaction of civilizations from 500 to 1000 AD.
 - D) understands the centralization of power in different regions from 1000 to 1500 AD.
 - 2) Performance Indicators – The competent history teacher:
 - A) describes the populating of major world regions by human communities.
 - B) identifies and compares centralized and decentralized states.

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- C) explains the major achievements of Greek and Roman civilizations.
 - D) identifies factors contributing to the break-up of the Roman Empire.
 - E) explains the role of feudalism in the growth of European monarchies and city states.
 - F) describes major political, social, and economic developments in non-western states.
- e) The competent history teacher understands major trends, key turning points, and the roles of influential individuals and groups in world history from the Age of Exploration to the present.
- 1) Knowledge Indicators – The competent history teacher:
 - A) understands cultural encounters, global change, and revolution from 1450 to 1850.
 - B) understands imperialism and its effects from 1850 to 1914.
 - C) understands the ideas, institutions, and cultural legacies of the twentieth century.
 - D) understands the causes and courses of the world wars.
 - E) understands the motivations and effects of decolonization.
 - 2) Performance Indicators – The competent history teacher:
 - A) describes the origins and consequences of encounters between Europeans and peoples of Africa, Asia, and the Americas.
 - B) identifies the cultural and religious significance of the scientific revolution.
 - C) describes the relationship between political and industrial revolutions on social and cultural change.

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- D) explains the causes and effects of European, American, and Asian imperial expansion.
 - E) describes the causes and consequences of 20th century wars.
 - F) describes the causes and global consequences of economic development.
 - G) describes the causes and consequences of the Holocaust.
 - H) describes the independence movements related to decolonization.
- f) The competent history teacher understands major trends, key turning points, and the roles of influential individuals and groups in the State of Illinois from the colonial era to the present.
- 1) Knowledge Indicators – The competent history teacher:
 - A) understands the evolution of political ideas, institutions, and practices and their role in Illinois.
 - B) understands the influence of geography, technology, agriculture, urbanization, industry, and labor on the development of the Illinois economy.
 - C) understands the effects of migration of people and cultures and several religious traditions that have shaped Illinois.
 - D) understands the roles of family and local history in their relation to the larger context of U.S. and global history.
 - 2) Performance Indicators – The competent history teacher:
 - A) describes the development of political ideas, institutions, and practices in Illinois.
 - B) traces the development of the Illinois economy.
 - C) assesses the impact of cultural migration and religious traditions on Illinois.

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- D) relates Illinois family and local history to U.S. and world history.
- g) The competent history teacher understands comparative history.
- 1) Knowledge Indicators – The competent history teacher:
- A) understands methods of comparative history.
- B) understands effects of broad historical developments (e.g., industrialization, modernization, imperialism, globalization) on diverse cultures.
- C) understands different meanings and implications of broad historical developments on diverse cultures.
- D) understands differences and similarities from one generation to the next within the same culture.
- 2) Performance Indicators – The competent history teacher:
- A) identifies similarities and differences within and between cultures.
- B) evaluates the impact of broad historical developments on diverse cultures.
- C) assesses the different meanings and implications of historical developments on diverse cultures.
- D) describes continuities and changes within and among generations.
- h) The competent history teacher understands the major interpretations in the field of history.
- 1) Knowledge Indicators – The competent history teacher:
- A) understands the various and changing definitions of history.
- B) understands the origins and interpretative frameworks of significant theories of history.
- C) understands the tentative nature of historical interpretation.

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- 2) Performance Indicators – The competent history teacher:
 - A) differentiates among and evaluates various definitions of history.
 - B) employs and assesses interpretive frameworks in analyzing historical events.
 - C) evaluates major debates among historians.

(Source: Amended at 28 Ill. Reg. 7002, effective April 29, 2004)

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- 1) Heading of the Part: Secular Textbook Loan
- 2) Code Citation: 23 Ill. Adm. Code 350
- 3) Section Numbers: Adopted Action:
350.10 Amendment
350.15 Amendment
- 4) Statutory Authority: 105 ILCS 5/18-17
- 5) Effective Date of Amendments: May 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) Notice of Proposal Published in Illinois Register: January 2, 2004; 28 Ill. Reg. 278
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 350.15(j), the period was moved to the outside of the ending quotation mark.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes. The change requested by the Joint Committee has been made.
- 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: P.A. 93-212, effective July 18, 2003, amended Section 18-17 of the School Code to allow schools to purchase certain science curriculum materials under the Secular Textbook Loan Program. This change in the law necessitates a change in the administrative rules for the program.

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Also, the rulemaking amends the Section of the rules dealing with acquisition procedures to require that all requests for textbooks under the loan program be submitted by electronic means only (via a dedicated site on the agency's web page).

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

Name: Joseph A. Klickna
Fiscal and Administrative Services Division
Address: Illinois State Board of Education
100 North First Street, W-380
Springfield, Illinois 62777-0001
Telephone: (217) 782-4387

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER j: TEXTBOOKS

PART 350

SECULAR TEXTBOOK LOAN

Section

350.10	Definition of Terms
350.15	Acquisition Procedures
350.20	Administrative Practices (Repealed)
350.25	Disposal Procedures
350.30	Fiscal Procedures (Repealed)

AUTHORITY: Implementing and authorized by Section 18-17 of the School Code [105 ILCS 5/18-17].

SOURCE: Adopted September 27, 1976; amended at 2 Ill. Reg. 27, p. 163, effective June 27, 1978; amended at 4 Ill. Reg. 37, p. 770, effective September 6, 1980; codified at 7 Ill. Reg. 13870; amended at 8 Ill. Reg. 2462, effective February 15, 1984; amended at 15 Ill. Reg. 17597, effective November 20, 1991; amended at 20 Ill. Reg. 9951, effective July 12, 1996; amended at 24 Ill. Reg. 7256, effective May 1, 2000; amended at 28 Ill. Reg. 7050, effective May 3, 2004.

Section 350.10 Definition of Terms

"Eligible Applicant" for the purposes of this Part is a public school district in the State of Illinois; or a nonpublic school that is in compliance with the compulsory attendance laws of Illinois and Title VI of the Civil Rights Act of 1964 and is registered with the State Board of Education; or any other publicly funded school located in the State.

"Student" means *any student in this State who is enrolled in grades kindergarten through 12 at a public school or at a school other than a public school which is in compliance with the compulsory attendance laws of this State and Title VI of the Civil Rights Act of 1964.* (Section 18-17 of the School Code [105 ILCS 5/18-17])

"Parent" means a parent or guardian of a child enrolled in a public or nonpublic school.

"Request Form" means ~~either a paper or an electronic version (i.e., via diskette or~~ |

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~~the Internet) of the~~ document [available via the Internet that](#) the eligible applicant uses to request the secular textbooks to be purchased under the program.

"School Administrator" means the superintendent of a school district or the chief administrative officer of a nonpublic school or other eligible school, [or his or her designee](#).

"Secular Textbook" means *any book or book substitute which a pupil uses as a text or text substitute in a particular class or program. It shall include books, reusable workbooks, manuals, whether bound or in loose-leaf form, and instructional computer software intended as a principal source of study material for a given class or group of students. ["Textbook" also includes science curriculum materials in a kit format that includes pre-packaged consumable materials if it is shown that the materials serve as a textbook substitute; the materials are for use by pupils as a principal learning resource; each component of the materials is integrally necessary to teach the requirements of the intended course; the kit includes teacher guidance materials; and the purchase of individual consumable materials is not allowed.](#)* (Section 18-17 of the School Code)

(Source: Amended at 28 Ill. Reg. 7050, effective May 3, 2004)

Section 350.15 Acquisition Procedures

- a) Students shall not be assessed a fee for any textbook or book substitute provided under the Secular Textbook Loan Program.
- b) Eligible applicants shall provide parents with a brief written explanation of the textbook loan program in a student handbook, newsletter, flyer or by similar means. A parent or student may request the loan of a secular textbook(s) by submitting an individual request that shall contain the following language: "I hereby request the loan of secular textbooks in accordance with Section 18-17 of the School Code. I understand that this request will remain valid so long as my son/daughter is enrolled in (name of school) and that I may at any time withdraw this request."
- c) Requested textbooks shall be those that have been adopted for use in the district or school and that are available from those [vendors](#) ~~companies~~ that are bonded through the State Board of Education. The State Board of Education each fiscal year shall provide [on its textbook loan website](#) ~~eligible applicants with~~ the list of [vendor](#)~~se~~~~companies~~ from which materials may be purchased and ~~with~~ the list of

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secular textbooks that the State Board of Education has identified as eligible under the program. ~~d) In January of each year, the State Board of Education shall distribute the Request Forms (to be completed by schools), the list of eligible secular textbooks, and the list of bonded companies to the Regional Offices of Education outside of Cook County and to each eligible applicant located in Cook County. This information shall then be distributed by the Regional Superintendents of Schools to each public and nonpublic school in their respective regions.~~

- de) In January of each year, the State Board of Education will identify the grade levels to be funded and calculate the per-pupil allocation. Those school~~School~~ administrators with schools eligible to participate will be notified in writing as to:
- 1) the total amount available to their students to be used for the grade levels identified for funding (~~the~~The per-pupil allocation will be based upon the total amount of funds appropriated for the program and the total statewide public and nonpublic school enrollment in the specific grade levels to be funded, as of the last school day in September of the current school year); and-
 - 2) the password to be used to access the textbook loan website for the purposes of completing a Request Form.
- ef) The Request Forms shall be ~~completed~~compiled by the school administrator, ~~and the administrator's signature~~Electronic submission ofen the Request Form shall certify compliance with Section 18-17 of the School Code and this Part, as well as with Article X, Section 3, of the Illinois Constitution, which provides in pertinent part that *no funds may be used to help support or sustain any institution controlled by any church or sectarian denomination.*
- fg) Each eligible applicant shall submit its completed Request Form ~~as prescribed in this subsection (g)~~ on or before ~~April~~March 15. Eligible applicants will be unable to access the Request Form after this deadline.~~1) Schools located within the City of Chicago shall submit their Request Forms directly to the State Board of Education, Textbook Loan Program, 100 North First Street, Springfield, Illinois 62777-0001. 2) All other applicants shall submit their completed Request Forms to their respective Regional Office of Education. The Regional Superintendent shall review and approve all Request Forms and forward them to the State Board of Education on or before March 25 upon determining that the information and signature required on the Request Form have been provided. 3) Eligible applicants that choose to submit the completed Request forms via the Internet shall do so in~~

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~~accordance with the procedures indicated on the Request Form. Requested information may include, but is not limited to: a contact person's name, e-mail address, telephone number, and textbook order. 4) Request Forms received after the deadline shall be returned to the applicant.~~

- ~~gh)~~ Each school administrator shall be informed via U.S. mail by the end of May as to the specific textbooks that will be purchased. ~~1) For applicants located outside of Cook County, the State Board of Education shall inform each Regional Office of Education, which shall notify each applicant in its region. 2) For applicants located in Cook County, the State Board of Education shall inform each applicant directly.~~
- ~~hi)~~ On a form provided by the State Board of Education, the school administrator shall confirm that the quantity and titles of all textbooks received are the same as ordered. Such confirmation shall be mailed or faxed to the State Board of Education, using the address or fax number provided on the form, within seven days after receipt of the textbooks.
- ~~ij)~~ All textbooks provided through the program shall be listed on an inventory maintained by the State Board of Education. Each school shall identify (stamp) the materials received under the program as "Property of the State of Illinois, School Year _____".
- ~~jk)~~ Each recipient shall have procedures to assure the return of all textbooks from those to whom they have been loaned.

(Source: Amended at 28 Ill. Reg. 7050, effective May 3, 2004)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)
- 2) Code Citation: 89 Ill. Adm. Code 679
- 3) Section Number: 679.50 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective date of amendment: April 30, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in the Illinois Register: November 21, 2003; 27 Ill. Reg. 17320
- 11) Has JCAR issued a Statement of Objection to this rulemaking? No
- 12) Differences between proposal and final version: In Main Source note, added "emergency expired April 3, 2004;".
- 13) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were recommended.
- 14) Will this amendment replace any emergency amendments currently in effect? No. The corresponding emergency rulemaking expired April 3, 2004.
- 15) Are there any amendments pending on this Part? No
- 16) Summary and purpose of amendment: This rulemaking was promulgated to bring the personal care attendants' wages into compliance with the new contract recently completed by the State and Union Local 880
- 17) Information and questions regarding this adopted amendment shall be directed to:

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Tracie Drew

Bureau Chief of Administrative Rules

100 South Grand Ave. East

Springfield IL 62702

(217) 785-9772

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

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAMPART 679
DETERMINATION OF NEED (DON) AND
RESULTING SERVICE COST MAXIMUMS (SCMs)

Section	
679.10	General Provisions
679.20	Composition of the DON
679.30	Scoring of the DON Except for Respite Cases
679.40	Scoring the DON for Respite Cases
679.50	Service Cost Maximums (SCMs)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5062, effective March 21, 1995; amended at 20 Ill. Reg. 6303, effective April 18, 1996; amended at 21 Ill. Reg. 2674, effective February 7, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; emergency amendment at 22 Ill. Reg. 2328, effective January 12, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10445, effective May 29, 1998; emergency amendment at 22 Ill. Reg. 16031, effective August 14, 1998, for a maximum of 150 days; emergency expired on January 11, 1999; amended at 23 Ill. Reg. 1615, effective January 20, 1999; amended at 23 Ill. Reg. 7492, effective June 17, 1999; emergency amendment at 23 Ill. Reg. 10526, effective August 10, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 285, effective December 23, 1999; amended at 24 Ill. Reg. 6563, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 9966, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17126, effective November 3, 2000; emergency amendment at 27 Ill. Reg. 17428, effective November 6, 2003, for a maximum of 150 days; emergency expired April 3, 2004; amended at 28 Ill. Reg. 7056, effective April 30, 2004.

Section 679.50 Service Cost Maximums (SCMs)

- a) For each individual meeting the minimum required DON scores for eligibility (see 89 Ill. Adm. Code 682), there is a corresponding Service Cost Maximum (SCM) for his/her DON score which is the maximum amount that may be expended for services through HSP for an individual who chooses HSP services over institutionalization. This amount directly corresponds to the amount the State would expect to pay for the nursing care component of institutionalization if

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the individual chose institutionalization.

- b) The SCMs for individuals served under the HSP Medicaid Waiver are:

<u>DON Range</u>	<u>11/1/03 SCM</u>	<u>8/1/04 SCM</u>	<u>8/1/05 SCM</u>	<u>8/1/06 SCM</u>	<u>8/1/07 SCM</u>
<u>29-32</u>	<u>\$1,154</u>	<u>\$1,194</u>	<u>\$1,249</u>	<u>\$1,329</u>	<u>\$1,488</u>
<u>33-40</u>	<u>\$1,326</u>	<u>\$1,371</u>	<u>\$1,435</u>	<u>\$1,527</u>	<u>\$1,710</u>
<u>41-49</u>	<u>\$1,475</u>	<u>\$1,526</u>	<u>\$1,597</u>	<u>\$1,699</u>	<u>\$1,902</u>
<u>50-59</u>	<u>\$1,766</u>	<u>\$1,827</u>	<u>\$1,912</u>	<u>\$2,034</u>	<u>\$2,277</u>
<u>60-69</u>	<u>\$2,076</u>	<u>\$2,147</u>	<u>\$2,247</u>	<u>\$2,390</u>	<u>\$2,677</u>
<u>70-79</u>	<u>\$2,244</u>	<u>\$2,322</u>	<u>\$2,430</u>	<u>\$2,585</u>	<u>\$2,894</u>
<u>80-100</u>	<u>\$2,412</u>	<u>\$2,495</u>	<u>\$2,612</u>	<u>\$2,778</u>	<u>\$3,111</u>

<u>Total DON Score</u>	<u>SCM</u>
<u>29 through 32</u>	<u>\$1114</u>
<u>33 through 40</u>	<u>1280</u>
<u>41 through 49</u>	<u>1424</u>
<u>50 through 59</u>	<u>1705</u>
<u>60 through 69</u>	<u>2004</u>
<u>70 through 79</u>	<u>2167</u>
<u>80 through 100</u>	<u>2329</u>

- c) The SCMs for individuals served under the AIDS Medicaid Waiver are:

<u>DON Range</u>	<u>11/1/03 SCM</u>	<u>8/1/04 SCM</u>	<u>8/1/05 SCM</u>	<u>8/1/06 SCM</u>	<u>8/1/07 SCM</u>
<u>29-32</u>	<u>\$1,486</u>	<u>\$1,538</u>	<u>\$1,609</u>	<u>\$1,712</u>	<u>\$1,917</u>
<u>33-40</u>	<u>\$2,228</u>	<u>\$2,305</u>	<u>\$2,412</u>	<u>\$2,566</u>	<u>\$2,873</u>
<u>41-49</u>	<u>\$2,970</u>	<u>\$3,073</u>	<u>\$3,216</u>	<u>\$3,421</u>	<u>\$3,831</u>
<u>50-59</u>	<u>\$3,714</u>	<u>\$3,842</u>	<u>\$4,021</u>	<u>\$4,278</u>	<u>\$4,790</u>
<u>60-69</u>	<u>\$4,458</u>	<u>\$4,611</u>	<u>\$4,827</u>	<u>\$5,134</u>	<u>\$5,749</u>
<u>70-79</u>	<u>\$5,198</u>	<u>\$5,378</u>	<u>\$5,628</u>	<u>\$5,987</u>	<u>\$6,704</u>
<u>80-100</u>	<u>\$5,943</u>	<u>\$6,148</u>	<u>\$6,435</u>	<u>\$6,845</u>	<u>\$7,664</u>

<u>Total DON Score</u>	<u>SCM</u>
<u>29 through 32</u>	<u>\$1435</u>
<u>33 through 40</u>	<u>2151</u>
<u>41 through 49</u>	<u>2868</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

50 through 59	3586
60 through 69	4304
70 through 79	5019
80 through 100	5738

- d) The SCM for individuals served through the Medicaid Waiver for Ventilator Assisted Individuals shall be no higher than the comparable institutionalized cost of care for the individual, less the costs for equipment and supplies.
- e) The SCM for an individual may be exceeded on a monthly basis to meet a temporary increase in need for services as long as the average monthly cost for services during the twelve month period does not exceed the SCM. Such an increase in services shall not last more than 3 months.
- f) The monthly SCMs for individuals served under the Medicaid Waiver for Persons with a Brain Injury are:

<u>DON</u> <u>Range</u>	<u>11/1/03</u> <u>SCM</u>	<u>8/1/04</u> <u>SCM</u>	<u>8/1/05</u> <u>SCM</u>	<u>8/1/06</u> <u>SCM</u>	<u>8/1/07</u> <u>SCM</u>
<u>29-32</u>	<u>\$1,286</u>	<u>\$1,331</u>	<u>\$1,393</u>	<u>\$1,482</u>	<u>\$1,659</u>
<u>33-40</u>	<u>\$1,427</u>	<u>\$1,476</u>	<u>\$1,545</u>	<u>\$1,644</u>	<u>\$1,841</u>
<u>41-49</u>	<u>\$1,586</u>	<u>\$1,640</u>	<u>\$1,717</u>	<u>\$1,826</u>	<u>\$2,045</u>
<u>50-59</u>	<u>\$1,901</u>	<u>\$1,966</u>	<u>\$2,058</u>	<u>\$2,189</u>	<u>\$2,451</u>
<u>60-69</u>	<u>\$2,234</u>	<u>\$2,311</u>	<u>\$2,419</u>	<u>\$2,573</u>	<u>\$2,881</u>
<u>70-79</u>	<u>\$2,415</u>	<u>\$2,499</u>	<u>\$2,615</u>	<u>\$2,782</u>	<u>\$3,115</u>
<u>80-100</u>	<u>\$2,597</u>	<u>\$2,686</u>	<u>\$2,811</u>	<u>\$2,990</u>	<u>\$3,349</u>

<u>Total DON Score</u>	<u>SCM</u>
<u>29 through 32</u>	<u>\$1242</u>
<u>33 through 40</u>	<u>1378</u>
<u>41 through 49</u>	<u>1531</u>
<u>50 through 59</u>	<u>1835</u>
<u>60 through 69</u>	<u>2157</u>
<u>70 through 79</u>	<u>2332</u>
<u>80 through 100</u>	<u>2507</u>

(Source: Amended at 28 Ill. Reg. 7056, effective April 30, 2004)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Use of State Parks and Other Properties of the Department of Natural Resources
- 2) Code Citation: 17 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
110.4	Amendment
110.70	Amendment
110.165	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].
- 5) Effective date of amendments: May 3, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: February 6, 2004; 28 Ill. Reg. 1924
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 110.40(f), restored the text and relabeled the subsection "(d)".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and purpose of rulemaking: Amendments to this Part were made to incorporate changes for reservation of picnic shelters, including raising the fee to \$25 per day, allowing the collection of edible fungi, nuts and berries and adding damage to natural resources as a reason for closure of trails for use by bicyclists.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER a: LANDS

PART 110

PUBLIC USE OF STATE PARKS AND OTHER PROPERTIES OF THE
DEPARTMENT OF NATURAL RESOURCES

Section

- 110.4 Fees and Charges
- 110.5 Unlawful Activities (Repealed)
- 110.20 Alcoholic Beverages – Possession, Consumption, Influence
- 110.30 Animals – Pets, Dogs, Cats – Noisy, Vicious, Dangerous Animals – Horses – Livestock – Animal Waste
- 110.40 Boats and Other Watercraft
- 110.45 Abandoned Watercraft
- 110.50 Capacity of Areas – Usage Limitation
- 110.60 Camping – Campfires
- 110.70 Destruction of Property – Flora – Fauna – Man-Made and Inanimate Natural Objects-Collection of Artifacts
- 110.90 Group Activity
- 110.95 Demonstrations
- 110.100 Littering
- 110.110 Prohibited Fishing Areas – Cleaning of Fish
- 110.120 Restricted Areas
- 110.140 Soliciting/Advertising/Renting/Selling
- 110.150 Swimming/Wading/Diving
- 110.160 Vehicles – Operation on Roadway – Speed – Parking – Weight Limit
- 110.165 Bicycles – Operation on Roadway – Designated Trails
- 110.170 Weapons and Firearms – Display and Use
- 110.175 Nudity Prohibited
- 110.180 Violation of Rule
- 110.185 Emergency Modification of Site Rules

AUTHORITY: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 4 Ill. Reg. 11, p. 59, effective March 4, 1980; emergency amendment at 5 Ill. Reg. 8933, effective August 25, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10621; amended at 6 Ill. Reg. 7401, effective June 11, 1982; amended at 8 Ill. Reg. 9967, effective June 19, 1984; amended at 10 Ill. Reg. 9797, effective May 21, 1986; amended at 10 Ill. Reg. 13256, effective July 25, 1986; amended at 13 Ill. Reg. 3785, effective March 13, 1989; amended at 15 Ill. Reg. 14423, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 7934, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15435, effective September 28, 1992; amended at 19 Ill. Reg. 6471, effective April 28, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14832, effective August 3, 1998; amended at 24 Ill. Reg. 12556, effective August 7, 2000; emergency amendment at 25 Ill. Reg. 13786, effective October 12, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1206, effective January 16, 2002; amended at 26 Ill. Reg. 6534, effective May 1, 2002; amended at 27 Ill. Reg. 8866, effective May 19, 2003; amended at 28 Ill. Reg. 7061, effective May 3, 2004.

