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ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Health Care
- 2) Code Citation: 20 Ill. Adm. Code 415
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
415.10	Amend
415.20	Amend
415.30	Amend
415.40	Amend
415.50	Amend
415.60	Amend
415.70	Amend
415.80	Amend
- 4) Statutory Authority: Implementing Sections 3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6] and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-1].
- 5) A Complete Description of the Subjects and Issues Involved: Proposed amendments permanently propose the emergency rulemaking dated 10/1/2004 that ensures juveniles for whom the Department provides community mental health services continue to have access to the services at providers who have been certified via 59 Ill. Adm. Code 132, Medicaid Community Mental Health Services Program; update organizational changes and for clarification purposes; changed "committed person" to the more generic term "offender" throughout the rules; clarify that Transition Centers are not required to have health care units or areas and that the Department is not required to provide dental or medical treatment to offenders in Transition Centers; clarify that offenders in Impact Incarceration Programs and at work camps receive health care through the program or camp's parent facility; clarify that parents or guardians of minors under the age of 18 regardless of where they are incarcerated (adult or juvenile facility) will have the opportunity to be involved in treatment; clarify that the co-pay for non-emergency visits applies only to adult offenders; require the Chief Administrative Officer in the case of critical illness or major surgery to notify the Agency Medical Director and if any consent or legal issues, the Chief Legal Counsel.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes. 28 Ill. Reg. 13805 - 10/15/2004
- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period which commences on the issue date of this publication of the *Illinois Register* to:

Beth Kiel, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Phone: (217) 522-2666, extension 6511

All written comments received after 45 days from the date of this publication will be considered, time permitting.

- 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: This rule was not included on either of the 2 most recent agendas because rulemaking was not anticipated.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
 CHAPTER I: DEPARTMENT OF CORRECTIONS
 SUBCHAPTER d: PROGRAMS AND SERVICES

PART 415
 HEALTH CARE

Section

415.10	Applicability
415.15	Responsibilities
415.20	Definitions
415.30	Medical and Dental Examinations and Treatment
415.40	Mental Health Services
415.50	Mental Health Examinations and Treatment for Guilty but Mentally Ill
415.60	Review of Placements in a Specialized Mental Health Setting
415.70	Involuntary Administration of Psychotropic Medication
415.80	Organ Transplants

AUTHORITY: Implementing Sections 3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6] and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-1].

SOURCE: Adopted at 8 Ill. Reg. 14496, effective August 1, 1984; amended at 11 Ill. Reg. 10240, effective June 1, 1987; emergency amendment at 14 Ill. Reg. 13316, effective August 15, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 988, effective January 12, 1991; amended at 19 Ill. Reg. 15428, effective November 15, 1995; emergency amendment at 21 Ill. Reg. 638, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5911, effective May 1, 1997; emergency amendment at 28 Ill. Reg. 13805, effective October 1, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. _____, effective _____.

Section 415.10 Applicability

This Part applies to ~~adult and juvenile correctional centers and programs within the Adult, Juvenile, and Community Services Divisions of~~ the Department of Corrections.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 415.20 Definitions

- a) "Agency Medical Director" means the Medical Director of the Department of

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Corrections.

- b) "Chief Administrative Officer" means the highest ranking official of a correctional facility.
- c) "Communicable disease" means a disease caused by an organism ~~that~~which is transmitted through airborne means or casual contact, or through blood or bodily secretion contact from one human being to another.
- d) "Department" means the Department of Corrections.
- e) "Department physician or dentist" means any physician or dentist who provides services for the Department.
- f) "Director" means the Director of the Department of Corrections.
- g) "Gravely disabled" means a condition in which ~~an offender~~a committed person, as a result of a mental illness or mental disorder:
 - 1) Is in danger of serious physical harm resulting from the person's failure to provide for his or her essential human needs of health or safety; or
 - 2) Manifests serious deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over the person's actions ~~that~~which is likely to jeopardize his or her health or safety.
- h) "Likelihood of serious harm" means:
 - 1) A substantial risk that physical harm will be inflicted by ~~an offender~~a committed person upon his or her own person as evidenced by, among other things, threats or attempts to commit suicide or inflict physical harm on one's self; or
 - 2) A substantial risk that physical harm will be inflicted by ~~an offender~~a committed person upon another as evidenced by, among other things, behavior ~~that~~which has caused such harm or ~~that~~which places another person or persons in reasonable fear of sustaining such harm; or
 - 3) A substantial risk that physical harm will be inflicted by ~~an offender~~a

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~~committed person~~ upon the property of others as evidenced by, among other things, behavior ~~thatwhich~~ has caused substantial loss or damage to the property of others.

- i) "Mental health professional" means a psychiatrist, physician, psychiatric nurse, clinically trained psychologist, or an individual who has clinical training and a master's degree in social work ~~or psychology and clinical training~~.
- j) "Physician" means an individual who is licensed by the State of Illinois to practice medicine in all of its branches.
- k) "Specialized mental health setting" means a Department of Corrections facility or unit ~~thatwhich~~ specializes in mental health care.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 415.30 Medical and Dental Examinations and Treatment

- a) Within seven working days after admission to a reception and classification center, each ~~offendereommitted person~~ shall be given a physical examination by a physician or by a nurse practitioner under the direct supervision of a physician or by a physician's assistant under the direct supervision of a physician. Each ~~offendereommitted person~~ shall be immunized as prescribed by the physician.
- b) Each ~~offendereommitted person~~ shall be examined by a dentist within 10 working days after admission to a reception and classification center. The dentist shall chart the oral cavity and classify dental health.
- c) Emergency treatment shall be available to ~~offenderseommitted persons~~ 24 hours a day.
- d) A health care unit or area shall be established at each adult and juvenile correctional facility ~~(excluding transition centers)~~ within the Department Adult and Juvenile Divisions. ~~OffendersCommitted persons~~ shall be admitted to the health care unit or area as determined by health care personnel. Offenders in the Impact Incarceration Program or at work camps shall receive health care through the program or camp's parent facility.
- e) ~~OffendersCommitted persons~~ shall be informed of the institutional procedures for obtaining medical, dental, or mental health services.

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- f) Persons committed to ~~adult and juvenile~~the Adult and Juvenile Division facilities ~~(excluding transition centers)~~ shall be provided medical and dental treatment, with the consent of the parent or guardian where applicable, as prescribed by a Department physician or dentist.
- g) ~~Adult offenders~~Committed persons who require non-emergency medical or dental services ~~at offices or facilities other than Department facilities~~ shall authorize the Department to deduct a \$2.00 co-pay from present or future funds in his or her trust fund account prior to each visit. Non-emergency services ~~do not include any follow-up visits~~are scheduled services determined necessary by a Department physician.
- 1) The co-payment shall be paid from the ~~offender's~~committed person's trust fund when the services are delivered.
 - 2) ~~Offenders~~Committed persons who are without funds at the time services are delivered shall not be denied medical or dental services. The ~~offender's~~committed person's trust fund account shall be restricted for the amount of co-payment and shall be paid upon receipt of future funds.
 - 3) ~~An offender~~A committed person who is found to be indigent shall be exempt from the co-payment. ~~An offender~~A committed person shall be considered indigent if during the entire term of his or her incarceration the ~~offender~~committed person is without funds to pay the \$2.00 co