Section 110.4 Fees and Charges

The following fees will be charged for use or reservation of designated facilities effective May 11, 1992, except that Illinois residents who are veterans and disabled or a former prisoner of war [20 ILCS 805/63a23] shall be exempt from subsections (a) and (b) of this Section:

- a) All persons entering a designated swim beach area shall pay a \$1 fee. Illinois Beach State Park beaches are not designated swim beach fee areas.
- b) All persons entering a designated special event area shall pay a \$1 fee.
- c) All individuals reserving a picnic shelter at sites participating in the Shelter Reservation Program shall pay \$25 each day a shelter is reserved. Reservations are non-refundable unless the area is closed by the Department~~\$20 for the reservation~~. Checks are to be made payable to the Illinois Department of Natural Resources (site name). Reservations are not final until payment is received. Upon vacating the site, shelter users are required to remove all personal belongings and place all trash in the appropriate receptacles located at the site. Those who fail to do so will be charged a disposal fee of \$50. Shelter users who fail to pay the disposal fee will be denied future reservations until the fee is paid in full and shall be submitted to the site office no less than 10 days prior to the requested reservation date.
- d) The rental of cabins at Eldon Hazlet State Park will operate as follows:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~Check in will be at 3:00 p.m. Check out will be at 10:00 a.m.~~
 - 2) ~~A maximum of six people will be allowed in each unit.~~
 - 3) ~~A deposit of the first night's fee, based on the applicable daily rate, will be required when reservations are made. The remaining balance of the fee will be collected when the permit is issued on arrival. A responsible adult (21 years of age or older) must register for the party and thereby acknowledge compliance with the rules and regulations of the site for the party.~~
- e) ~~The fee structure for the cabins at Eldon Hazlet State Park will be as follows:~~
- 1) ~~Daily Rate—Daily rate may be up to \$60 per day for one to two people. An additional daily fee of \$5 will be added for each person staying in the unit, for a total of up to six people. The Department may require a minimum 3 nights' stay. Children under 13 years of age will stay at no cost.~~
 - 2) ~~Weekly Rate—Weekly rate may be up to \$330 per week for one to two people. An additional weekly fee of \$30 will be added for each person staying in the unit, for a total of up to six people. The Department may require a minimum 7 nights' stay. Children under 13 years of age will stay at no cost.~~
- d)f) Failure to comply with the provisions of this Part is punishable as a Class B misdemeanor [20 ILCS 835/6].

(Source: Amended at 28 Ill. Reg. 7061, effective May 3, 2004)

Section 110.70 Destruction of Property – Flora – Fauna – Man-Made and Inanimate Natural Objects – Collection of Artifacts

It shall be unlawful:

- a) For any person to injure or remove any animal, plant or part thereof, or attempt to disturb any agricultural crop, except: ~~as otherwise provided by permit, law, regulation, or by Department program activity under the direct supervision of an authorized employee.~~

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- 1) [as otherwise provided by permit, law or regulation;](#)
 - 2) [as provided by Department-sponsored program or activity under the direct supervision of an authorized employee; and](#)
 - 3) [in the collection of edible fungi, nuts and berries on Department owned, leased or managed lands where such collection would not be incompatible with resource management activities or recreational programs at the site, nor be in conflict with the Natural Areas Preservation Act, and where such collection is for personal use only and not for re-sale.](#)
 - A) [Collection hours for edible fungi, nuts and berries shall be allowed during the site's regular hours of operation only, except collection is not permitted at any site during the open hours of established hunting seasons at that site.](#)
 - B) [Collection contests shall not be allowed on any State site.](#)
- b) For any person to remove, take, mutilate, deface or destroy any natural or man-made property, equipment, improvement, sign or building, except as otherwise provided by permit, law, regulation, or by Department program activity under the direct supervision of an authorized employee.
- c) For any person to collect or take artifacts and/or mutilate, destroy, deface or excavate any archaeological site except as provided by permit according to 17 Ill. Adm. Code 370.
- d) For any person to withdraw or pump water from any Department controlled lake, canal, wetland, river or stream except as authorized by Department permit. The decision to grant or deny a permit will be based upon a balancing between the need of the permittee and the protected water level or flow.

(Source: Amended at 28 Ill. Reg. 7061, effective May 3, 2004)

Section 110.165 Bicycles – Operation on Roadway – Designated Trails

It shall be unlawful for any person to ride a bicycle except on a roadway designated for vehicular use, parking lot, or posted bicycle trail. An authorized employee of the Department may close the trail for safety reasons or to prevent damage to the trail [or natural resources.](#)

DEPARTMENT OF NATURAL RESOURCES

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(Source: Amended at 28 Ill. Reg. 7061, effective May 3, 2004)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Dog Training on Non-Department Owned or –Managed Lands
- 2) Code Citation: 17 Ill. Adm. Code 960
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
960.20	Amendment
960.30	Amendment
960.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].
- 5) Effective date of amendments: May 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 all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: February 6, 2004; 28 Ill. Reg. 1993
- 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 agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: Amendments to this Part were made to update the Authority Note, statutory citations and the Department's address.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 960

DOG TRAINING ON NON-DEPARTMENT OWNED OR -MANAGED LANDS

Section

960.10	Definitions
960.20	Designated Dog Training Area Permits
960.30	Designated Dog Training Areas
960.40	Training of Coon Hounds
960.50	Penalties, Future Rights/Appeal Procedures

AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].

SOURCE: Adopted at 13 Ill. Reg. 14921, effective September 6, 1989; amended at 16 Ill. Reg. 11038, effective June 30, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 28 Ill. Reg. 7068, effective May 3, 2004.

Section 960.20 Designated Dog Training Area Permits

- a) Designated Dog Training Area Permits are available from the Department upon completion of an application for the permit. Permit applications are available [on the Department's website at http://dnr.state.il.us](http://dnr.state.il.us) or by writing to:

Illinois Department of Natural Resources
[Office of Land Management and Education](#)~~Division of Wildlife Resources~~
[One Natural Resources Way](#)~~524 S. Second Street Lincoln Tower Plaza~~
Springfield, IL [62702-1271](tel:62702-1271)~~62706~~

- b) Applicants for Designated Dog Training Area Permits must possess a Game Bird Breeders Permit or a Game Breeding and Hunting Preserve Area [License](#)~~Permit~~.
- c) Designated Dog Training Area Permits are valid from April 1 to March 31.
- d) Not more than 50 acres may be included in a Designated Dog Training Area Permit.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 28 Ill. Reg. 7068, effective May 3, 2004)

Section 960.30 Designated Dog Training Areas

- a) Permit holders must conspicuously post the perimeter of Designated Dog Training Areas with signs obtainable from the Department.
- b) Permit holders must properly band all hand reared game birds shot on a Designated Dog Training Area before they are removed from the training area. If the permit holder resides on the training area, the hand reared game birds must be properly banded the same day they are taken. Only bands obtained from the Department may be used. Bands can be obtained for ten cents each by writing to:

Illinois Department of Natural Resources
[Division of Systems and Licensing Licenses Section](#)
P.O. Box 19458 ~~Lincoln Tower Plaza~~
Springfield, IL 62794-9458

- c) Permit holders may utilize live hand reared game bird recall devices on Designated Dog Training Areas.
- d) The individuals named on the permit are authorized to shoot hand reared game birds and/or domestic pigeons all year within the Designated Dog Training Area.

(Source: Amended at 28 Ill. Reg. 7068, effective May 3, 2004)

Section 960.50 Penalties, Future Rights/Appeal Procedures

- a) For violation of Section 2.34 of the Wildlife Code [\[520 ILCS 5/2.34\]](#) ~~(Ill. Rev. Stat. 1987, ch. 61, par. 2.34)~~ or this Part, the Department will revoke an individual's Designated Dog Training Area Permit, in addition to any penalties assessed by the courts. Violation of this Part is a petty offense [520 ILCS 5/3.5(c)].
- b) Individuals whose Designated Dog Training Permits have been revoked may contest the denial of a permit according to the process delineated in 17 Ill. Adm. Code 2530.

(Source: Amended at 28 Ill. Reg. 7068, effective May 3, 2004)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Marriage and Family Therapy Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1283
- 3) Section Number: 1283.30 Adopted Action: Amendment
- 4) Statutory Authority: Marriage and Family Therapy Licensing Act [225 ILCS 55]
- 5) Effective date of amendment: April 28, 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 agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal published in Illinois Register: November 21, 2003; 27 Ill. Reg. 17354
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: In Section 1283.30(b)(1) and (2), the range of hours listed as a minimum has been changed to the minimal number of course hours.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendment: Educational requirements have been revised to reflect changes nationally by the Commission on Accreditation for Marriage and Family Therapy. Obsolete language has also been removed and other technical changes have been made.
- 16) Information and questions regarding this adopted amendment part shall be directed to:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

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

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1283
MARRIAGE AND FAMILY THERAPY LICENSING ACT

Section

1283.10	Application for a Temporary License Under Section 50 of the Act (Repealed)
1283.15	Professional Work Experience
1283.20	Clinical Experience
1283.25	Clinical Supervision
1283.30	Education
1283.40	Examination
1283.45	Application for a License as an Associate Marriage and Family Therapist
1283.46	Application for Examination/Licensure for an Individual Licensed as an Associate Marriage and Family Therapist
1283.50	Application for Examination/Licensure
1283.60	Endorsement
1283.70	Renewal
1283.80	Inactive Status
1283.90	Restoration
1283.95	Fees
1283.100	Professional Conduct
1283.110	Continuing Education
1283.120	Granting Variances

AUTHORITY: Implementing the Marriage and Family Therapy Licensing Act [225 ILCS 55] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 18 Ill. Reg. 10752, effective June 28, 1994; amended at 20 Ill. Reg. 12006, effective August 27, 1996; amended at 22 Ill. Reg. 3883, effective February 5, 1998; amended at 22 Ill. Reg. 16482, effective September 3, 1998; amended at 24 Ill. Reg. 7309, effective May 1, 2000; amended at 28 Ill. Reg. 7072, effective April 28, 2004.

Section 1283.30 Education

- a) An applicant for a license as a marriage and family therapist shall hold one of the following:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- 1) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
 - 2) A master's or doctoral degree from a regionally accredited educational institution (by the U.S. Office of Education) in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in subsection (b); or
 - 3) A master's or doctoral degree from a program accredited by the [Commission on Accreditation for Marriage and Family Therapy Education](#) ~~commission on accreditations for marriage and family therapy education~~ of the American Association for Marriage and Family Therapy.
- b) ~~An~~ Prior to or on December 31, 1999, an applicant must have completed a minimum of 36 semester hours or 48 quarter hours of graduate coursework. Beginning January 1, 2000, an applicant must have completed a minimum of 48 semester hours or equivalent hours of graduate coursework. The applicant's graduate coursework, at a minimum, shall be substantially equivalent to the curriculum listed below. Courses are evaluated according to course content rather than course title. Course descriptions and syllabi are required for courses whose titles do not reflect the content described below:
- 1) Individual Development and Family Relations. Marital and Family Studies. Topics in marriage and family studies must be addressed in a minimum of 1 course (3 semester or 4 quarter hours or equivalent). ~~3 courses (9 semester or 12 quarter hours or equivalent).~~ Topics that may be counted toward this area of study include family development and family interactional patterns across the life cycle of the individual as well as the family. Courses may include the study of: family life cycle; theories of family development; marriage and/or family dynamics; sociology of the family; families under stress; the contemporary family; social, cultural, and spiritual foundations of family life; the cross-cultural family; gender studies; youth/adult/aging and the family; family subsystems; interpersonal relationships (marriage, parenting, sibling); human development; lifestyle and career development; personality theory; and human sexuality.
 - 2) Theoretical Foundations and Clinical Practice. Marital and Family Therapy. Topics in marriage and family therapy must be addressed in a

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

minimum of ~~6 courses (18 semester or 24 quarter hours or equivalent).~~ 3 courses (9 semester hours or 12 quarter hours or equivalent). The following topics must be covered:

- A) the historical development, theoretical and empirical foundations, and contemporary conceptual directions of the field of marriage and family therapy;
- B) overview of major clinical theories of marital and family therapy that offer conceptualizations and methods for working conjointly with two or more clients present in therapy sessions who are in significant relationships with each other outside the therapy context. These clinical theories shall include those in major textbooks in marriage and family therapy, such as: communications, contextual, experiential, object relations, strategic, behavioral, structural, systemic, transgenerational;
- ~~C)B)~~ assessment and evaluation of individuals (children, adolescents, and adults), couples and families;
- ~~D)C)~~ treatment and intervention methods for working with individuals (children, adolescents and adults), couples, families and groups in therapy;
- ~~E)D)~~ assessment and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology, including making clinical assessments, certifying diagnoses, prescribing treatment and signing off on treatment plans for persons with mental illnesses or other clinical disorders;
- ~~F)E)~~ contemporary issues, which include but are not limited to gender, violence, addictions, abuse, psychopharmacology, physical health and illness in the treatment of individuals, couples, and families from a relational/systemic perspective; sexual functioning, sexual orientation, and sex therapy as they relate to couple, marriage and family therapy theory and practice; significant material on diversity and discrimination as it relates to couple and family therapy theory and practice; assessment and treatment of substance abuse, domestic violence and sexual disorders;

DEPARTMENT OF PROFESSIONAL REGULATION

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~~G)F)~~ crisis intervention.

The coursework in this subsection (b)(2) must balance methods for working individually (one client in a therapy session), and for working conjointly with at least two clients present in therapy sessions who are in significant relationships with each other outside the therapy context, and must include methods for working with groups. ~~3)Human Development. Topics in human development must be addressed in a minimum of 3 courses (9 semester hours or 12 quarter hours or equivalent). Topics that may be counted toward this area of study include: Human development; lifestyle and career development; personality theory; testing and evaluation; and human sexuality. Coursework must cover the topics of psychopathology and behavior disorders.~~

~~3)4)~~ Professional Studies and Ethics. Topics in professional studies and ethics must be addressed in a minimum of 1 course (3 semester hours or 4 quarter hours or equivalent). Topics that may be counted toward this area of study include: ~~professional~~Professional socialization and the role of the professional organization; legal responsibilities and liabilities; independent practice and interprofessional cooperation; ethics; family law; unique professional and ethical situations involved with conjoint therapies.

~~4)5)~~ Research. Topics in research must be addressed in a minimum of 1 course (3 semester hours or 4 quarter hours or equivalent). Topics that may be counted toward this area of study include: ~~research~~Research design and methods; statistics; research in a mental health field.

~~5)6)~~ Clinical Practicum/Internship. (300 hours) – 15 hours per week, approximately 8-10 hours in face-to-face contact with individuals, couples, ~~and~~families ~~and~~ groups for the purpose of assessment, diagnosis and treatment. ~~e)While the required number of courses in marriage and family studies, marriage and family therapy, and human development can be met in a variety of ways, it is mandatory that the following topics be covered: 1)overview of major clinical theories of marital and family therapy that offer conceptualizations and methods for working conjointly with two or more clients present in therapy sessions who are in significant relationships with each other outside the therapy context. These clinical theories shall include those in major textbooks in marriage and family therapy, such as: communications, contextual, behavioral, experiential, object relations, strategic, structural, systemic, and transgenerational;~~

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~~2)assessment and evaluation of individuals (children, adolescents and adults), couples and families; 3)treatment and intervention methods for working with individuals (children, adolescents, and adults), couples, families and groups in therapy; 4)assessment and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology, including making clinical assessments, certifying diagnoses, prescribing treatment and signing off on treatment plans for persons with mental illnesses or other clinical disorders; 5)assessment and treatment of substance abuse, domestic violence and sexual disorders; 6)crisis intervention; and 7)psychopathology and behavior disorders.~~

- ~~c)d~~ In evaluating coursework from another jurisdiction, the Board may require documentation such as, but not limited to, an evaluation by a foreign equivalency documentation service indicating that the applicant's graduate program is equivalent to a graduate program in this country.
- ~~d)e~~ An individual who has taught a graduate level course in a regionally accredited educational institution in any of the areas listed in subsection ~~(b)(e) above~~ shall receive credit for the course. One course taught is equivalent to one course taken. Repetitive teaching of the same course may only be counted as one course. Syllabi and reading lists shall be submitted in order to obtain credit.
- ~~e)f~~ Courses taken at a post-degree institution may count as equivalent for an education requirement of subsection ~~(b)(e)~~ if the institution's training program is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or meets the following requirements:
- 1) The institution's program is established to achieve coherent mission and training objectives and the program has as its primary objective the training of marriage and family therapists.
 - 2) The specific course submitted as equivalent to those defined in subsection (b) is taught by faculty who hold graduate degrees and are trained and credentialed in the field in which they teach.
 - 3) Courses must be offered by an established, identifiable facility or agency.
 - 4) Courses must be ongoing and additive (offered at the same place over a specific period of time and available on an ongoing basis) or offered off site by an acceptable post degree institution with an established,

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identifiable home-base facility or agency.

- 5) Courses must include outlines, clear description of content, appropriate bibliography, and other indications or meet generally acceptable criteria for academic offerings.
- 6) Correspondence courses are not acceptable.

f)g) Credit for courses taken pursuant to subsection (e)(f) above will be given on a semester-hour equivalency basis which is 15 classroom hours per semester credit. Evaluation of course work is on a case-by-case basis for each applicant. To receive credit, an applicant must submit a syllabus for each course, proof of acceptable completion of the course, and all documentation necessary to demonstrate that the post-degree institution and the specific course meet all the requirements of subsection (e)(f).

g)h) A thesis or dissertation completed as a requirement of the first qualifying degree will not be counted as equivalent for an education requirement of subsection (b).

h)i) Applicants who hold non-clinical qualifying degrees, or whose practicum/internship was in areas other than marriage and family therapy, may document the practicum requirement with their first 300 post-graduate client contact hours supervised by an American Association for Marriage and Family Therapy Approved Supervisor, supervisor-in-training or a supervisor who meets the requirements set forth in Section 1283.21 of this Part.

i)j) Approved Comprehensive Programs of Study in Marriage and Family Therapy. The Department, upon recommendation of the Board, shall approve Comprehensive Programs of Study in Marriage and Family Therapy that meet the following requirements:

- 1) The program is offered by an educational department or unit that grants master's or doctoral degrees in marriage and family therapy or in a related field (i.e., behavioral science or mental health) and the educational institution is regionally accredited.
- 2) The program has a faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have degrees in their areas area(s) of teaching from professional colleges and institutions.

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- 3) The education unit or department has an identifiable body of students who are matriculated in that program for a degree.
 - 4) A marriage and family therapist is responsible for the program.
 - 5) The program shall be at least 2 academic years in length at a minimum, and require a minimum of 48 semester hours or equivalent hours of graduate coursework.
 - 6) The program shall contain the curriculum listed in [subsections](#) ~~(b) and (c)~~ of this Section.
- [j\)](#) ~~k)~~ Reevaluation of an Approved Comprehensive Program of Study in Marriage and Family Therapy.
- 1) The Department may reevaluate any program at any time if it has reason to believe that the Program has failed to continue to satisfy the minimum requirements of this Section or that its decision was based upon false, deceptive or incomplete information.
 - 2) The program whose approval is being reevaluated by the Board shall be given at least 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.
 - 3) Every year the faculty person responsible for the program will send the Department an annual report specifying the faculty persons responsible for monitoring student compliance with the program requirements and any changes from the original application in how the program is accomplishing the requirements in subsection [\(i\)](#) ~~(j)~~ including changes in curriculum and/or faculty.
- [k\)](#) ~~j)~~ The Department, upon the recommendation of the Board, has determined that marriage and family therapy programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy as of July 1, 1998, meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 28 Ill. Reg. 7072, effective April 28, 2004)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.19 Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 92-0789
- 5) Effective Date of Amendment: May 3, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any 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: January 23, 2004 (28 Ill. Reg.1330)
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences Between Proposal and Final Version: No substantive changes have been made to the proposed rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment 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>
140.80	Amendment	April 9, 2004 (28 Ill. Reg. 5749)
140.82	Amendment	April 9, 2004 (28 Ill. Reg. 5749)
140.84	Amendment	April 9, 2004 (28 Ill. Reg. 5749)
140.486	Amendment	April 30, 2004 (28 Ill. Reg. 6576)
140.491	Amendment	March 26, 2004 (28 Ill. Reg. 5167)
140.645	Amendment	February 27, 2004 (28 Ill. Reg. 3700)

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- 15) Summary and Purpose of Amendment: These amendments on participation in the Department's Medical Assistance Program were filed pursuant to Public Act 92-0789. The changes have two primary purposes.

If a vendor has been terminated from the Medical Assistance Program because of a felony conviction related to health care, the vendor shall be precluded from participation in the program for five years or for the length of the vendor's sentence for that conviction, whichever is longer. If a vendor has been terminated a second time from the Medical Assistance Program, based upon a health care related felony conviction, the vendor shall be barred from participation in the program for life.

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

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

The full text of the adopted amendment 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)
140.100	Limitation On Hospital Services (Recodified)

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- 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)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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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
140.449	Payment of Pharmacy Items

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- 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
- 140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures

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140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
140.498	Fingerprint-Based Criminal Background Checks

SUBPART E: GROUP CARE

Section	
140.500	Long Term Care Services
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140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Informal Hearing Process for Denial of Payment for New ICF/MR
140.506	Provider Voluntary Withdrawal
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140.510	Determination of Need for Group Care
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140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds – Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
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)
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140.528	Payment of Quality Incentive (Repealed)

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140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
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140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
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140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs Updates
140.552	Nursing and Program Costs
140.553	General Administrative Costs Updates
140.554	Component Inflation Index (Repealed)
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
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140.575	Newly Constructed Facilities (Repealed)
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140.577	Capital Costs for Rented Facilities (Renumbered)
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140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
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140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE
AND LOCAL GOVERNMENTAL ENTITIES

Section	
140.850	Reimbursement of Administrative Expenditures
140.855	Administrative Claim Review and Reconsideration Procedure
140.860	County Owned or Operated Nursing Facilities
140.865	Sponsor Qualifications (Repealed)
140.870	Sponsor Responsibilities (Repealed)

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140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section	
140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
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SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)

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140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982	Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)
140.TABLE A	Medichek Recommended Screening Procedures (Repealed)
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

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

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SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill.

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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; 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,

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effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment 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,

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1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; 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,

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2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment 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; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

- a) A vendor that has been terminated from the Medical Assistance Program may not apply to participate for at least one year ~~after~~from the date of the final administrative decision terminating eligibility, except that, if a vendor has been terminated based on a conviction of a violation of Article VIII A of the Public Aid Code [305 ILCS 5/Art. VIII A] or a conviction of a felony based on fraud or a willful misrepresentation related to subsection (a)(1), (2), (3) or (4) of this Section, the vendor shall be barred from participation for five years or for the

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length of the vendor's sentence for that conviction, whichever is longer.

- 1) The Medical Assistance Program under Article V of the Public Aid Code [305 ILCS 5/Art. V];
 - 2) A medical assistance program in another state that is the kind provided under Article V of the Public Aid Code;
 - 3) The Medicare program under Title XVIII of the Social Security Act; or
 - 4) The provision of health care services.
- b) After one year, a vendor who has been terminated for any reason, other than for the reasons in subsections (a)(1) through (4) of this Section, may apply for reinstatement to the Medical Assistance Program. If a vendor's application for reinstatement is denied by the Department, he or she shall be barred from again applying for reinstatement for one year ~~after~~from the date of the final administrative decision denying his or her application for reinstatement.
- ~~b~~) At the end of a period of suspension, a vendor that has been suspended from the Medical Assistance Program shall be reinstated upon completion of the necessary enrollment forms and execution of a new vendor agreement unless it is determined that such vendor has not corrected the deficiencies upon which the suspension was based. If the deficiencies have not been corrected, the vendor shall, after notice and hearing, be terminated. The notice in any termination action based on this Section shall notify the vendor of the deficiencies not corrected.
- ~~d~~) An individual barred pursuant to Section 140.18 can apply to participate in the Medical Assistance Program. If an individual's application is denied by the Department or if he or she is denied special permission under Section 140.32, he or she shall be barred from again applying for one year ~~after~~from the date of the final administrative decision denying his or her application or special permission.
- ~~e~~) If a vendor has been terminated and reinstated to the Medical Assistance Program and the vendor is terminated a second or subsequent time from the Medical Assistance Program, the vendor shall be barred from participation for at least two years, except that, if a vendor has been terminated a second time based on a conviction of a violation of Article VIIIA of the Public Aid Code [305 ILCS 5/Art. VIIIA] or a conviction of a felony based on fraud or a willful misrepresentation related to subsection (a)(1), (2), (3) or (4) of this Section, the

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vendor shall be barred from participation for life.

- f) At the end of two years, a vendor who has been terminated for any reason, other than for the reasons in subsections (a)(1) through (4) of this Section, may apply for reinstatement to the Medical Assistance Program. If a vendor's application for reinstatement is denied by the Department, he or she shall be barred from again applying for reinstatement for two years after~~from~~ the date of the final administrative decision denying his or her application for reinstatement.

(Source: Amended at 28 Ill. Reg. 7081, effective May 3, 2004)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.82 Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendment: May 3, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any 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: January 23, 2004 (28 Ill. Reg. 1350)
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences Between Proposal and Final Version: In the last sentence of subsection (c)(3), "emergent" has been changed to "urgent".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? Yes
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.30	Amendment	February 6, 2004 (28 Ill. Reg. 1998)
148.85	New Section	April 9, 2004 (28 Ill. Reg. 5808)
148.90	New Section	April 9, 2004 (28 Ill. Reg. 5808)
148.95	New Section	April 9, 2004 (28 Ill. Reg. 5808)
148.100	New Section	April 9, 2004 (28 Ill. Reg. 5808)
148.103	New Section	April 9, 2004 (28 Ill. Reg. 5808)
148.110	New Section	April 9, 2004 (28 Ill. Reg. 5808)

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148.112	New Section	April 9, 2004 (28 Ill. Reg. 5808)
148.150	Amendment	March 19, 2004 (28 Ill. Reg. 4848)
148.210	Amendment	February 6, 2004 (28 Ill. Reg. 1998)
148.295	Amendment	February 27, 2004 (28 Ill. Reg. 3719)
148.310	Amendment	April 9, 2004 (28 Ill. Reg. 5808)

- 15) Summary and Purpose of Amendment: These amendments pertain to the Department's coverage for organ transplant services. Currently, coverage is available only for such services that are provided by certified organ transplant centers. Under these changes, the Department will have the flexibility to approve and cover transplant procedures that are performed at non-certified facilities under specified circumstances. These changes are necessary to ensure that the health, safety and welfare of medical assistance clients in need of organ transplantation, are not placed in jeopardy.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

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

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

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section	
148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.105	Psychiatric Adjustment Payments
148.110	Bone Marrow Transplants (Repealed)
148.115	Rural Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	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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- Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- 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 repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; 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; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.82 Organ Transplant Services

- a) Introduction
The Department of Public Aid will cover organ transplants as identified under subsection (b) of this Section that are provided to United States citizens or aliens who are lawfully admitted for permanent residence in the United States under color of law pursuant to 42 USC 1396a(a) and 1396b(v). Such services must be provided by certified organ transplant centers which meet the requirements specified in subsections (c) through (h) of this Section.
- b) Covered Services

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- 1) Inpatient heart, heart/lung, lung (single or double), liver, pancreas or kidney/pancreas transplantation. Inpatient bone marrow transplants, inpatient and outpatient stem cell transplants.
 - 2) Inpatient intestinal (small bowel or liver/small bowel) transplantation for children only (see subsection (d)(1)(H) of this Section).
 - 3) Other types of transplant procedures may be covered when a hospital has been certified by the Department as a transplant center eligible to perform such transplants. Centers must complete the certification process established in subsection (c) of this Section and provide the necessary documentation of the number of transplant procedures performed and the survival rates.
 - 4) Medically necessary work-up.
- c) Certification Process
- 1) In order to be certified to receive reimbursement for transplants performed on Medical Assistance and KidCare patients, the hospital must:
 - A) Request an application from the Bureau of Comprehensive Health Services;
 - B) Submit a completed application to the Department for the type of transplant for which the center is seeking certification;
 - C) Meet certification criteria established in subsection (d) of this Section, based upon review and recommendation of each application by the State Medical Advisory Committee (SMAC); and
 - D) Submit a detailed status report on each patient for the type of transplant for which the hospital is seeking certification. Such reports must include the patient's diagnosis, date of transplant, the length of hospitalization, charges, survival rates, patient-specific transplant outcome, and complications (including cause of death, if applicable) for all transplants performed in the time frames required for the type of transplant indicated in subsections (d)(1)(C), (D), (E), (F), (G), (H), (I) or (J) of this Section. To

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protect the privacy of patients included in this report, names of patients who are not covered under Medical Assistance or KidCare are not required.

- 2) The Department shall notify the hospital of approval or denial of the hospital as a transplant center for Medical Assistance and KidCare eligible patients.
 - 3) In the event the Department receives a request for prior approval to provide a service from a hospital not formally certified under this Section, the Department may approve the request if it determines that circumstances are such that the health, safety and welfare of the recipient would best be served by receiving the service at that hospital. In making its determination, the Department shall take into account the hospital's and its medical staff's ability and qualifications to provide the service, the burden on the recipient's family if a certified hospital is a great distance from their home, and the urgent nature of the transplant. In the event that no hospital formally certified by the Department is able to provide a covered service set forth in subsection (b) of this Section within the time frame necessary to preserve the recipient's health, the Department shall review a request for prior approval of the service from a non-certified facility, and if the facility satisfies the criteria for certification, approve the request on an individual case basis.
 - 4) A joint application combining the statistical data for the adult and pediatric programs from two affiliated hospitals that share the same surgeons may be submitted for review by the State Medical Advisory Committee. The hospitals must meet the criteria under subsections (d)(1)(A), (B), (K), (L), (M), (N), (O), (P) and (Q), the applicable criteria under subsections (d)(1)(C), (D) or (J) and (d)(1)(R), subsections (d)(2), (3) and (4), and subsection (e) of this Section for certification and recertification.
- d) Certification Criteria
- 1) Hospitals seeking certification as a transplant center shall submit documentation to verify that:
 - A) The hospital is capable of providing all necessary medical care required by the transplant patient;

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- B) The hospital is affiliated with an academic health center;
- C) The hospital has had the transplant program for inpatient adult heart and liver transplants in operation for at least three years with 12 transplant procedures per year for the past two years and 12 cases in the three year period preceding the most current two year period for adult heart and liver transplants;
- D) The hospital has had the transplant program for inpatient adult heart/lung and lung transplants in operation for at least three years with ten transplant procedures per year for the past two years and ten cases in the three year period preceding the most current two year period for adult heart/lung and lung transplants;
- E) A hospital specializing in inpatient pediatric heart/lung and lung transplants has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures in the three year period preceding the most current two year period;
- F) The hospital has had the transplant program for inpatient adult and pediatric bone marrow transplants in operation for at least two years with 12 transplant procedures per year for the past two years;
- G) The hospital performing outpatient adult and pediatric stem cell transplants must be part of a certified inpatient program and must have been in operation for at least two years with at least 12 outpatient stem cell transplant procedures per year in the past two years;
- H) A hospital specializing in inpatient pediatric heart or liver transplants, or both, has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures in the three year period preceding the most current two year period;
- I) A hospital specializing in inpatient pediatric intestinal (small bowel or liver/small bowel) transplants has had a program in operation for at least three years and has performed a minimum of

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six transplant procedures per year for the past two years, and six procedures in the three year period preceding the most current two year period;

- J) A hospital specializing in inpatient kidney/pancreas and/or pancreas transplants has had the transplant program in operation for at least three years with 25 kidney transplant procedures per year for the past two years and 25 cases in the three year period preceding the most current two year period, and five pancreas transplant procedures per year for the past two years and five in the three year period preceding the most current two year period, or 12 kidney/pancreas transplant procedures per year for the past two years and 12 in the three year period preceding the most current two year period;
- K) The hospital has experts, on staff, in the fields of cardiology, pulmonology, anesthesiology, immunology, infectious disease, nursing, social services, organ procurement, associated surgery and internal medicine to complement the transplant team. In addition, in order to qualify as a transplant center for pediatric patients, the hospital must also have experts in the field of pediatrics;
- L) The hospital has an active cardiovascular medical and surgical program as evidenced by the number of cardiac catheterizations, coronary arteriograms and open heart procedures per year for heart and heart/lung transplant candidates;
- M) The hospital has pathology resources that are available for studying and reporting the pathological responses for transplantation as supported by appropriate documentation;
- N) The hospital complies with applicable State and federal laws and regulations;
- O) The hospital participates in a recognized national donor procurement program for organs or bone marrow provided by unrelated donors, abides by its rules, and provides the Department with the name of the national organization of which it is a member;
- P) The hospital has an interdisciplinary body to determine the

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suitability of candidates for transplantation as supported by appropriate documentation;

- Q) The hospital has blood bank support necessary to meet the demands of a certified transplant center as supported by appropriate documentation; and
- R) The hospital meets the applicable transplant survival rates as supported by the Kaplan-Meier method or other method accepted by the Department:
- i) A one-year survival rate of 50 percent for inpatient bone marrow and inpatient and outpatient stem cell transplant patients;
 - ii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for heart transplant patients;
 - iii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for liver transplant patients;
 - iv) A one-year survival rate of 90 percent for kidney transplant and a one-year survival rate of 80 percent for pancreas transplant; or a one-year survival rate of 80 percent for kidney/pancreas transplant;
 - v) A one-year survival rate of 65 percent and a two-year survival rate of 60 percent for heart/lung and lung (single or double) transplant patient;
 - vi) A one-year survival rate of 60 percent and a two-year survival rate of 55 percent for intestinal transplants (small bowel or liver/small bowel).
- 2) The commitment of the hospital to support the transplant center must be at all levels as evidenced by such factors as financial resources, allocation of space and the support of the professional staff for the transplant program and its patients. The hospital must submit appropriate documentation to demonstrate that:

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- A) Component teams are integrated into a comprehensive transplant team with clearly defined leadership and responsibility;
 - B) The hospital safeguards the rights and privacy of patients;
 - C) The hospital has adequate patient management plans and protocols to meet the patient and hospital's needs.
- 3) The hospital must identify, in writing, the director of the transplant program and the members of the team as well as their qualifications. Physician team members must be identified as board certified, in preparation for board certification, or pending board certification, and the transplant coordinator's name must be submitted.
 - 4) The hospital must provide patient selection criteria including indications and contraindications for the type of transplant procedure for which the facility is seeking certification.
- e) Recertification Process/Criteria
- 1) The Department will conduct an annual review for certification of transplant centers. A certified center must submit documentation established under subsections (c), (d), (f) and (h) of this Section for review by the Department's State Medical Advisory Committee for recertification as a transplant center.
 - 2) Survival rates of previous transplant patients must be documented prior to certification. The center must maintain patient volume in the year of certification based on previous transplant statistics.
 - 3) The Department shall notify the hospital of approval or denial of the recertification of the hospital as a transplant center.
 - 4) If the hospital has previously met the requirements for certification or recertification of its program under subsections (d)(1), (K), (L), (M), (N), (O), (P) and (Q) and (d)(2), (3) and (4) of this Section and the program has experienced no changes under the above subsections, as evidenced in written documentation on the hospital's application, the hospital will not be required to resubmit the same data.

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- 5) If a center has previously met the requirements for certification or recertification of its program under subsections (d)(1) (K), (L), (M), (N), (O), (P), (Q) and (R)(i) through (R)(vi), but has performed fewer than the required number of transplants pursuant to subsections (d)(1)(C), (D), (E), (F), (G), (H), (I) or (J) as appropriate, the Department may recertify the center if it determines that the best interests of the Medical Assistance or KidCare client eligible for transplant services would be served by allowing continued certification of the center. Criteria the Department may consider in making such a determination include, but are not limited to:
 - A) Not recertifying a center would limit the accessibility of available organs.
 - B) Other centers are not accepting new patients or have extensive waiting lists.
 - C) The distance to other eligible centers would jeopardize the client's opportunity to receive a viable organ/tissue transplant.
- f) Notification of Transplant
 - 1) The hospital must notify the Department prior to performance of the transplant procedure. The notification letter must be from a physician on the transplant team.
 - 2) The notification must include the admission diagnosis and pre-transplant diagnosis.
 - 3) The Department shall notify the hospital regarding receipt of the notification and provide the appropriate outcome summary forms to the hospital.
- g) Reimbursement
 - 1) Hospital services rendered for transplant procedures under this Section are exempt from the provisions of Sections 148.250 through 148.330 and 89 Ill. Adm. Code 149 of the Department's administrative rules governing hospital reimbursement. Hospital reimbursement for transplants covered within this Section is an all-inclusive rate for the admission, regardless of the number of days of care associated with that admission, which is

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limited to a maximum of 60 percent of the hospital's usual and customary charges to the general public for the same procedure for a maximum number of days listed below for specific types of transplants:

- A) 30 consecutive days of post-operative inpatient care for heart, heart/lung, lung (single or double), pancreas, or kidney/pancreas transplant; or
 - B) 40 consecutive days of post-operative inpatient care for liver transplant; or
 - C) 50 consecutive days of post-operative inpatient care for bone marrow transplant (this includes a maximum of seven days prior to the transplant for infusion of chemotherapy), or 50 consecutive days of care for an inpatient or outpatient stem cell transplant; or
 - D) 70 consecutive days of post-operative inpatient care for intestinal (small bowel or liver/small bowel) transplants; or
 - E) For those transplants covered under subsection (b)(2) of this Section, the number of consecutive days of inpatient care specified within the transplant certification process.
- 2) Reimbursement will be approved only when the Department's letter acknowledging the notification of the transplant procedure is attached to the hospital's claim. Reimbursement will not be made until the discharge summary has been submitted to the Department.
 - 3) Applicable disproportionate share payment adjustments shall be made in accordance with Section 148.120(g). Applicable outlier adjustments shall be made in accordance with Section 148.130. Applicable Medicaid High Volume adjustments shall be made in accordance with Section 148.290(d).
 - 4) The rate will not include transportation and physician fees when reimbursed pursuant to 89 Ill. Adm. Code 140.410 through 140.414 and 140.490 through 140.492, respectively.
 - 5) Hospital reimbursement for bone marrow searches is limited to 60 percent of charges up to a maximum of \$25,000. Payment for bone marrow searches will only be made to the certified center requesting

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reimbursement for the bone marrow transplant.

- 6) Reimbursement for stem cell acquisition charges which includes the mobilization, chemotherapy, cytokines and apheresis processes must be billed under the appropriate revenue code on the claim submitted for the transplant procedure.
- h) Reporting Requirements of Certified Transplant Center
The following documentation must be submitted within the time limits set forth in this subsection (h).
- 1) Outcome Summary
 - A) The discharge summary for each Medical Assistance and KidCare patient must be received by the Department within 30 days after the patient's discharge.
 - B) For those Medical Assistance and KidCare patients who expire, a summary must be received by the Department within 30 days after the patient's death.
 - 2) Notification of Changes
The center must notify the Department within 30 days after any changes in its program including, but not limited to, certification criteria, patient selection criteria, members of the transplant team and the coordinator.

(Source: Amended at 28 Ill. Reg. 7101, effective May 3, 2004)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Interstate Common Pools
- 2) Code Citation: 11 Ill. Adm. Code 302
- 3) Section Number: 302.20 Adopted Action:
Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective date of amendment: May 10, 2004
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is available for public inspection at the IRB Central Office, 100 West Randolph, Suite 11-100, Chicago, Illinois, during the hours of 9:00 a.m. and 5:00 p.m.
- 9) Notice of Proposal published in Illinois Register: 28 Ill. Reg. 2653 – 2/13/04
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendment: This rulemaking will permit both Illinois totalizator companies to transmit wagers separately as a means of minimizing delays in updating final odds.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mickey Ezzo
IRB
James Thompson Center

ILLINOIS RACING BOARD

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100 W. Randolph St, Ste. 11-100
Chicago IL 60601
312/814-5017

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 302
INTERSTATE COMMON POOLS

Section	
302.10	General
302.20	Illinois as the Guest State
302.30	Illinois as the Host State

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

SOURCE: Emergency rules adopted at 19 Ill. Reg. 8002, effective June 5, 1995, for a maximum of 150 days; emergency expired November 2, 1995; adopted at 19 Ill. Reg. 13922, effective October 1, 1995; amended at 28 Ill. Reg. 7117, effective May 10, 2004.

Section 302.20 Illinois as the Guest State

- a) Pari-mutuel wagering pools may be combined with corresponding wagering pools in the host state, or with corresponding pools established by one or more other jurisdictions.
- b) In the event that an organization licensee commingles Illinois pools with the pools of an out-of-state track, ~~all~~ Illinois pool data shall be transmitted by [each totalizator system used by Illinois licensees, independent and separately from any other totalizator system used by Illinois licensees.](#) ~~the organization licensee as one pool irrespective of the number of totalizator services involved.~~
- c) In the event that an organization licensee commingles Illinois pools with the pools of an out-of-state track, all rules in effect in the host state shall apply.
- d) In the event that an organization licensee commingles Illinois pools with the pools of an out-of-state track, if for any reason it becomes impossible to successfully merge all Illinois wagers into the interstate common pool, [the interstate host track prices shall be paid for the following pools: win, place, show, daily double, perfecta/exacta, quinella, trifecta and Pick-3. For all other wagering pools that are unsuccessfully merged, payouts shall be calculated based on the licensees' pools of the totalizator system that failed to merge with the interstate host track. All](#)

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separately calculated Illinois pools shall not include the interstate host track's guaranteed minimum pool or payout, and/or carryover pool. Each individual licensee shall be responsible for its wagering pool payouts required under this Part. In all cases, the organization licensee and/or Illinois host track shall determine the liabilities for all licensees as agreed upon by the State Director of Mutuels. If a totalizator used by Illinois licensees is unable to successfully merge pools, a representative of that totalizator shall notify both the Illinois host track and the Board auditor by the start of the following race of the affected interstate host track. ~~the organization licensee shall calculate prices and make payoffs based on Illinois handle rather than issuing refunds or making payoffs based on the sending race track's prices.~~ All Illinois licensees shall publish a copy of this subsection in their official programs.

- e) In the event that an organization licensee commingles Illinois pools with the pools of an out-of-state track, where takeout rates in the common pool are not identical to the takeout rate applicable in Illinois, the Illinois organization licensee may adopt the takeout rate of the sending state or utilize the net price calculation method.
- f) An interstate commission fee shall exceed 5% only for Grade I thoroughbred races and only for harness races with purses exceeding \$200,000.
- g) All Illinois licensees shall provide the Board with pari-mutuel data by way of electronic transmission in a Board prescribed format.

(Source: Amended at 28 Ill. Reg. 7117, effective May 10, 2004)

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- 1) Heading of the Part: Superfecta
- 2) Code Citation: 11 Ill. Adm. Code 311
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
311.35	Amended
311.40	Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective date of amendments: May 10, 2004
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporation by reference? No
- 8) A copy of this adopted amendment, including any material incorporated by reference, is available for public inspection at the IRB Central Office, 100 West Randolph, Suite 11-100, Chicago, Illinois, during the hours of 9:00 a.m. and 5:00 p.m.
- 9) Notice of Proposal Published in Illinois Register: 28 Ill. Reg. 1353 – 1/23/04 and 28 Ill. Reg. 2657 – 2/13/04
- 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 agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: This rulemaking would permit superfecta wagering on harness stakes races with a minimum purse of \$50,000 where no minimum field requirement is established. In addition, this rulemaking permits racetracks conducting thoroughbred racing to card superfecta wagers when uncoupled entries exist so long as minimum standards are met. Section 1413.48 precludes superfectas from being carded when uncoupled entries exist. This proposal also limits racetracks

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conducting harness racing to carding one coupled or uncoupled entry in a superfecta race with a minimum purse of \$25,000. In addition, racetracks conducting harness racing will be permitted to uncouple common owner entries in stakes races with purses of \$200,000 or more.

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

Mickey Ezzo
IRB
James Thompson Center
100 W. Randolph St., Ste. 11-100
Chicago IL 60601
312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 311
SUPERFECTA

Section	
311.10	Superfecta
311.20	Pool Distribution
311.25	Scratches
311.30	Dead Heats
311.35	Minimum Fields
311.40	Entries

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

SOURCE: Adopted at 18 Ill. Reg. 7440, effective May 8, 1994; amended at 19 Ill. Reg. 6663, effective May 1, 1995; amended at 26 Ill. Reg. 4903, effective March 20, 2002; amended at 26 Ill. Reg. 12357, effective August 1, 2002; emergency amendment at 26 Ill. Reg. 14702, effective September 16, 2002, for a maximum of 150 days; emergency expired February 12, 2003; emergency amendment at 26 Ill. Reg. 16854, effective November 15, 2002, for a maximum of 150 days; emergency expired April 13, 2003; amended at 28 Ill. Reg. 7121, effective May 10, 2004.

Section 311.35 Minimum Fields

- a) Superfecta wagering shall be prohibited on races with fewer than seven betting interests at the start of the race.
- b) This Section shall not be applicable to thoroughbred stakes races [or standardbred stakes races with a minimum purse of \\$50,000.](#)

(Source: Amended at 28 Ill. Reg. 7121, effective May 10, 2004)

Section 311.40 Entries

- a) [For thoroughbred racing, entries, either coupled or uncoupled, shall be allowed in](#)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

~~a superfecta race under the following conditions: Only one entry (i.e., two or more horses with a common interest) either coupled or uncoupled (see 11 Ill. Adm. Code 1312.265 and 1413.48) shall be allowed in a superfecta race so long as it is a stakes race with a minimum purse of \$25,000.~~

- ~~1) one entry requires at least seven betting interests at the start of the race.~~
- ~~2) two entries require at least eight betting interests at the start of the race.~~
- ~~3) more than two entries shall require approval from the Executive Director or the State Director of Mutuels.~~

~~b) For overnight thoroughbred races, one coupled entry shall be allowed.~~

~~b)e) This Section shall not apply to races that are permitted for simulcasting under Section 26(g) of the Act [230 ILCS 5/26(g)] or for uncoupled entries permitted in 11 Ill. Adm. Code 1413.114(c) when there are thoroughbred stakes races with purses of \$250,000 or more.~~

~~c) For harness racing, only one entry, either coupled or uncoupled, shall be allowed in a superfecta race so long as it is a stakes race with a minimum purse of \$25,000. In stakes races with purses of \$200,000 or more, common owner entries, either coupled or uncoupled, shall be allowed.~~

(Source: Amended at 28 Ill. Reg. 7121, effective May 10, 2004)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.7040 Adopted Action: Amendment
- 4) Statutory Authority: 35 ILCS 5/1406(c)
- 5) Effective Date of Amendment: April 29, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: 28 Ill. Reg. 1725; January 30, 2004
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
100.2190	New Section	28 Ill. Reg. 3739, 02/27/04
100.9030	New Section	28 Ill. Reg. 4091, 03/05/04
100.9040	New Section	28 Ill. Reg. 4091, 03/05/04
100.9050	New Section	28 Ill. Reg. 4091, 03/05/04
100.9060	New Section	28 Ill. Reg. 4091, 03/05/04
100.9700	Amendment	28 Ill. Reg. 4509, 03/12/04

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Amendments: The regulations at Section 100.7040 are amended to provide that if a taxpayer has obtained a federal employer identification number (EIN), then it must include the EIN on Form NUC-1. If a taxpayer has not yet obtained a federal EIN, then the taxpayer must notify the Department within a reasonable time upon obtaining a federal EIN. Previously, Section 100.7040 required taxpayers to wait until a federal EIN had been assigned before filing Form NUC-1, and then to file the Form NUC-1 within 15 days after the date the EIN was assigned. These requirements will be eliminated.

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

Brian Stocker
Income Tax Attorney
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
(217) 782-7055

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF
INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Section	
100.2410	Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
100.2470	Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
100.2480	Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
100.2490	Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section	
100.2580	Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
100.2590	Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section	
100.2680	Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF
BASE INCOME

Section	
100.3000	Terms Used in Article 3 (IITA Section 301)
100.3010	Business and Nonbusiness Income (IITA Section 301)
100.3020	Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section	
100.3100	Compensation (IITA Section 302)
100.3110	State (IITA Section 302)
100.3120	Allocation of Compensation Paid to Nonresidents (IITA Section 302)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3200 Taxability in Other State (IITA Section 303)
- 100.3210 Commercial Domicile (IITA Section 303)
- 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) – In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

- 100.5000 Time for Filing Returns: Individuals (IITA Section 505)
- 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in

DEPARTMENT OF REVENUE

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Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years
(IITA Section 506)

100.5040 Innocent Spouses
100.5050 Frivolous Returns

SUBPART O: COMPOSITE RETURNS

Section

100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credits for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section

100.5200 Filing of Combined Returns
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205 Election to File a Combined Return
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
100.5215 Filing of Separate Unitary Returns
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest
100.5260 Combined Amended Returns
100.5265 Common Taxable Year
100.5270 Computation of Combined Net Income and Tax
100.5280 Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

100.7000 Requirement of Withholding (IITA Section 701)
100.7010 Compensation Paid in this State (IITA Section 701)
100.7020 Transacting Business Within this State (IITA Section 701)

DEPARTMENT OF REVENUE

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100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section	
100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section	
100.7200	Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section	
100.7300	Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310	Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320	Time for Filing Returns (IITA Section 704)
100.7330	Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340	Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section	
100.9000	General Income Tax Procedures (IITA Section 901)
100.9010	Collection Authority (IITA Section 901)
100.9020	Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section	
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DEPARTMENT OF REVENUE

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100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section

100.9200 Assessment (IITA Section 903)

100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section

100.9300 Deficiencies and Overpayments (IITA Section 904)

100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)

100.9320 Limitations on Notices of Deficiency (IITA Section 905)

100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section

100.9400 Credits and Refunds (IITA Section 909)

100.9410 Limitations on Claims for Refund (IITA Section 911)

100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section

100.9500 Access to Books and Records (IITA Section 913)

100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)

100.9510 Taxpayer Representation and Practice Requirements

100.9520 Conduct of Investigations and Hearings (IITA Section 914)

100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section

100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section

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100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9750	Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

100.9800 Letter Ruling Procedures

100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A Example of Unitary Business Apportionment

100.TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency

DEPARTMENT OF REVENUE

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amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004.

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section 100.7040 Employer Registration (IITA Section 701)

Every employer required to deduct and withhold Illinois income tax must register with the Department of Revenue by filing Form NUC-1 Illinois Business Taxpayer Application for Registration. Each registration application [of an employer that has been assigned a federal identification number](#) must contain the employer's federal identification number. [If an employer has not been issued a federal employer's identification number, the employer must notify the](#)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Department within a reasonable time after its federal employer's identification number has been issued. ~~If an employer has not received a federal employer's identification number, he should obtain one before filing an NUC-1. The NUC-1 must then be filed with the Department within 15 days of the date the federal employer's identification number is assigned.~~

(Source: Amended at 28 Ill. Reg. 7125, effective April 29, 2004)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1050.2200	New Section
1050.2210	New Section
1050.2220	New Section
1050.2230	New Section
1050.2240	New Section
1050.2250	New Section
1050.2260	New Section
1050.2270	New Section
- 4) Statutory Authority: Section 7-1 of the Residential Mortgage License Act of 1987 [205 ILCS 635/7-1]
- 5) Effective Date: April 30, 2004
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: April 30, 2004
- 8) A copy of the emergency amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Public Act 93-561 amends the Illinois Residential Mortgage License Act of 1987 to require registration of all persons engaged in the activity of a loan originator of residential mortgage loans. Registration will be required to engage in the activities of a loan originator as of July 1, 2004. Loan originators have heretofore not been required to be registered. Provisional registration is necessary to assure the orderly registration of loan originators. An orderly transition to registered status is necessary to assure that the consumer protection purposes of the registration requirement are met; that the application and funding of mortgage loans continues efficiently; and that reputable loan originators are able to pursue their livelihoods without undue interruption.
- 10) Complete Description of the Subjects and Issues Involved: Section 7-1 of the Residential Mortgage License Act of 1987 [205 ILCS 635] requires that a Loan Originator register with the Commissioner pursuant to administrative rules adopted by the Commissioner.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENTS

These emergency administrative rules provide for provisional registration of Loan Originators from July 1, 2004 through December 31, 2004. During this period of provisional registration, provided the Commissioner issues a Provisional Certificate of Registration, the Loan Originator shall be in compliance with the registration requirement of Section 7-1 of the Act. All Provisional Certificates of Registration shall expire on December 31, 2004. During the period of provisional registration, a Loan Originator may apply for a regular initial, and annually renewable, Certificate of Registration. The procedure and requirements for this application will be set forth in general administrative rules adopted by the Commissioner. Loan Originators who fail to submit a timely and complete application for a regular initial Certificate of Registration shall not be permitted to act as a Loan Originator after December 31, 2004.

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

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1050.100	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.132	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.140	Amendment	March 26, 2004 (28 Ill. Reg. 5052)
1050.157	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.245	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.246	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.247	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.248	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.250	Amendment	March 26, 2004 (28 Ill. Reg. 5052)
1050.270	Amendment	March 26, 2004 (28 Ill. Reg. 5052)
1050.360	Repeal	March 26, 2004 (28 Ill. Reg. 5052)
1050.425	Amendment	March 26, 2004 (28 Ill. Reg. 5052)
1050.1100	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.1175	Amendment	March 26, 2004 (28 Ill. Reg. 5052)
1050.1200	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.1790	Amendment	March 26, 2004 (28 Ill. Reg. 5052)
1050.1800	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.1900	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2000	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2110	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2115	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2120	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2125	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2130	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2135	New	March 26, 2004 (28 Ill. Reg. 5052)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENTS

1050.2140	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2145	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2150	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2155	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2160	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2165	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2170	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2175	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2180	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2185	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2190	New	March 26, 2004 (28 Ill. Reg. 5052)
1050.2195	New	March 26, 2004 (28 Ill. Reg. 5052)

12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

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

Jeff Riley
Office of Banks and Real Estate
500 East Monroe
Springfield, Illinois 62701
(217) 785-7476 Fax: (217) 558-4297

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

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 1050
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

SUBPART A: DEFINITIONS

Section	
1050.110	Act
1050.115	Administrative Decision
1050.120	Assisting
1050.125	Commissioner
1050.130	Control
1050.135	Document
1050.140	Employee
1050.145	First Tier Subsidiary
1050.150	Hearing Officer
1050.155	High Risk Home Loan
1050.160	Material
1050.165	Other Regulatory Agencies
1050.170	Party
1050.175	Principal Place of Business
1050.180	Repurchase a Loan
1050.185	State
1050.190	Servicer
1050.195	Points and Fees
1050.197	Total Loan Amount
1050.198	Approved Credit Counselor
1050.199	Home Equity Loan

SUBPART B: FEES

Section	
1050.210	License Investigation Fees
1050.220	License Fees
1050.230	Amended License Fees – Corporate Changes
1050.240	Duplicate Original License Fees
1050.250	Examination Fees
1050.255	Direct Expenses of Out-of-State Examinations

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENTS

1050.260	Additional Full-Service Office Fees
1050.270	Hearing Fees
1050.280	Late Fees (Repealed)
1050.290	Manner of Payment

SUBPART C: LICENSING

Section

1050.310	Application for an Illinois Residential Mortgage License
1050.320	Application for Renewal of an Illinois Residential Mortgage License
1050.330	Waiver of License Fee
1050.340	Full-Service Office
1050.350	Additional Full-Service Office
1050.360	Continuing Education Requirements for Certain Employees

SUBPART D: OPERATIONS AND SUPERVISION

Section

1050.410	Net Worth
1050.420	Line of Credit (Repealed)
1050.425	Examination
1050.430	Late Audit Reports
1050.440	Escrow
1050.450	Audit Workpapers
1050.460	Selection of Independent Auditor
1050.470	Proceedings Affecting a License
1050.475	Change in Business Activities
1050.480	Change of Ownership, Control or Name or Address of Licensee
1050.490	Bonding Requirements

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE
BROKERAGE ACTIVITY AND MORTGAGE SERVICING ACTIVITY

Section

1050.610	Filing Requirements
1050.620	Reporting Forms
1050.630	Annual Report of Mortgage Activity
1050.640	Annual Report of Brokerage Activity
1050.650	Annual Report of Servicing Activity
1050.660	Verification

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENTS

SUBPART F: FORECLOSURE RATE

Section	
1050.710	Computation of National Residential Mortgage Foreclosure Rate
1050.720	Computation of Illinois Residential Mortgage Foreclosure Rate
1050.730	Excess Foreclosure Rate
1050.740	Foreclosure Rate Hearing
1050.750	Commissioner's Authority – Unusually High Rate

SUBPART G: SERVICING

Section	
1050.810	New Loans
1050.820	Transfer of Servicing
1050.830	Real Property Tax and Hazard Insurance Payments
1050.840	Payment Processing
1050.850	Toll-Free Telephone Arrangement
1050.860	Payoff of Outstanding Mortgage Loan

SUBPART H: ADVERTISING

Section	
1050.910	General Prohibition
1050.920	Definition of Advertisement
1050.930	Compliance with Other Laws
1050.940	Requirements
1050.950	Misleading and Deceptive Advertising Prohibition

SUBPART I: LOAN BROKERAGE PRACTICES

Section	
1050.1010	Loan Brokerage Agreement
1050.1020	Loan Brokerage Disclosure Statement
1050.1030	Prohibited Practice

SUBPART J: LOAN APPLICATION PRACTICES

Section	
1050.1110	Borrower Information Document

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENTS

1050.1120	Description of Required Documentation
1050.1130	Maintenance of Records (Repealed)
1050.1140	Loan Application Procedures
1050.1150	Copies of Signed Documents
1050.1160	Confirmation of Statements
1050.1170	Cancellation of Application
1050.1175	Maintenance of Records
1050.1180	Ability to Repay
1050.1185	Verification of Ability to Pay Loan
1050.1186	Fraudulent or Deceptive Practices
1050.1187	Prepayment Penalty

SUBPART K: GENERAL LENDING PRACTICES

Section

1050.1210	Notice to Joint Borrowers
1050.1220	Inaccuracy of Disclosed Information
1050.1230	Changes Affecting Loans in Process
1050.1240	Prohibition of Unauthorized Lenders
1050.1250	Good Faith Requirements
1050.1260	Pre-paid Insurance Products and Warranties
1050.1270	Refinancing Prohibited in Certain Cases
1050.1272	Balloon Payments
1050.1275	Financing of Certain Points and Fees
1050.1276	Payments to Contractors
1050.1277	Negative Amortization
1050.1278	Negative Equity
1050.1280	Counseling Prior to Perfecting Foreclosure Proceedings

SUBPART L: COMMITMENT AND CLOSING PRACTICES

Section

1050.1305	Approval Notice
1050.1310	Inconsistent Conditions Prohibited
1050.1315	Avoidance of Commitment
1050.1320	Charges to Seller
1050.1325	Intentional Delay
1050.1330	No Duplication to Borrower of Seller's Costs
1050.1335	Fees and Charges
1050.1340	Refunds on Failure to Close

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENTS

- 1050.1345 Representative at Closing
- 1050.1350 Compliance with Other Laws
- 1050.1355 Failure to Close – Disclosure
- 1050.1360 Escrow Account Agreements at Closing

SUBPART M: EXEMPTION GUIDELINES

Section

- 1050.1410 General
- 1050.1420 Interpretative Guidelines

SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

Section

- 1050.1510 Applicability
- 1050.1520 Definitions
- 1050.1530 Filing
- 1050.1540 Form of Documents
- 1050.1550 Computation of Time
- 1050.1560 Appearances
- 1050.1570 Request for Hearing
- 1050.1580 Notice of Hearing
- 1050.1590 Service of the Notice of Hearing
- 1050.1595 Bill of Particulars or Motion for More Definite Statement
- 1050.1600 Motion and Answer
- 1050.1610 Consolidation and Severance of Matters – Additional Parties
- 1050.1620 Intervention
- 1050.1630 Postponement or Continuance of Hearing
- 1050.1640 Authority of Hearing Officer
- 1050.1650 Bias or Disqualification of Hearing Officer
- 1050.1660 Prehearing Conferences
- 1050.1670 Discovery
- 1050.1680 Subpoenas
- 1050.1690 Conduct of Hearing
- 1050.1700 Default
- 1050.1710 Evidence
- 1050.1720 Hostile Witnesses
- 1050.1730 Record of Proceedings
- 1050.1740 Briefs
- 1050.1750 Hearing Officer's Recommendation

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENTS

- 1050.1760 Order of the Commissioner
- 1050.1770 Rehearings and Reopening of Hearings
- 1050.1790 Costs of Hearing

SUBPART O: MORTGAGE AWARENESS PROGRAM

Section

- 1050.1810 General
- 1050.1820 Guidelines
- 1050.1830 Offer of Mortgage Awareness Program

SUBPART P: DEFAULT AND FORECLOSURE RATES ON CONVENTIONAL LOANS

Section

- 1050.1910 Report of Default and Foreclosure Rates on Conventional Loan
- 1050.1920 Commissioner's Review and Analysis

SUBPART Q: THIRD PARTY REVIEW OF HIGH RISK HOME LOANS

Section

- 1050.2010 Third Party Review of High Risk Home Loans

SUBPART S: PROVISIONAL REGISTRATION OF LOAN ORIGINATORS

Section

- 1050.2200 Purpose
- EMERGENCY
- 1050.2210 Definitions
- EMERGENCY
- 1050.2220 Registration Required
- EMERGENCY
- 1050.2230 Exemptions
- EMERGENCY
- 1050.2240 Application for Provisional Certificate of Registration; Contents; Amendment
- EMERGENCY
- 1050.2250 Issuance of Provisional Certificate of Registration; Effective Date; Conditions
- EMERGENCY
- 1050.2260 Loan Origination Practices
- EMERGENCY
- 1050.2270 Enforcement

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY

1050.APPENDIX A Estimated Monthly Income and Expenses Worksheet

1050.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393, effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg. 3041, and new Part adopted by emergency rule at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683, and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendment at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; emergency expired December 11, 1995; amended at 19 Ill. Reg. 15465, effective October 31, 1995; amended at 20 Ill. Reg. 388, effective January 1, 1996; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 10972, effective August 1, 1997; amended at 22 Ill. Reg. 230, effective December 19, 1997; amended at 24 Ill. Reg. 64, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 19322, effective December 15, 2000, for a maximum of 150 days; emergency repealed at 25 Ill. Reg. 3696, effective January 30, 2001 in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 1857; amended at 25 Ill. Reg. 6174, effective May 17, 2001; emergency amendment at 27 Ill. Reg. 10783, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 797, effective December 29, 2003; emergency amendment at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days.

SUBPART S: PROVISIONAL REGISTRATION OF LOAN ORIGINATORSSection 1050.2200 Purpose

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY

- a) Section 7-1 of the Act requires that a Loan Originator register with the Commissioner pursuant to administrative rules adopted by the Commissioner. These emergency administrative rules provide for provisional registration of Loan Originators from July 1, 2004 through December 31, 2004. During this period of provisional registration, provided the Commissioner issues a Provisional Certificate of Registration, the Loan Originator shall be in compliance with the registration requirement of Section 7-1 of the Act. All Provisional Certificates of Registration shall expire on December 31, 2004.
- b) During the period of provisional registration, a Loan Originator may apply for a regular initial, and annually renewable, Certificate of Registration. The procedure and requirements for this application will be set forth in general administrative rules adopted by the Commissioner. Loan Originators who fail to submit a timely and complete application for a regular initial Certificate of Registration shall not be permitted to act as a Loan Originator after December 31, 2004.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days)

Section 1050.2210 Definitions**EMERGENCY**

"Act" means the Residential Mortgage License Act of 1987 [205 ILCS 635].

"Applicant" means a natural person that is applying for a Provisional Certificate of Registration under this Subpart.

"Licensee" means a person or entity licensed under the Act.

"Loan Originator" has the meaning given to the term in Section 1-4(hh) of the Act [205 ILCS 635/1-4(hh)].

"Part" means Part 1050 of Title 38 of the Illinois Administrative Code [38 IAC Part 1050].

"Person" means a natural person.

OFFICE OF BANKS AND REAL ESTATE

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"Subpart" means Subpart S of Part 1050 of Title 38 of the Illinois Administrative Code (38 IAC Part 1050).

(Source: Added by emergency rulemaking at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days)

Section 1050.2220 Registration Required
EMERGENCY

Pursuant to Section 7-1 of the Act, no person shall act or assume to act as a Loan Originator after June 30, 2004 unless registered with the Commissioner under this Subpart. After June 30, 2004, no person or entity shall employ any person to act or assume to act as a Loan Originator unless the person is registered under this Subpart.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days)

Section 1050.2230 Exemptions
EMERGENCY

The registration requirements of this Subpart do not apply to persons that act or assume to act as a Loan Originator exclusively as an employee of an exempt entity as defined in Section 1-4(d)(1) and 1-4(d)(1.5) of the Act; provided that, the exempt entity assumes full and direct legal responsibility for the activities of the Loan Originator or the Loan Originator is subject to the examination and regulation of a federal depository institution regulator.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days)

Section 1050.2240 Application for Provisional Certificate of Registration; Contents; Amendment
EMERGENCY

- a) No person shall be registered as a Loan Originator unless the person submits to the Commissioner a complete application for Provisional Certificate of Registration as set forth in this Section. The application shall contain:
 - 1) The name, home address, U.S. Postal Service mailing address, work address, e-mail address if available, date of birth, Social Security Number, and phone number of the applicant.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENTS

- 2) The name, business address, Residential Mortgage License Number, Tax Identification Number, contact name, telephone number, and e-mail address of the applicant's current or prospective employer.
 - 3) A nonrefundable application fee payable to the Commissioner in the amount of \$125 in the form of a certified check, money order, credit card charge, or other form authorized by the Commissioner. Payment of this nonrefundable application fee shall be deemed to be payment of the nonrefundable application fee required for application for a regular initial Certificate of Registration but only if the applicant submits a complete application for a regular initial Certificate of Registration on or before December 1, 2004.
- b) The Applicant shall amend her or his application for Provisional Certificate of Registration whenever a change occurs that renders the information contained in the application not accurate in any material respect. The amendment shall be filed in writing within five (5) business days of the change.
 - c) The Commissioner shall review the application in a timely manner and notify the applicant in writing of any material deficiencies. The Commissioner may suspend processing of any application if the applicant fails to rectify deficiencies within 10 days of the Commissioner's notice of the deficiencies.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days)

Section 1050.2250 Issuance of Provisional Certificate of Registration; Effective Date; Conditions
EMERGENCY

- a) If the Commissioner finds that the application for Provisional Certificate of Registration is complete, the Commissioner shall issue a Provisional Certificate of Registration to the applicant's licensee employer as evidence of registration. If the applicant is not currently employed by a licensee, the Commissioner shall retain the Provisional Certificate of Registration for later delivery to a licensee employer.
- b) The Provisional Certificate of Registration shall be in the form specified by the Commissioner.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENTS

- c) The Provisional Certificate of Registration shall be for the use of the applicant only and shall not be assigned, transferred, or used by any other person or entity.
- d) The Provisional Certificate of Registration shall be effective from the date issued and shall in all cases expire on December 31, 2004 unless such expiration date is extended in writing by the Commissioner; provided that, Provisional Certificate of Registration shall become ineffective immediately if the Provisional Certificate of Registration is suspended or revoked or if a regular initial Certificate of Registration is issued or denied by the Commissioner.
- e) The holder of the Provisional Certificate of Registration shall amend the documents and information on file with the Commissioner whenever a change occurs that renders any of the documents or information not accurate in any material respect. The amendment shall be filed with the Commissioner in writing within 10 days of the change.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days)

Section 1050.2260 Loan Origination Practices
EMERGENCY

- a) A Loan Originator shall act in compliance with applicable requirements and standards of the Act, this Part, or other law for the origination of residential mortgage loans.
- b) Each residential mortgage loan application file shall contain a separate document that sets forth the name, address, registration number, and employer of the Loan Originator that acted as the Loan Originator for the loan and the name of the borrower and purchaser and the address of the property purchased.
- c) The Loan Originator's Provisional Certificate of Registration shall be displayed on demand to the Commissioner, law enforcement and regulatory officials, employing licensees, and consumers.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days)

Section 1050.2270 Enforcement
EMERGENCY

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENTS

- a) In addition to any other action authorized by the Act, this Part, or other applicable law, the Commissioner may revoke or suspend the Loan Originator's Provisional Certificate of Registration for violation of the Act, this Part, or other applicable law.
- b) In addition to any other action authorized by the Act, this Part, or other applicable law, the Commissioner may revoke or suspend the Loan Originator's Provisional Certificate of Registration for submitting false or misleading information on the application for a Provisional Certificate of Registration.
- c) In addition to any other action authorized by the Act, this Part, or other applicable law, if the Commissioner determines that a Loan Originator is engaged in or is believed to be engaged in activities that may constitute a violation of the Act, this Part, or other applicable law, the Commissioner may issue a cease and desist order to compel the Loan Originator to comply with the Act, this Part, or other applicable law, or, upon a showing that an emergency exists, may suspend any Provisional Certificate of Registration for a period not exceeding 180 days, pending investigation.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: Emergency Action:
120.14 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendment: May 3, 2004
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: May 3, 2004
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments concerning presumptive eligibility will allow medical coverage of children during the period of application for covered health care services under the Medical Assistance Program. Immediate implementation of these amendments is necessary to ensure access for children to essential medical care.
- 10) Complete Description of the Subjects and Issues Involved: These emergency amendments will establish presumptive eligibility for children that will allow them to have immediate health insurance coverage while their applications for medical benefits are being reviewed. Presumptive eligibility will allow children to access needed medical care without delay during the review period. Medical coverage under presumptive eligibility will apply to persons under 19 years of age and will include all medical assistance services. The temporary period of medical coverage under presumptive eligibility will continue until the application review concludes and a determination has been made concerning eligibility for medical benefits.

Presumptive eligibility of children for medical assistance is a state option that was established by the Balanced Budget Act of 1997. Presumptive eligibility was later expanded under the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Amendments concerning presumptive eligibility are also being filed at 89 Ill. Adm. Code 125: Children's Health Insurance Program. During fiscal year 2005, medical services provided under presumptive eligibility provisions are expected to result in an increase in costs of approximately \$18 million.

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

<u>Section Numbers:</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.378	New Section	April 2, 2004 (28 Ill. Reg. 5606)
120.379	Amendment	April 2, 2004 (28 Ill. Reg. 5606)
120.387	Amendment	April 2, 2004 (28 Ill. Reg. 5606)
120.530	New Section	February 27, 2004 (28 Ill. Reg. 3685)
120.540	New Section	April 30, 2004 (28 Ill. Reg. 6573)

- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

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

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

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

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility For Medical Assistance

120.11 MANG(P) Eligibility

120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women

[120.14 Presumptive Eligibility for Children](#)

EMERGENCY

120.20 MANG(AABD) Income Standard

120.30 MANG(C) Income Standard

120.31 MANG(P) Income Standard

120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard

120.40 Exceptions To Use Of MANG Income Standard

120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children

120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD –

MANG(AABD) and All Other Licensed Medical Facilities

120.62 Department of Mental Health and Developmental Disabilities (DMHDD)

Approved Home and Community Based Residential Settings Under 89 Ill. Adm.

Code 140.643

120.63 Department of Mental Health and Developmental Disabilities (DMHDD)

Approved Home and Community Based Residential Settings

120.64 MANG(P) Cases

120.65 Department of Mental Health and Developmental Disabilities (DMHDD)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Licensed Community – Integrated Living Arrangements

SUBPART D: MEDICARE PREMIUMS

Section	
120.70	Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73	Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.75	Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76	Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section	
120.90	Migrant Medical Program (Repealed)
120.91	Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.200	Elimination Of Aid To The Medically Indigent
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.215	Relationship (Repealed)
120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)
120.235	Exempt Unearned Income (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

- 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
- 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
- 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
- 120.324 Health Insurance Premium Payment (HIPP) Program
- 120.325 Health Insurance Premium Payment (HIPP) Pilot Program
- 120.326 Foster Care Program
- 120.327 Social Security Numbers
- 120.330 Unearned Income
- 120.332 Budgeting Unearned Income
- 120.335 Exempt Unearned Income
- 120.336 Education Benefits
- 120.338 Incentive Allowance
- 120.340 Unearned Income In-Kind
- 120.342 Child Support and Spousal Maintenance Payments
- 120.345 Earmarked Income
- 120.346 Medicaid Qualifying Trusts
- 120.347 Treatment of Trusts
- 120.350 Lump Sum Payments and Income Tax Refunds
- 120.355 Protected Income
- 120.360 Earned Income
- 120.361 Budgeting Earned Income
- 120.362 Exempt Earned Income
- 120.363 Earned Income Disregard – MANG(C)
- 120.364 Earned Income Exemption
- 120.366 Exclusion From Earned Income Exemption
- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In Kind
- 120.376 Payments from the Illinois Department of Children and Family Services
- 120.379 Provisions for the Prevention of Spousal Impoverishment
- 120.380 Assets
- 120.381 Exempt Assets
- 120.382 Asset Disregard
- 120.383 Deferral of Consideration of Assets
- 120.384 Spend-down of Assets (AABD MANG)

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- 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
 120.386 Property Transfers Occurring On or Before August 10, 1993
 120.387 Property Transfers Occurring On or After August 11, 1993
 120.390 Persons Who May Be Included In the Assistance Unit
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
 120.395 Payment Levels for MANG (Repealed)
 120.399 Redetermination of Eligibility
 120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

- 120.500 Health Benefits for Persons with Breast or Cervical Cancer
 120.510 Health Benefits for Workers with Disabilities
 120.520 SeniorCare

 120.TABLE A Value of a Life Estate and Remainder Interest
 120.TABLE B Life Expectancy

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

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November

DEPARTMENT OF PUBLIC AID

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15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153,

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effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101,

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effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

SUBPART B: ASSISTANCE STANDARDS

**Section 120.14 Presumptive Eligibility for Children
EMERGENCY**

- a) A child younger than 19 years of age may be presumed eligible for medical assistance under this Part if all of the following apply:
- 1) an application for medical benefits has been made on behalf of the child;
 - 2) the child is a resident of Illinois as described in Section 120.311;
 - 3) the child is not an inmate of a public institution as described in Section 120.318(a);
 - 4) the child's family's monthly income, as stated on the application, is at or below 133 percent of the poverty level;
 - 5) the State employee who registers the application has no information that the child is not a U.S. citizen or a qualified non-citizen as described in Section 120.310 or 89 Ill. Adm. Code 118.500; and
 - 6) the child has not been presumed eligible under this Part 120 or 89 Ill. Adm. Code 118 or 125 within the past 12 months.
- b) Entities qualified to make a determination of presumptive eligibility include State employees involved in enrolling children in programs under this Part 120 or 89 Ill. Adm. Code 118 or 125.
- c) The presumptive eligibility period begins on the date of application.
- d) The presumptive eligibility period ends on the date the State's determination of the child's eligibility under this Part 120 or 89 Ill. Adm. Code 118 or 125 is updated in the data system.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Children's Health Insurance Program
- 2) Code Citation: 89 Ill. Adm. Code 125
- 3) Section Number: 125.225 Emergency Action:
New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: May 3, 2004
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: May 3, 2004
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency amendment concerning presumptive eligibility will allow medical coverage of children during the period of application for medical benefits. Immediate implementation of these amendments is necessary to ensure access for children to essential medical care.
- 10) Complete Description of the Subjects and Issues Involved: These emergency amendments will establish presumptive eligibility for children that will allow them to have immediate health insurance coverage while their applications for medical benefits are being reviewed. Presumptive eligibility will allow children to access needed medical care without delay during the review period. Medical coverage under presumptive eligibility will apply to persons under 19 years of age and will include all services covered under the Children's Health Insurance Program. The temporary period of medical coverage under presumptive eligibility will continue until the application review concludes and a determination has been made concerning eligibility for medical benefits. Participant copayments and premiums will not be assessed during the presumptive eligibility period.

Presumptive eligibility of children for medical benefits is a state option that was established by the Balanced Budget Act of 1997. Presumptive eligibility was later expanded under the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Amendments concerning presumptive eligibility are also being proposed at 89 Ill. Adm. Code 120: Medical Assistance Programs. During fiscal year 2005, medical services provided under presumptive eligibility provisions are expected to result in an increase in costs of approximately \$18 million.

- 11) Are there any other amendments pending on this Part? No
- 12) Statement of Statewide Policy Objective: This emergency amendment neither create nor expand any state mandates affecting units of local government.
- 13) Information and questions regarding this amendment shall be directed to:

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

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

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 125
CHILDREN'S HEALTH INSURANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

- Section
125.100 General Description
125.110 Definitions

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

- Section
125.200 Eligibility for Children's Health Insurance Program
125.205 Eligibility Exclusions and Terminations
125.220 Application Process
[125.225 Presumptive Eligibility for Children](#)
[EMERGENCY](#)
125.230 Determination of Monthly Countable Income
125.240 Eligibility Determination and Enrollment Process
125.245 Appeals
125.250 Annual Renewals
125.260 Adding Children to and Removing Children from the Program and Changes in Participation

SUBPART C: KIDCARE HEALTH PLAN

- Section
125.300 Covered Services
125.305 Service Exclusions
125.310 Copayments
125.320 Premium Requirements
125.330 Non-payment of Premium
125.340 Provider Reimbursement

SUBPART D: KIDCARE REBATE

Section

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

- 125.400 Minimum Coverage Requirements
- 125.420 Coverage Verification Process
- 125.430 Provision of Policyholder's Social Security Number
- 125.440 KidCare Insurance Rebate
- 125.445 Rebate Overpayments

AUTHORITY: Implementing and authorized by the Children's Health Insurance Program Act [215 ILCS 106] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 15706, effective August 12, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 543, effective December 24, 1998; emergency amendment at 24 Ill. Reg. 4217, effective March 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11822, effective July 28, 2000; amended at 26 Ill. Reg. 12313, effective July 26, 2002; emergency amendment at 26 Ill. Reg. 15066, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 4723, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10807, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18623, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 7163, effective May 3, 2004, for a maximum of 150 days.

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section 125.225 Presumptive Eligibility for Children
EMERGENCY

- a) A child younger than 19 years of age may be presumed eligible for a KidCare Health Plan under this Part if all of the following apply:
 - 1) an application for medical benefits has been made on behalf of the child;
 - 2) the child is a resident of Illinois;
 - 3) the child is not an inmate of a public institution as described in Section 125.205(a)(1);
 - 4) the child is a member of a family whose monthly countable income, as stated on the application, is above 133 percent of the Federal Poverty Level and at or below 200 percent of the Federal Poverty Level;

DEPARTMENT OF PUBLIC AID

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- 5) the State employee who registers the application has no information that the child is not a U.S. citizen or a qualified non-citizen as described in 89 Ill. Adm. Code 125.200(e) or 89 Ill. Adm. Code 118.500; and
- 6) the child has not been presumed eligible under this Part 125 or 89 Ill. Adm. Code 118 or 120 within the past 12 months.
- b) Entities qualified to make a determination of presumptive eligibility include State employees involved in enrolling children in programs under this Part 125 or 89 Ill. Adm. Code 118 or 120.
- c) The presumptive eligibility period begins on the date of application.
- d) The presumptive eligibility period ends on the date the State's determination of the child's eligibility under this Part 125 or 89 Ill. Adm. Code 118 or 120 is updated in the data system.
- e) No copayment or premium requirements apply during the period of presumptive eligibility.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 7163, effective May 3, 2004, for a maximum of 150 days)

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: State Toll Highway Rules
- 2) Code Citation: 92 Ill. Adm. Code 2520
- 3) The Notice of Adoption being corrected appears at 28 Ill. Reg. 6911, dated May 7, 2004.
- 4) The information being corrected is as follows: The Notice for the rulemaking that appeared at 28 Ill. Reg. 6911 is in error because item number 11 on the notice page states that there were no substantive changes made to the proposed rules. However, there were in fact substantive changes that were not listed in the Notice of Adopted Amendments. Specifically, the unanticipated failure of Senate Bill 1848, amending the Toll Highway Act, requires the withdrawal of the portions of the proposed rules that would have been supported by this legislation. As a result, item number 11 in the Notice of Adopted Amendments is corrected to read as follows:

- 11) Differences between proposal and final version:

First Notice Changes:

In Section 2520.700, delete "~~Photo~~" and replace with "electronic".

In Section 2520.705, delete "~~d) — Upon failure . . . 93rd Illinois General Assembly~~" at the end of the section.

In Section 2520.706, at sub-paragraph (a), delete "~~Photo~~" and replace with "electronic".

In Section 2520.709, at sub-paragraph (b), delete "~~Photo~~" and replace with "electronic".

Second Notice Changes:

In Section 2520.223 (c), strike "625 ILCS" and delete "5/".

In Section 2520.223(g), delete "photo" and strike "or electronic".

In Section 2520.700, delete "or photo".

In Section 2520.702, delete "photo" and reinstate "video".

In Section 2520.706, delete "electronic" and reinstate "video".

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF CORRECTION TO NOTICE ONLY

In Section 2520.709(b), delete "electronic" and add "video".

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MAY 18, 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**Attorney General

1. Tobacco Products Manufacturers' Escrow Enforcement Act of 2003 (14 Ill. Adm. Code 250)
 - First Notice Published: 28 Ill. Reg. 472 – 1/9/04
 - Expiration of Second Notice: 5/20/04

Central Management Services

2. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 28 Ill. Reg. 2896 – 2/20/04
 - Expiration of Second Notice: 6/5/04

Commerce Commission

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MAY 18, 2004

3. Money Pool Agreements (83 Ill. Adm. Code 340)
 - First Notice Published: 28 Ill. Reg. 42 – 1/2/04
 - Expiration of Second Notice: 5/26/04
4. Telecommunications Access for Persons with Disabilities (83 Ill. Adm. Code 755)
 - First Notice Published: 28 Ill. Reg. 1548 – 1/30/04
 - Expiration of Second Notice: 5/26/04

Drycleaner Environmental Response Trust Fund Council

5. General Program (35 Ill. Adm. Code 1500)
 - First Notice Published: 28 Ill. Reg. 2522 – 2/13/04
 - Expiration of Second Notice: 6/4/04

Education

6. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
 - First Notice Published: 28 Ill. Reg. 1853 – 2/6/04
 - Expiration of Second Notice: 6/9/04
7. Certification (23 Ill. Adm. Code 25)
 - First Notice Published: 28 Ill. Reg. 82 – 1/2/04
 - Expiration of Second Notice: 6/9/04
8. Certification (23 Ill. Adm. Code 25)
 - First Notice Published: 28 Ill. Reg. 1920 – 2/6/04
 - Expiration of Second Notice: 6/9/04

Educational Labor Relations Board

9. Freedom of Information (2 Ill. Adm. Code 2676)
 - First Notice Published: 28 Ill. Reg. 1554 – 1/30/04
 - Expiration of Second Notice: 6/5/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MAY 18, 2004

10. Americans With Disabilities Act Grievance Procedure (4 Ill. Adm. Code 900)
 - First Notice Published: 28 Ill. Reg. 1560 – 1/30/04
 - Expiration of Second Notice: 6/5/04
11. General Procedures (80 Ill. Adm. Code 1100)
 - First Notice Published: 28 Ill. Reg. 1565 – 1/30/04
 - Expiration of Second Notice: 6/5/04
12. Hearing Procedures (80 Ill. Adm. Code 1105)
 - First Notice Published: 28 Ill. Reg. 1571 – 1/30/04
 - Expiration of Second Notice: 6/5/04
13. Representation Procedures (80 Ill. Adm. Code 1110)
 - First Notice Published: 28 Ill. Reg. 1587 – 1/30/04
 - Expiration of Second Notice: 6/5/04
14. Unfair Labor Practice Proceedings (80 Ill. Adm. Code 1120)
 - First Notice Published: 28 Ill. Reg. 1622 – 1/30/04
 - Expiration of Second Notice: 6/5/04
15. Fair Share Fee Objections (80 Ill. Adm. Code 1125)
 - First Notice Published: 28 Ill. Reg. 1632 – 1/30/04
 - Expiration of Second Notice: 6/5/04
16. Collective Bargaining and impasse Resolution (80 Ill. Adm. Code 1130)
 - First Notice Published: 28 Ill. Reg. 1637 – 1/30/04
 - Expiration of Second Notice: 6/5/04
17. University of Illinois Bargaining Units (80 Ill. Adm. Code 1135)
 - First Notice Published: 28 Ill. Reg. 1641 – 1/30/04
 - Expiration of Second Notice: 6/5/04

Higher Education

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MAY 18, 2004

18. Health Services Education Grants Act (23 Ill. Adm. Code 1020)
-First Notice Published: 28 Ill. Reg. 284 – 1/2/04
-Expiration of Second Notice: 6/12/04

Human Services

19. Individual's Access to Services (59 Ill. Adm. Code 109)
-First Notice Published: 28 Ill. Reg. 476 – 1/9/04
-Expiration of Second Notice: 6/9/04
20. Food Stamps (89 Ill. Adm. Code 121)
-First Notice Published: 28 Ill. Reg. 2570 – 2/13/04
-Expiration of Second Notice: 6/9/04

Insurance

21. Valuation of Life Insurance Policies Including the Use of Select Mortality Factors (50 Ill. Adm. Code 1409)
-First Notice Published: 28 Ill. Reg. 2587 – 2/13/04
-Expiration of Second Notice: 5/19/04
22. Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits (50 Ill. Adm. Code 1412)
-First Notice Published: 28 Ill. Reg. 2606 – 2/13/04
-Expiration of Second Notice: 5/19/04

Labor

23. Victims' Economic Security and Safety Act (56 Ill. Adm. Code 280)
-First Notice Published: 28 Ill. Reg. 478 – 1/9/04
-Expiration of Second Notice: 6/2/04
24. Equal Pay in Employment (56 Ill. Adm. Code 320)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MAY 18, 2004

-First Notice Published: 28 Ill. Reg. 295 – 1/2/04
-Expiration of Second Notice: 5/28/04

Natural Resources

25. The Protection of Archaeological Resources (17 Ill. Adm. Code 370)
-First Notice Published: 28 Ill. Reg. 1931 – 2/6/04
-Expiration of Second Notice: 6/23/04
26. Non-Departmental Archaeological Research on Department of Natural Resources
Managed Lands (17 Ill. Adm. Code 390)
-First Notice Published: 28 Ill. Reg. 1935 – 2/6/04
-Expiration of Second Notice: 6/23/04
27. White-Tailed Deer Hunting by Use of Firearms (17 Ill. Adm. Code 650)
-First Notice Published: 28 Ill. Reg. 1940 – 2/6/04
-Expiration of Second Notice: 5/21/04
28. White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)
-First Notice Published: 28 Ill. Reg. 1957 – 2/6/04
-Expiration of Second Notice: 5/21/04

Professional Regulation

29. Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110)
-First Notice Published: 28 Ill. Reg. 4482 – 3/12/04
-Expiration of Second Notice: 6/11/04
30. Nursing and Advanced Practice Nursing Act – Registered Professional Nurse and
Licensed Practical Nurse (68 Ill. Adm. Code 1300)
-First Notice Published: 28 Ill. Reg. 3683 – 2/27/04
-Expiration of Second Notice: 6/9/04

Public Aid

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MAY 18, 2004

31. Hospital Services (89 Ill. Adm. Code 148)
 - First Notice Published: 28 Ill. Reg. 3719 – 2/27/04
 - Expiration of Second Notice: 5/29/04
32. Hospital Services (89 Ill. Adm. Code 148)
 - First Notice Published: 28 Ill. Reg. 1998 – 2/6/04
 - Expiration of Second Notice: 5/29/04

Illinois Racing Board

33. Hearings and Enforcement Proceedings (11 Ill. Adm. Code 204)
 - First Notice Published: 28 Ill. Reg. 2649 – 2/13/04
 - Expiration of Second Notice: 6/29/04

Revenue

34. Income Tax (86 Ill. Adm. Code 100)
 - First Notice Published: 28 Ill. Reg. 3739 – 2/27/04
 - Expiration of Second Notice: 5/29/04
35. Retailers' Occupation Tax (86 Ill. Adm. Code 130)
 - First Notice Published: 27 Ill. Reg. 18521 – 12/12/03
 - Expiration of Second Notice: 5/26/04
36. TeleFile Program (86 Ill. Adm. Code 770)
 - First Notice Published: 27 Ill. Reg. 18534 – 12/12/03
 - Expiration of Second Notice: 5/20/04
37. Liquor Control Act (86 Ill. Adm. Code 420)
 - First Notice Published: 27 Ill. Reg. 18524 – 12/12/03
 - Expiration of Second Notice: 5/20/04

Secretary of State

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MAY 18, 2004

38. The Illinois Library System Act (23 Ill. Adm. Code 3030)
-First Notice Published: 28 Ill. Reg. 2991 – 2/20/04
-Expiration of Second Notice: 6/9/04
- Student Assistance Commission
39. Federal Family Education Loan Program (FFELP) (23 Ill. Adm. Code 2720)
-First Notice Published: 28 Ill. Reg. 2008 – 2/6/04
-Expiration of Second Notice: 5/21/04
40. Monetary Award Program (MAP) (23 Ill. Adm. Code 2735)
-First Notice Published: 28 Ill. Reg. 2021 – 2/6/04
-Expiration of Second Notice: 5/21/04
41. Illinois Incentive for Access (IIA) Program (23 Ill. Adm. Code 2736)
-First Notice Published: 28 Ill. Reg. 2033 – 2/6/04
-Expiration of Second Notice: 5/21/04
42. Minority Teachers of Illinois (MTT) Scholarship Program (23 Ill. Adm. Code 2763)
-First Notice Published: 28 Ill. Reg. 2041 – 2/6/04
-Expiration of Second Notice: 5/21/04
43. Illinois Future Teacher Corps (IFTC) Program (23 Ill. Adm. Code 2764)
-First Notice Published: 28 Ill. Reg. 2048 – 2/6/04
-Expiration of Second Notice: 5/21/04
44. Illinois Special Education Teacher Tuition Waiver (SETTW) Program (23 Ill. Adm. Code 2765)
-First Notice Published: 28 Ill. Reg. 2056 – 2/6/04
-Expiration of Second Notice: 5/21/04
45. Illinois Prepaid Tuition Program (23 Ill. Adm. Code 2775)
-First Notice Published: 28 Ill. Reg. 2064 – 2/6/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MAY 18, 2004

-Expiration of Second Notice: 5/21/04

EMERGENCY RULEMAKINGSLaw Enforcement Training Standards Board

46. Illinois Police Training Act (20 Ill. Adm. Code 1720)
-Notice Published: 28 Ill. Reg. 6479 – 4/23/04

Public Aid

47. Medical Assistance Programs (89 Ill. Adm. Code 120)
-Notice Published: 28 Ill. Reg. 6610 – 4/30/04
48. Medical Payment (89 Ill. Adm. Code 140)
-Notice Published: 28 Ill. Reg. 6622 – 4/30/04

Public Health

49. Visa Waiver Program for International Medical Graduates (77 Ill. Adm. Code 591)
-Notice Published: 28 Ill. Reg. 6641 – 4/30/04

Transportation

50. Hours of Service of Drivers (92 Ill. Adm. Code 395)
-Notice Published: 28 Ill. Reg. 6654 – 4/30/04

AGENCY RESPONSESProfessional Regulation

51. Professional Boxing Act (68 Ill. Adm. Code 1370; 28 Ill. Reg. 1760) (Emergency)

Racing Board

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MAY 18, 2004

52. Race Track Operators and Their Duties (11 Ill. Adm. Code 1305; 27 Ill. Reg. 7218)
53. License and Applications; Association Licenses (11 Ill. Adm. Code 1407; 27 Ill. Reg. 7222)
54. Regulations for Meetings (11 Ill. Adm. Code 1424; 27 Ill. Reg. 7226)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 26, 2004 through May 3, 2004 and have been scheduled for review by the Committee at its May 18, 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>
6/9/04	<u>Secretary of State</u> , The Illinois Library System Act (23 Ill. Adm. Code 3030)	2/20/04 28 Ill. Reg. 2991	5/18/04
6/9/04	<u>Department of Human Services</u> , Food Stamps (89 Ill. Adm. Code 121)	2/13/04 28 Ill. Reg. 2570	5/18/04
6/9/04	<u>Department of Human Services</u> , Individual's Access to Services (59 Ill. Adm. Code 109)	1/9/04 28 Ill. Reg. 476	5/18/04
6/11/04	<u>Department of Professional Regulation</u> , Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110)	3/12/04 28 Ill. Reg. 4482	5/18/04
6/12/04	<u>Board of Higher Education</u> , Health Services Education Grants Act (23 Ill. Adm. Code 1020)	1/2/04 28 Ill. Reg. 284	5/18/04

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
IN RESPONSE TO THE OBJECTION AND SUSPENSION
BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Professional Boxing Act
- 2) Code Citation: 68 Ill. Adm. Code 1370
- 3) Section Number: 1370.315
- 4) Notice of Emergency Amendment published in the Illinois Register: January 30, 2004; 28 Ill. Reg. 1760
- 5) JCAR Statement of Objection to, and Suspension of, Emergency Amendments published in the Illinois Register: March 5, 2004; 28 Ill. Reg. 4392
- 6) Date agency submitted its response to JCAR: April 27, 2004
- 7) Summary of action taken by the agency: In order to meet the objection of the Joint Committee on Administrative Rules, the Department is repealing, effective May 3, 2004, the above-referenced emergency amendment concerning what constitutes an "ultimate fighting exhibition".

The full text of the emergency rulemaking being repealed begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
IN RESPONSE TO THE OBJECTION AND SUSPENSION
BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULESTITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1370
PROFESSIONAL BOXING ACT

SUBPART A: STATUTORY AUTHORITY

Section
1370.10 Statutory Authority (Repealed)

SUBPART B: BOXING

Section
1370.15 Application for a License as a Boxing Promoter
1370.20 Application for a License as a Boxing Contestant, Second, Timekeeper, Referee,
Judge, Matchmaker or Manager
1370.25 Application for a Permit to Conduct a Boxing Contest
1370.26 Seconds
1370.27 Timekeepers
1370.28 Referees
1370.29 Boxers
1370.30 Structure of Ring
1370.40 Classes and Weights of Boxers
1370.50 Fight Preparations (Repealed)
1370.60 Ring Equipment (Repealed)
1370.70 Conduct of a Contest (Repealed)
1370.80 Scoring
1370.90 Knockdowns
1370.100 Fouls, Injuries, Loss of Mouthpiece
1370.105 Ringside Physician and Paramedics
1370.110 Drugs and Stimulants
1370.120 Conduct of Ring Officials
1370.140 State of Illinois Boxing Championships
1370.160 Manager – Boxer Contracts

SUBPART C: WRESTLING

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
IN RESPONSE TO THE OBJECTION AND SUSPENSION
BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

Section

- 1370.200 Application for a License as a Wrestling Promoter (Repealed)
- 1370.205 Application for a License as a Wrestling Referee or Timekeeper (Repealed)
- 1370.206 Application for a Permit to Conduct a Wrestling Exhibition (Repealed)
- 1370.207 General Wrestling Exhibition Requirements (Repealed)
- 1370.210 Structure of Ring (Repealed)
- 1370.220 Preparations for an Exhibition (Repealed)
- 1370.230 Conduct of an Exhibition (Repealed)
- 1370.240 Length of an Exhibition (Repealed)
- 1370.250 Scoring (Repealed)
- 1370.260 Holds (Repealed)
- 1370.270 Wrestler Out of Ring (Repealed)
- 1370.280 Disqualification (Repealed)
- 1370.290 Australian Tag Team Wrestling (Repealed)
- 1370.300 Medical Supervision (Repealed)

SUBPART D: GENERAL PROVISIONS

Section

- 1370.305 Fees
- 1370.310 Definitions
- 1370.315 Ultimate Fighting Exhibition

EMERGENCY

- 1370.320 Applications for Permits (Repealed)
- 1370.325 Requirements for Closed Circuit Telecasts (Repealed)
- 1370.330 Compensation (Repealed)
- 1370.340 Payment of Taxes
- 1370.350 Public Safety
- 1370.360 Renewals
- 1370.370 Granting Variances

AUTHORITY: Implementing the Professional Boxing Act [225 ILCS 105] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Emergency rules adopted at 5 Ill. Reg. 11100, effective October 1, 1981, for a maximum of 150 days; adopted at 6 Ill. Reg. 8978, effective July 15, 1982; emergency amendment at 11 Ill. Reg. 21008, effective December 9, 1987, for a maximum of 150 days;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
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BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

transferred from Chapter I, 68 Ill. Adm. Code 370 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1370 (Department of Professional Regulation) pursuant to P.A. 85-225 effective January 1, 1988, at 12 Ill. Reg. 2969; amended at 12 Ill. Reg. 11452, effective June 27, 1988; emergency amendment at 22 Ill. Reg. 14346, effective July 16, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19860, effective October 30, 1998; emergency amendment at 24 Ill. Reg. 875, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 7329, effective May 1, 2000; amended at 25 Ill. Reg. 4229, effective March 13, 2001; amended at 26 Ill. Reg. 13624, effective September 3, 2002; amended at 27 Ill. Reg. 5840, effective March 24, 2003; emergency amendment at 28 Ill. Reg. 1760, effective January 13, 2004, for a maximum of 150 days; emergency amendment suspended at 28 Ill. Reg. 4392, effective February 18, 2004; emergency amendment repealed at 28 Ill. Reg. 7180, effective May 3, 2004, in response to the objection and suspension of the Joint Committee on Administrative Rules.

SUBPART D: GENERAL PROVISIONS

Section 1370.315 Ultimate Fighting Exhibition**EMERGENCY**

- a) Pursuant to Section 7.5 of the Act, ultimate fighting exhibitions are prohibited in the State of Illinois.
- b) "Ultimate fighting exhibition" means
 - 1) any competition, contest or exhibition that involves any physical combat bout with few or no restrictions on the tactics or techniques used, between two or more individuals who attempt to defeat the opponent by using elbow strikes, kicking, choking, bare knuckles, boxing, wrestling, martial arts techniques or any combination of these techniques or tactics, excluding contests or exhibitions that are authorized by the Act and this Part or exempted by Section 6 of the Act;~~;~~~~or~~
 - 2) ~~Any fighting competition, contest or exhibition, including but not limited to those fighting competitions, contests or exhibitions commonly referred to as "Toughman Fighting", "Toughwoman Fighting", "Ultimate Fighting", "Extreme Fighting", or "Xtreme Fighting", between two or more contestants, with or without protective headgear, who use their hands, with or without gloves, or their feet, or both, and who compete for~~

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
IN RESPONSE TO THE OBJECTION AND SUSPENSION
BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- ~~a financial prize or any item or recognition of pecuniary or nonpecuniary value, unless the competition, contest or exhibition is permitted and regulated by the Department pursuant to Section 7 of the Act; or~~
- 3) ~~Any elimination tournament that would require unlicensed contestants to fight more than once within a 30-day period, unless the elimination tournament is sanctioned by the United States Amateur Boxing Federation, Inc. or Golden Gloves of America; or~~
- 4) ~~Any contest or tournament that establishes classes and weights of boxers in a manner less stringent than Section 1370.40, or any contest that pairs boxers in a manner less stringent than Section 1370.40; or~~
- 5) ~~Any other fighting competition, contest or exhibition determined by the Department to be a violent exhibition that is excessively and unacceptably dangerous to the participants, based upon information available to the Department regarding an individual fighting competition, contest or exhibition.~~
- e) ~~The Department finds that “ultimate fighting exhibition” as defined herein is distinguished from the legitimate boxing contests permitted under the Act and the exhibitions or contests of the martial arts and other sports, including but not limited to kickboxing, that are traditionally conducted with respect for the safety and protection of the participants. The determination by the Department as to whether a competition, contest or exhibition constitutes a bona fide exception to Section 6 of the Act will be based upon whether the requirements for participation in the contest, competition or exhibition assure substantially similar protections of the public and participants’ health and safety as Sections 1370.20 through 1370.140 of this Part.~~
- c)d) Any licensee/registrant holding or promoting an ultimate fighting exhibition, or participating in an ultimate fighting exhibition as a promoter, contestant, second, referee, judge, scorer, manager, trainer, announcer, or timekeeper, may be subject to discipline pursuant to Section 16 of the Act.
- d)e) The Department shall enter an order of cease and desist to any individual or entity involved in an ultimate fighting exhibition. If the order is ignored, the Department may send such order to the Attorney General or State's Attorney for civil or

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
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criminal enforcement with respect to prohibited exhibitions and/or the Department may file a complaint for imposition of civil penalties for violation of the Act.

[e\)Ⓕ](#) A person who is guilty of violating this Section is guilty of a Class A Misdemeanor. On conviction of a second or subsequent offense, the violator shall be guilty of a Class 4 felony.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 7180, effective May 3, 2004, for a maximum of 150 days)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
IN RESPONSE TO THE OBJECTION AND SUSPENSION
BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Professional Boxing Act
- 2) Code Citation: 68 Ill. Adm. Code 1370
- 3) Section Number: Action:
1370.315 Amendment
- 4) Date Notice of Proposed Amendment Published in the Illinois Register: January 30, 2004
28 Ill. Reg.1647
- 5) Reason for the Withdrawal: The Joint Committee on Administrative Rules objected to the emergency amendment associated with this proposed amendment. Therefore, the Department wishes to withdraw this amendment.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2004 FIRST QUARTER SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the First Quarter of 2004. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Allocation
Composite Returns
Credits – Foreign Tax
Exempt Organization
Exemptions
Interest Income

Returns – Requirement To File
Subtraction Modifications – Other Rulings
Voluntary Disclosure
Voluntary Disclosure Agreements
Withholding – Other Rulings

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2004 FIRST QUARTER SUNSHINE INDEX

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002 and 2003 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Linda Settle
Illinois Department of Revenue
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-7055

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2004 FIRST QUARTER SUNSHINE INDEX

ALLOCATION

IT 04-0001-GIL 01/06/2004 Nonbusiness Illinois capital loss allocated to Illinois is not net of nonbusiness capital gain properly allocated to another state.

COMPOSITE RETURNS

IT 04-0004-GIL 01/16/2004 Permission from the Department is not required to file a composite return, but is required for a taxpayer to claim a credit for taxes paid on its behalf on a composite return.

CREDITS – FOREIGN TAX

IT 04-0007-GIL 01/29/2004 Explanation of computation of credit.

IT 04-0012-GIL 03/17/2004 Explanation of the computation of credit for taxes paid to Minnesota.

EXEMPT ORGANIZATION

IT 04-0013-GIL 03/25/2004 Organizations exempt from federal income tax under IRC Section 501(a) are exempt from Illinois income tax.

EXEMPTIONS

IT 04-0009-GIL 03/02/2004 Illinois allows an exemption for each dependent for whom a taxpayer is allowed a federal exemption.

INTEREST INCOME

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2004 FIRST QUARTER SUNSHINE INDEX

IT 04-0003-GIL 01/16/2004 Income of most municipal bonds (including most Illinois bonds) must be added back in computing base income, and income from most federal obligations may be subtracted.

RETURNS – REQUIREMENTS TO FILE

IT 04-0002-GIL 01/16/2004 Incarcerated taxpayer is still required to file returns, and must file for old years.

SUBTRACTION MODIFICATIONS – OTHER RULINGS

IT 04-0005-GIL 01/21/2004 Refunds of personal income taxes paid to other states and claimed as itemized deductions in prior years may be subtracted from Illinois base income.

IT 04-0006-GIL 01/29/2004 Subtractions reported by a partnership and based on regular depreciation deductions on property for which bonus depreciation was claimed in a prior year are not reported on the Form IL-4562 of the partners.

VOLUNTARY DISCLOSURE

IT 04-0011-GIL 03/03/2004 General guidance on voluntary disclosure and related statute of limitations issues.

VOLUNTARY DISCLOSURE AGREEMENTS

IT 04-0008-GIL 02/18/2004 Taxpayers seeking relief for old periods prior to the time they had nexus with Illinois should consider voluntary disclosure.

WITHHOLDING – OTHER RULINGS

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2004 FIRST QUARTER SUNSHINE INDEX

IT 04-0010-GIL 03/02/2004 An individual is an employee for purposes of withholding Illinois income tax from compensation if that individual is an employee for federal income tax withholding purposes.

EXECUTIVE ORDERS

2004-9**EXECUTIVE ORDER ESTABLISHING INTERSTATE 55 BETWEEN CARLINVILLE
AND SPRINGFIELD AS THE VINCE DEMUZIO EXPRESSWAY**

WHEREAS, Senator Vince Demuzio has devoted over 29 years of his life to public service from his first election to the Illinois State Senate in 1974 to his current service as Senate Majority Leader; and

WHEREAS, Senator Vince Demuzio is the longest serving current member of the Senate and has served the people of this State with honorable distinction; and

WHEREAS, Senator Vince Demuzio has always been a passionate leader and an inspiring orator on the issues that are close to his heart; and

WHEREAS, Senator Vince Demuzio has been a champion for the building of an effective transportation infrastructure for the citizens of Illinois, through his advocacy for the completion of Route 36 from Jacksonville to Quincy, for major road improvements along the Route 67 corridor from Alton to Jacksonville, and for the conversion of Route 29 from Rochester to Taylorville into a four-lane road; and

WHEREAS, Interstate 55 between Carlinville and Springfield is one of the major transportation routes in the State and is a road frequently traversed by the Senator himself; and

WHEREAS, as the Governor of Illinois, I wish to permanently commemorate the distinguished leadership of Senator Vince Demuzio and his abiding impact on the people of Illinois.

THEREFORE, I hereby order the following:

The portion of Interstate Highway 55 commencing in Carlinville and ending in Springfield shall be designated the Vince Demuzio Expressway. The Illinois Department of Transportation shall erect appropriate plaques or signs giving notice of the Vince Demuzio Expressway.

This Executive Order shall be in full force and effect upon its filing with the Secretary of State.

Issued by Governor: April 23, 2004

Filed with Secretary of State: April 23, 2004

PROCLAMATIONS

2004-93**Childhood Stroke Awareness Day**

WHEREAS, many people are unaware that children can have strokes, a condition that usually affects an older population; and

WHEREAS, childhood strokes occur more frequently in children less than two years old. For reasons that are unknown, twenty-five percent of all childhood strokes happen in infancy, often during or before childbirth; and

WHEREAS, a stroke occurs when the blood supply to any part of the brain is interrupted, resulting in tissue death and loss of brain function; and

WHEREAS, some symptoms of childhood stroke may include seizures, apnea, poor feeding, infantile spasms, or very specific hand preference; and

WHEREAS, over half of the children who have a stroke will have serious, long-term neurological disabilities, including hemiplegia, seizures, speech and vision problems, and learning difficulties; and

WHEREAS, little is known about the cause, treatment, and prevention of childhood stroke. It is known, however, that the sooner a child is diagnosed and treated for a stroke, the better his/her chances are for recovery; and

WHEREAS, organizations like the Children's Hemiplegia and Stroke Association look to create a greater public awareness of the presence of these disorders in children:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2004 as CHILDHOOD STROKE AWARENESS DAY in Illinois and urge all citizens to support the efforts, programs, services, and advocacy that the Children's Hemiplegia and Stroke Association provides, as they strive to enhance awareness of childhood stroke.

Issued by the Governor April 26, 2004.

Filed by the Secretary of State April 27, 2004.

2004-94**Drinking Water Week**

WHEREAS, safe drinking water is essential to life; and

WHEREAS, Illinois residents have traditionally relied on the state's abundant surface, and groundwater resources for drinking water; and

WHEREAS, protection of drinking water sources was among the first community projects undertaken by settlers moving into the Illinois territory two centuries ago; and

WHEREAS, dedicated water treatment operators in ensuing generations have worked to protect existing drinking water. Their efforts help to improve the quantity and quality of drinking water sources not only for Illinois residents, but also its millions of visitors; and

WHEREAS, there are 4,740 dedicated men and women currently certified as drinking water operators in Illinois; and

PROCLAMATIONS

WHEREAS, Illinois citizens can confidently look forward to safe, clean drinking water delivered in amounts satisfactory to meet everyday human needs as well as the demands of thriving industries; and

WHEREAS, the State of Illinois is making steady progress toward their goal of providing more than 95 percent of its community water supply to consumers with drinking water that meets all health protective requirements by the year 2005:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 3 - 9, 2004 as DRINKING WATER WEEK in Illinois and encourage all citizens to recognize that they live in a state that provides safe and clean drinking water, helping to keep their lives healthy and refreshed.

Issued by the Governor April 26, 2004.

Filed by the Secretary of State April 27, 2004.

2004-95**Provider Appreciation Day**

WHEREAS, early childhood is the most critical developmental period for all children; and

WHEREAS, 2.8 million people earn a living by teaching and caring for young children or by working in jobs directly related to this field; and

WHEREAS, of the 21 million children under age six in America, 13 million are in child care at least part time. An additional 24 million school-age children are in some form of child care outside of school time; and

WHEREAS, seeing the need for a day to appreciate and recognize child care providers, a group of volunteers in New Jersey started Provider Appreciation Day in 1996; and

WHEREAS, by calling attention to the importance of high quality child care services for all children and families in our State, these provider groups hope to improve the quality and availability of such services:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 7, 2004 as PROVIDER APPRECIATION DAY in Illinois and urge all citizens to join me in recognizing Illinois' child care providers for their commitment and dedication to our children.

Issued by the Governor April 26, 2004.

Filed by the Secretary of State April 27, 2004.

2004-96**4-H Day**

WHEREAS, 4-H is the largest out-of-school program in the United States, and the largest youth organization in the State of Illinois; and

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WHEREAS, the 4-H program makes an effort to complement the formal education, experiences, and skills that young people have already acquired through their homes, schools, and religious organizations, with action-oriented and practical educational experiences; and

WHEREAS, more than 30,000 caring, nurturing adults work together with 4-H youth in family and community environments to create real life learning laboratories that help youth practice skills they need today and will continue to use in their future lives; and

WHEREAS, approximately 2,000 youth and their parents will attend the Legislative Connections event, an all-day event geared towards educating 4-H youth on the legislative process; and

WHEREAS, this event will also give the members an opportunity to network with other outstanding youth from across the State and showcase their 4-H projects:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 27, 2004 as 4-H DAY in Illinois, and commend the outstanding accomplishments of the Illinois 4-H members and leaders.

Issued by the Governor April 26, 2004.

Filed by the Secretary of State April 27, 2004.

2004-97**Elks National Youth Week**

WHEREAS, the Benevolent and Protective Order of Elks is one of the largest and most active fraternal organizations in the world, boasting more than 1.1 million members nationwide; and

WHEREAS, the Elks are dedicated to providing youth with a future full of hope and promise each year providing college scholarships to graduating high school seniors. This continued dedication has made the Elks the largest private source of college scholarships in the nation; and

WHEREAS, in 1997, the Elks made seven promises to America's youth, among which were: sponsoring drug-free prom or graduation parties in 2,000 communities by the year 2000, developing mentoring relationships with 20,000 youth and involving 275,000 youth in community service initiatives, and donating \$34.9 million a year in support of scouting, athletic programs, and other youth organizations and programs; and

WHEREAS, by making this commitment to future generations, members of the organization are taking the meaning of their motto, "Elks Care, Elks Share," to a whole new level:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, hereby proclaim May 2 – 8, 2004 as ELKS NATIONAL YOUTH WEEK in Illinois, and encourage all citizens to pay tribute to these youth for their achievements and contributions to their communities.

Issued by the Governor April 26, 2004.

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Filed by the Secretary of State April 27, 2004..

2004-98**Bring Your MOM to Work Day**

WHEREAS, there are a multitude of health concerns facing women today including the threat of cancer, which continues to claim the lives of our mothers, daughters, sisters, and other loved ones; and

WHEREAS, one of the most insidious types of cancer affecting women is ovarian cancer, a disease that often strikes without warning and without cause; and

WHEREAS, this disease is the fifth leading cause of cancer deaths in women and the deadliest of all gynecologic cancers; and

WHEREAS, if the cancer is detected early and has not spread beyond the ovary, the five year survival rate is 93 percent; and

WHEREAS, founded in December 1994, The Ovarian Cancer Research Fund (OCRF) is a non-profit organization dedicated to advancing research, raising awareness, and finding a cure for ovarian cancer; and

WHEREAS, today, OCRF is one of the leading independent agencies of its kind in the United States devoted to eradicating this disease; and

WHEREAS, in 2001, 1-800-FLOWERS.COM initiated the first Bring Your MOM to Work Day, a fundraising event benefiting OCRF; and

WHEREAS, Bring Your MOM to Work Day is also a way for people, throughout the country, to tell the special women in their lives, "I couldn't have done it without you."

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6, 2004 as BRING YOUR MOM TO WORK DAY in Illinois, and encourage all citizens to support the efforts of 1-800-FLOWERS.COM and the OCRF as they educate, raise awareness, and dedicate themselves to finding a cure for this deadly disease.

Issued by the Governor April 26, 2004.

Filed by the Secretary of State April 27, 2004.

2004-99**Foster Parent Appreciation Month**

WHEREAS, to foster means to nourish, cherish and encourage, which is what foster parents do for children whose natural parents can no longer provide them with care; and

WHEREAS, foster parents meet a very special need in our society by ensuring that these children receive attention, respect, love, understanding, compassion, and health and educational services; and

WHEREAS, thousands of caring adults in Illinois have opened their hearts as well as their homes to provide loving and stable environments for more than 17,000 children; and

WHEREAS, the contributions of Illinois foster parents to the welfare of these children are incalculable and irreplaceable; and

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WHEREAS, for four consecutive years, Illinois has remained a national leader in adoptions, primarily due to the commitment shown by the state's licensed foster parents and relative foster parents, who are responsible for the vast majority of adoptions of the Illinois Department of Children and Family Services' (DCFS) wards; and

WHEREAS, foster parents throughout the state helped DCFS become the nation's largest child welfare agency accredited by the Council on Accreditation for Children and Family Services; and

WHEREAS, there remains a great demand for additional caring adults in Illinois to consider opening their homes to older children in need of foster care; and

WHEREAS, Illinois foster parents deserve our gratitude and respect for the work they do everyday to ensure that our children receive the support they need throughout their maturing process:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as FOSTER PARENT APPRECIATION MONTH in Illinois, and encourage all citizens to recognize and support the gracious and loving foster parents in their communities.

Issued by the Governor April 26, 2004.

Filed by the Secretary of State April 27, 2004.

2004-100**Alpha-1 Awareness Month**

WHEREAS, one of the most common serious hereditary disorders in the world, Alpha-1 Antitrypsin Deficiency, also referred to as alpha-1, affects 100,000 children and adults in the United States; and

WHEREAS, alpha-1 is characterized by low levels of alpha 1-antitrypsin, a protein found in the blood; and

WHEREAS, this deficiency is usually manifested in three forms: lung disease, liver disease, or a skin condition called panniculitis; however, lung disease is the most common way the disease appears; and

WHEREAS, less than 10 percent of those predicted to have alpha-1 have been diagnosed. It often takes an average of three doctors and seven years, from the time symptoms first appear, before proper diagnosis is made; and

WHEREAS, lung disease is the most frequent cause of disability and early death among affected persons, and also a major reason for lung transplants; and

WHEREAS, it is extremely important for someone who has been diagnosed with alpha-1 to stop smoking and drinking. Smoking and excessive alcohol consumption can speed up the progression of lung and liver damage:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as ALPHA-1 AWARENESS MONTH in Illinois and encourage all citizens to become educated on the seriousness of this disease.

Issued by the Governor April 26, 2004.

Filed by the Secretary of State April 27, 2004.

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2004-101**North American Occupational Safety and Health Week**

WHEREAS, safety and health hazards in the workplace include: contact with harmful chemicals, unsafe electrical outlets, fires, bacteria-related diseases, cuts, prolonged exposure to excessive heat or cold, and many more. They are extremely dangerous and often result in serious injuries, and in some cases, death; and

WHEREAS, millions of people go to work and return home safely everyday, due in part to the efforts of occupational safety, health and environmental practitioners who work hard to identify hazards, implement safe practices, and prevent fatalities and illnesses in all industries and workplaces; and

WHEREAS, members of the 93-year-old-non-profit organization, American Society of Safety Engineers, work to protect people, property, and the environment, everyday; and

WHEREAS, it is imperative that employers, employees, and the general public are aware of the importance of preventing illness and injury in the workplace, and understand the many procedures that make prevention possible; and

WHEREAS, strictly following safety guidelines, minimizing possible workplace risk factors, and providing accessible, and thorough first aid kits for employees, are all ways citizens can cut down workplace injuries and hazards; and

WHEREAS, during the week of May 2 through May 8, 2004, members of the American Society of Safety Engineers will work to raise public awareness on prevention and safety measures, and hope that their involvement will save lives:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2 – 8, 2004 as NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK in Illinois, and encourage all citizens to become cognizant of safety procedures in the workplace.

Issued by the Governor April 26, 2004.

Filed by the Secretary of State April 27, 2004.

2004-102**Student Council Week**

WHEREAS, the Illinois Association of Student Councils has been shaping future leaders since 1934; and

WHEREAS, the heart of education lies within students, and their eagerness to lead and work together to improve the educational landscape of Illinois; and

WHEREAS, the Illinois Association of Student Councils gives every student, throughout the state, the opportunity to participate in sponsored leadership seminars that can help them become better rounded students and citizens; and

WHEREAS, by providing guest speakers and promoting involvement in various learning activities, student councils give students a look into the democratic process, offering them a

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platform to make changes in the daily activities and operations of their school, and presenting them with chances to obtain valuable leadership positions; and

WHEREAS, this May, the Illinois Association of Student Councils is holding their 70th Annual State Convention, bringing together student leaders from across the State. This convention affords them the opportunity to aid each other in learning and voting for future leaders, which in turn helps to improve not only their own student organization, but also the Illinois educational system as a whole:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2 – 8, 2004 as STUDENT COUNCIL WEEK in Illinois, and encourage all citizens to recognize and support youth activities throughout the State.

Issued by the Governor April 26, 2004.

Filed by the Secretary of State April 27, 2004.

2004-103**Exceptional Children's Week**

WHEREAS, the National Council for Exceptional Children (CEC) began with 12 members and has grown into the largest international professional organization “dedicated to improving educational outcomes for individuals with exceptionalities, students with disabilities, and/or the gifted”; and

WHEREAS, CEC advocates for and provides resources to all parties that have a vested interest in the rights of persons with exceptionalities; and

WHEREAS, in addition to a number of other core beliefs, CEC believes that all individuals have the right to an education and have the ability to learn and attain self-fulfillment; and

WHEREAS, the Illinois Federation of CEC will be hosting Exceptional Children's Week, to highlight the achievements of children and youth with disabilities through a variety of activities; and

WHEREAS, the goal of Exceptional Children's Week is to “provide opportunities for the general public to recognize, understand, accept and appreciate the many talents and achievements of children and youth who have been identified, and are receiving special education services in the schools of Illinois”:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2 – 8, 2004 as EXCEPTIONAL CHILDREN'S WEEK in Illinois. I encourage all citizens to join CEC in recognizing the achievements of these special youth and their educators.

Issued by the Governor April 26, 2004.

Filed by the Secretary of State April 27, 2004.

2004-104**Wings of Hope Day**

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WHEREAS, Wings of Hope is the largest international volunteer charity in the Midwest, working closely with other charitable organizations to assist people worldwide who are incapable of receiving the help they need due to rugged terrains, impassable roads, or other geographical constraints; and

WHEREAS, the mission of the Wings of Hope organization is to “save lives, improve the quality of life and bring hope to people around the world where the utilization of aviation is vital to the accomplishment of these human endeavors”; and

WHEREAS, Wings of Hope has provided 145 aircraft to places around the world, including countries in Asia, Africa, South America and Central America; and

WHEREAS, by providing an aircraft to the people in isolated locations, Wings of Hope ensures that those in need will have access to: food, education, medical treatment, and other necessities; and

WHEREAS, Wings of Hope began a free Medical Air Transport system in 2003 that has transported children in need and their families to medical facilities throughout Illinois and Missouri:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2004 as WINGS OF HOPE DAY in Illinois, and commend the efforts of the volunteers that devote their time to the continued success of this organization.

Issued by the Governor April 26, 2004.

Filed by the Secretary of State April 27, 2004.

2004-105**Lioness and Lions Caramel Day**

WHEREAS, Lioness and Lions Caramel Day is being held under the auspices of the Lions of Illinois Foundation, which raises money for worthwhile projects through caramel pop sales; and

WHEREAS, the proceeds from Caramel Day will help to provide detection, treatment and rehabilitation programs for the blind, visually impaired, deaf and hearing impaired residents of Illinois; and

WHEREAS, Caramel Day is simply one of the many projects the Lioness and Lions Clubs undertake in their mission to aid society; and

WHEREAS, the Lioness and Lions Clubs of Illinois have dedicated their time to help people in need in their communities, and throughout Illinois; and

WHEREAS, through their gracious work, Lioness and Lions Clubs of Illinois have created a better, and more independent life for these citizens:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 7, 2004 as LIONESS AND LIONS CAMEL DAY in Illinois, and encourage all citizens to recognize and support this group’s worthwhile efforts.

Issued by the Governor April 26, 2004.

Filed by the Secretary of State April 27, 2004.

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2004-106**Motorcycle Awareness Month**

WHEREAS, A.B.A.T.E. of Illinois (A Brotherhood Aimed Toward Education) is a group of motorcyclists dedicated to providing a “safe, unrestricted motorcycling environment in the State of Illinois”; and

WHEREAS, first incorporated in Illinois in 1975 and then again in 1986, the organization currently has over 12,000 members and 60 chapters in Illinois; and

WHEREAS, the A.B.A.T.E. group believes that education is the key to achieving their goals, presenting motorcycle awareness programs to over 100,000 participants in Illinois in the last three years; and

WHEREAS, in addition to presenting awareness programs, these motorcyclists have contributed extensive time, money and community service to national and community charitable organizations such as: Easter Seals, Make-A-Wish Foundation, Muscular Dystrophy Association, Salvation Army, and various 9/11 relief efforts:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as MOTORCYCLE AWARENESS MONTH in Illinois, and commend the outstanding accomplishments of the men and women of A.B.A.T.E. in attempting to promote a positive attitude among all road users, regardless of their chosen mode of transportation.

Issued by the Governor April 26, 2004.

Filed by the Secretary of State April 27, 2004.

2004-107**National Charter Schools Week**

WHEREAS, in 1996, the Illinois Legislature enacted a statute that would “create new, innovative and more flexible ways of educating children within the public school system”, allowing for the creation of charter schools; and

WHEREAS, these schools would allow students and their parents to choose a school based on the school’s individual options; and

WHEREAS, during 2002-2003, there were 22 charter schools in operation in Illinois serving approximately 8,500 students and 761 students with disabilities; and

WHEREAS, the State of Illinois is committed to providing a solid education to all students. In 2003, the Governor and the General Assembly provided \$365 million new dollars for elementary and secondary education:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 3 – May 7, 2004 as NATIONAL CHARTER SCHOOLS WEEK in Illinois and encourage all citizens to support the faculty, staff, and administrators of all schools across the state as they educate our future world leaders.

Issued by the Governor April 26, 2004.

Filed by the Secretary of State April 27, 2004.

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2003-108**Days To Commemorate The Honorable Vince Demuzio**

WHEREAS, Senator Vince Demuzio, a loyal and dedicated public servant to the State of Illinois, passed away on April 27, 2004. He was 63; and

WHEREAS, born on May 7, 1941, Senator Demuzio received his B.A. in Education and Human Services from the University of Illinois at Springfield in 1981, and then in 2002, received his M.A. in Education and Public Policy from the same university. He also received Honorary Degrees from Lewis and Clark Community College and Blackburn College; and

WHEREAS, Senator Demuzio's service to the State of Illinois began in 1975 when he was elected to the General Assembly. Throughout his tenure in the Senate, his Legislative assignments were: Committees on Rules, Education, Executive, Executive Appointments, and the Legislative Audit Commission; and

WHEREAS, up until his untimely death, Senator Demuzio served as Senate Majority Leader and the Dean of the Senate; and

WHEREAS, Senator Demuzio was deeply committed and dedicated to serving his constituency and all citizens of Illinois; and

WHEREAS, Senator Demuzio's tireless efforts to make Illinois a better place will leave behind the legacy that will resonate in this state for many years to come; and

WHEREAS, Senator Demuzio is survived by his wife, his two children and his four grandchildren. He will be deeply missed by all who had the opportunity to know him; and

WHEREAS, on Tuesday, April 27, and Wednesday, April 28, 2004, the State of Illinois will fly flags at half-mast to honor the life and achievements of Senator Vince Demuzio:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 27 and April 28, 2004 as DAYS TO COMMEMORATE THE HONORABLE VINCE DEMUZIO in Illinois, and order all State facilities to fly flags at half-mast for the course of the next two days.

Issued by the Governor April 27, 2004.

Filed by the Secretary of State April 28, 2004.

2004-109**The Day of Remembrance for Utica**

WHEREAS, on April 20, 2004, a tornado ravaged through Utica, Illinois, killing eight people who sought shelter at the Milestone, a local tavern; and

WHEREAS, it is important that we, as a State, take time to remember the innocent people who lost their lives on that fateful day; and

WHEREAS, Wayne Ball, a retired railroad worker was best known for his love of outdoor activities. He was an avid hunter and fisherman in his spare time and loved to spend time with friends; and

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WHEREAS, Beverly Wood, longtime companion of Wayne Ball, grew up in LaSalle, Illinois, and earned her living working in the personnel department of St. Margaret's Hospital in Spring Valley. Beverly was described by her daughter as "a great person"; and

WHEREAS, Carol Schultheis, daughter of Wayne Ball, was a cook and a bartender at Joy & Ed's Supper Club in Utica. A friend of Carol's reflected: "She cared about everybody and this was her town;" and

WHEREAS, Michael Miller, only 18 years of age, graduated from LaSalle-Peru High School in 2003. A former classmate described Michael as "a good kid" who "everybody liked"; and

WHEREAS, Helen Mahnke, a retired nurse, enjoyed travel, cruises and gardening. Helen was a mother of 5, and was known to be very active and vibrant in her post-employment years; and

WHEREAS, Lawrence and Marian Ventrice owned the Milestone Tavern. The Ventrices were from the State of Wisconsin, but moved to Utica two years prior to the tragedy to take over ownership of the Milestone from a relative; and

WHEREAS, Jay Vezian, a regular customer of the Milestone, worked at the Utica Grain Elevator. Prior to Jay seeking shelter as the fatal tornado approached, he called his two sisters to make sure they were safe; and

WHEREAS, in the wake of this horrible tragedy, the citizens of Utica are taking comfort in each other and rebuilding their community together; and

WHEREAS, on Saturday, May 1, 2004, the State of Illinois will fly flags at half-mast to honor these eight Illinoisans who were killed in the Utica tornado:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2004 as THE DAY OF REMEMBERANCE FOR UTICA in Illinois, and encourage all citizens to join in commemorating the lives that were lost as a result of this terrible disaster.

Issued by the Governor April 28, 2004.

Filed by the Secretary of State April 28, 2004.

2004-110**Electrical Safety Month**

WHEREAS, hundreds of people die, and thousands are injured each year in electrical accidents; and

WHEREAS, based on reports by the U. S. Consumer Product Safety Commission, an estimated 910 lives are lost annually due to residential electrical-related fires; and

WHEREAS, property damage, due to electrical-related, fires amounts to nearly \$1.7 billion each year; and

WHEREAS, following basic electrical safety precautions can help prevent injury or death to thousands of people each year; and

WHEREAS, citizens are encouraged to check their homes and workplaces for possible electrical hazards to help protect lives and their property; and

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WHEREAS, Underwriters Laboratories Incorporated (UL) is an independent, not-for-profit product safety testing and certification organization, testing products for public safety for more than a century; and

WHEREAS, the efforts of the Electrical Safety Foundation International and the UL serve to educate the public about the importance of respecting electricity, and practicing electrical safety in the home, school and workplace; and

WHEREAS, UL is actively helping to move this effort forward in order to reduce the number of electrical injuries and deaths from electrical hazards:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as ELECTRICAL SAFETY MONTH in Illinois, and encourage all citizens to recognize the importance of practicing electrical safety habits in the home, school and workplace to decrease electrical hazards.

Issued by the Governor April 26, 2004.

Filed by the Secretary of State April 29, 2004.

2004-111**ALS Awareness Month**

WHEREAS, amyotrophic lateral sclerosis (ALS), most commonly known as Lou Gehrig's Disease, is a "progressive fatal neurodegenerative disease that attacks the motor neurons making even the simplest movements – walking, speaking, gesturing – nearly impossible"; and

WHEREAS, named after former New York Yankees first baseman Lou Gehrig, an ALS sufferer who was forced to prematurely retire from the game of baseball in 1939; ALS is a debilitating disease, generally resulting in paralysis; and

WHEREAS, approximately 15 new cases of ALS are diagnosed every day, with a person losing their battle with the disease every 90 minutes; and

WHEREAS, the ALS Association (ALSA) estimates that at any given time, 994 people in Illinois are afflicted with ALS; and

WHEREAS, ALSA is the only national not-for-profit voluntary health organization dedicated solely to the fight against ALS; and

WHEREAS, in May 2000, ALSA launched a new research initiative, The Lou Gehrig Challenge: Cure ALS Research Program, designed to identify and fund new research initiatives; and

WHEREAS, last year through their national signature event, Walk to D'feet ALS, ALSA raised \$7.1 million to support new research and programs:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as ALS AWARENESS MONTH in Illinois, and urge all citizens to support the efforts of ALSA and other organizations dedicated to ending this ravishing disease.

Issued by the Governor April 29, 2004.

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Filed by the Secretary of State May 3, 2004.

2004-112**Better Speech and Hearing Month**

WHEREAS, the Illinois Speech-Language-Hearing Association (ISHA) is a non-profit organization representing licensed speech-language pathologists and audiologists; and

WHEREAS, speech-language pathologists identify communication or swallowing problems that pre-exist, and determine the best treatment solutions; and

WHEREAS, audiologists specialize in the prevention, identification, and evaluation of hearing disorders; and

WHEREAS, founded in 1960, ISHA has three goals: to make the public aware of services available to persons with speech, language and hearing disorders, to advocate for quality hearing services throughout the State, and to support the scientific study of human communication and its disorders; and

WHEREAS, forty-two million Americans are affected by communicative disorders, including 28 million individuals with hearing loss and 14 million individuals with speech, voice or language disorder; and

WHEREAS, forty-five percent of individuals reported to have a chronic speech-language disorder are under the age of 18:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as BETTER SPEECH AND HEARING MONTH in Illinois and encourage all citizens to be aware of the help that is available to those individuals with a language or hearing problem.

Issued by the Governor April 29, 2004.

Filed by the Secretary of State May 3, 2004.

2004-113**National Nurses Week**

WHEREAS, there are over 148,000 registered nurses in the State of Illinois; and

WHEREAS, the nearly 2.7 million nurses in the United States comprise our nation's largest health care profession; and

WHEREAS, the depth and extensiveness of the registered nursing profession meet the diverse, and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality care of hospitalized patients; and

WHEREAS, the future will bring a great demand for registered nursing services due to a large, aging American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

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WHEREAS, the cost-effective, safe and quality health care services provided by registered nurses will no doubt become an even more important component to the U.S. health care system:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6-12, 2004 as NATIONAL NURSES WEEK in Illinois, and encourage all citizens to recognize and honor nurses in their communities, for the hard work, and invaluable services they provide for our country.

Issued by the Governor April 29, 2004.

Filed by the Secretary of State May 3, 2004.

2004-114**Healthier Families Through Community-Based Partnerships Week**

WHEREAS, the mission of the Office of Family Health (OFH) is to promote and improve the health status, economic self-sufficiency and integrity of families by working to ensure the availability and accessibility of comprehensive health and social services; and

WHEREAS, this mission is accomplished through a statewide network of comprehensive, community-based health and social services for families and individuals with children to assure family-centered, culturally competent, and coordinated services; and

WHEREAS, the health of women, children and teens in Illinois has greatly improved, due to programs such as the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), the Family Care Management (FCM) Program and the Teen Parent Service Program sponsored by the Illinois Department of Human Services; and

WHEREAS, the primary mission of these programs is to improve the health status of women and children, to reduce the incidence of infant mortality, premature births and low birth weight, and to aid in the development of children; and

WHEREAS, through integration and outreach of these programs, Illinois families are receiving a greater quality of service that is tailored to fit their individual needs; and

WHEREAS, as a result of the improved outcomes of newborn births, Illinois is saving lives, reducing Medicaid expenditures while at the same time, serving more eligible participants:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 24 – 26, 2004 as HEALTHIER FAMILIES THROUGH COMMUNITY-BASED PARTNERSHIPS WEEK in Illinois and encourage all citizens to be cognizant of the services these programs provide for the women and children of our great state.

Issued by the Governor April 29, 2004.

Filed by the Secretary of State May 3, 2004.

2004-115**Cover The Uninsured Week**

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WHEREAS, rising health care costs continue to undermine the ability of individuals, businesses and state governments to purchase health care coverage; and

WHEREAS, uninsured children and adults usually experience poorer health and have shorter life-expectancies than insured individuals; and

WHEREAS, there are an estimated 44 million Americans that lack health coverage, including 8.5 million children; and

WHEREAS, in Illinois alone, there are 1.8 million people who are uninsured; and

WHEREAS, in 2003, Illinois expanded its FamilyCare Program – providing health insurance for up to 300,000 working parents during a three-year period, while 65,000 more parents became eligible during the first year; and

WHEREAS, a national movement to get Americans insured will take center stage during Cover the Uninsured Week 2004. This event is promised to be the largest mobilization effort in history, around this issue, according to event organizers; and

WHEREAS, the goals of Cover the Uninsured Week are to reverse the disturbing trend of uninsured Americans, elevate this issue on national and local agendas, educate Americans about the problem, and provide immediate assistance to the uninsured and small business owners:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10 – 16, 2004 as COVER THE UNINSURED WEEK in Illinois, and encourage all citizens to support my administration's efforts to help all Illinoisans gain access to quality, affordable health care.

Issued by the Governor April 29, 2004.

Filed by the Secretary of State May 3, 2004.

2004-116**Diabetes Awareness Week**

WHEREAS, diabetes has reached epidemic proportions in the United States, and in Illinois alone, more than 883,000 residents (age 18 and older) have been diagnosed with diabetes. An estimated 3 million Illinois residents are at increased risk for developing diabetes due to age, obesity and sedentary lifestyle; and

WHEREAS, most diabetes patients are afflicted by either Type 1 or Type 2 diabetes. Type 1 results from the body's failure to produce insulin, a hormone that allows glucose to fuel body cells. Type 2 results from insulin resistance, a condition in which the body fails to properly use insulin; and

WHEREAS, in Illinois, diabetes – both Type 1 and Type 2 – account for nearly \$7.6 billion in total direct healthcare and indirect costs every year. It is estimated that the direct medical care costs per person per year with diabetes is 4.3 times higher than the person without diabetes; and

WHEREAS, numerous studies support that people with diabetes can prevent or delay the progression of complications by practicing goal-oriented management of blood glucose, lipids

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and blood pressure, receiving diabetes self-management education, ensuring proper food intake and regular physical activity to help achieve target values, maintaining a healthy body weight, and receiving recommended eye and foot examinations; and

WHEREAS, the State Of Illinois is committed to achieving a lifetime of health for all Illinoisans by preventing illness and improving access to health care services; and

WHEREAS, during the week of May 10 - 14, the Illinois Department of Human Services – Diabetes Prevention and Control Program will host the Centers for Disease Control and Prevention’s 2004 CDC Diabetes Translation Conference “Diabetes Prevention and Control: Together We Can Improve Lives”:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10 – 14, 2004, as DIABETES AWARENESS WEEK in Illinois, and encourage all citizens to educate themselves on the effects of diabetes, and be aware of the many ways to prevent this disease.

Issued by the Governor April 29, 2004.

Filed by the Secretary of State May 3, 2004.

2004-117**Fibromyalgia Awareness Day**

WHEREAS, Fibromyalgia (FM) is a chronic condition characterized by fatigue and widespread pain in your muscles, ligaments and tendons; and

WHEREAS, FM has no known cause or cure. It can affect both men and women of all ages, however, approximately 80 to 90 percent of all FM cases occur in women; and

WHEREAS, the Mayo Clinic reports that an estimated 3 to 8 million people in the United States are affected by FM; and

WHEREAS, the constant pain and fatigue brought on by FM negatively affects nearly every aspect of an afflicted person’s life. Those living with FM have trouble performing their duties at work, and due to their disability cannot enjoy physical activities with their family and friends; and

WHEREAS, the Fibromyalgia Association Created for Education and Self-help (FACES, Incorporated) is dedicated to the citizens in the state of Illinois. They promote awareness of this tragic condition, offer support for those living with FM, and provide research and education on ways to treat and live day-to-day with FM:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 12, 2004 as FIBROMYALGIA AWARENESS DAY in Illinois, and encourage all citizens to raise their awareness of fibromyalgia, offer support to those living with the disease, and join in the efforts to one day find a cure.

Issued by the Governor April 29, 2004.

Filed by the Secretary of State May 3, 2004.

2004-118

PROCLAMATIONS

Prom and Graduation Safety Month

WHEREAS, recent statistics provided by the National Highway Traffic Safety Administration, and the Illinois Department of Transportation show that in the year 2002, there were 2,902 alcohol-related traffic fatalities in the United States, 70 of which occurred in Illinois; and

WHEREAS, among those 2,902 fatalities, 705 of them occurred in April, May and June of 2002. This number is indicative of the many social and school events occurring during these months, including proms and graduations; and

WHEREAS, funded by America's leading distillers, who are committed to fighting drunk driving and underage drinking, The Century Council, a not-for-profit organization, has planned a series of initiatives throughout the month aimed at educating students, parents, teachers, and lawmakers; and

WHEREAS, Illinois is working to enlist support to reduce the potential for alcohol-related fatalities by increasing public awareness on the dangers of drinking and driving:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as PROM AND GRADUATION SAFETY MONTH in Illinois, and encourage all citizens to support the work of organizations trying to put an end to drunk driving.

Issued by the Governor April 29, 2004.

Filed by the Secretary of State May 3, 2004.

2004-119**Child Labor Awareness Month**

WHEREAS, as one of our State's most valuable resources, young Illinoisans should have access to job opportunities that are safe and that are in a healthy environment; and

WHEREAS, having a job can be a significant component to a teenager's learning and development, and should certainly help them to build character and responsibility; and

WHEREAS, every year in the United States, teenagers are injured on the job; and

WHEREAS, this year, many Illinois teens that take summer jobs will be unaware of labor laws designed to protect youth in the workplace, and potential on-the-job hazards; and

WHEREAS, the Illinois Department of Labor's Fair Labor Standards Division enforces the laws concerning youth employment, and provides information for schools, parents and employers to better educate, and protect youth from being injured at work:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as CHILD LABOR AWARENESS MONTH in Illinois, and encourage all citizens to become cognizant of the rules and regulations regarding youth employment and safety, in order to benefit the many young people looking to better themselves.

Issued by the Governor April 30, 2004.

PROCLAMATIONS

Filed by the Secretary of State May 3, 2004.

2004-120**Kids Day America/International**

WHEREAS, Kids Day America/International is a special day that chiropractors' offices around the world host every year to teach kids about health, safety and the environment; and

WHEREAS, Kids Day America/International offers children a fun atmosphere where they can not only learn, but also win prizes and enjoy recreational activities; and

WHEREAS, the day's educational safety activities includes local police and fire officials teaching children proper bicycle helmet safety and fire and smoke safety; and

WHEREAS, during Kids Day America/International, kids also learn about healthy eating and exercise habits, as well as the negative effects that drugs and alcohol can have on a person's health. Additionally, children can get a free spinal health examination from local chiropractors; and

WHEREAS, additionally, this event teaches children about pollution control, and how they can help the environment by recycling and performing other environmentally conscious activities; and

WHEREAS, with the aid of local police and sheriff's departments, every child that attends Kids Day America/International has the opportunity to complete their very own Child Safety ID Card, which is an important measure in keeping our children safe; and

WHEREAS, this year's Kids Day America/International in Illinois is being held on May 15, 2004 in Peoria. It will provide children with information on vital issues in our society, and help to make them safer, healthier and more environmentally conscious citizens of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 15, 2004 as KIDS DAY AMERICA/INTERNATIONAL in Illinois, and encourage all citizens to support events that help the children of Illinois to become better educated, and more well-rounded individuals.

Issued by the Governor April 30, 2004.

Filed by the Secretary of State May 3, 2004.

2004-121**Order Sons of Italy/Alzheimer's Association "Partners In Progress" Day**

WHEREAS, the Order Sons of Italy in America (OSIA) was established in the Little Italy neighborhood of New York City on June 22, 1905, by Vincenzo Sellaro, M.D., and five other Italian immigrants who came to the United States during the great Italian migration (1880-1923); and

WHEREAS, their aim was to create a support system for all Italian immigrants that would assist them with becoming U.S. citizens, provide health/death benefits, and educational opportunities; and

PROCLAMATIONS

WHEREAS, over the years, the OSIA has achieved much progress in their goals of providing public service. They established free schools and centers to teach immigrants English and to help them become citizens, they instituted orphanages and homes for the elderly, and they help to raise money for those in need; and

WHEREAS, to date, OSIA members have given more than \$83 million to educational programs, disaster relief, cultural advancement and medical research; and

WHEREAS, the National Council of the Order Sons of Italy in America has adopted Alzheimer's disease as one of its primary charities, and plans to support this cause by implementing a fund raising campaign throughout the nation; and

WHEREAS, joining their cause will be the Alzheimer's Association, a group that provides services to Alzheimer's patients and their families; and

WHEREAS, together, they will be holding the Illinois portion of this benevolent fundraiser on May 22, 2004. Members of the Order, along with other volunteers, will be collecting donations to help the 4.5 million people affected by this debilitating disease:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 22, 2004 as ORDER SONS OF ITALY/ALZHEIMER'S ASSOCIATION "PARTNERS IN PROGRESS" DAY in Illinois, and encourage all citizens to recognize and aid in the charitable work these organizations carry out for the benefit of others.

Issued by the Governor April 30, 2004.

Filed by the Secretary of State May 3, 2004.

2004-122**National Women's Health Week**

WHEREAS, it is important that women take responsibility for their own health based on their individual backgrounds and risk factors; and

WHEREAS, it may be believed that all women's health can be viewed one dimensionally, but this is far from true. For instance, heart disease is the number one killer among women, but cancer ranks first among Asian/Pacific Islander women; and

WHEREAS, when it comes to lung cancer, Caucasian women have the highest mortality rate, while African American women have the highest mortality rate from heart disease; and

WHEREAS, the Office of Women's Health (OWH) was created in 1991 and looks "to redress inequities in research, health care services, and education that have historically placed the health of women at risk"; and

WHEREAS, being led by OWH, National Women's Health Week is in its 5th year. A key focus of this week is raising women's awareness on ways in which they can improve their health; and

WHEREAS, there are five health habits that can contribute to the betterment of women's health, including maintaining regular check ups, exercising, maintaining a healthy diet, not smoking, and following general safety rules; and

PROCLAMATIONS

WHEREAS, as part of the kickoff for National Women's Health Week, National Women's Checkup Day has been instituted to encourage women to visit their health care professionals for regular checkups:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 9 – 15, 2004 as NATIONAL WOMEN'S HEALTH WEEK in Illinois, and encourage all women, during this week, to renew their commitment to their health and well-being.

Issued by the Governor April 30, 2004.

Filed by the Secretary of State May 3, 2004.

ILLINOIS ADMINISTRATIVE CODE

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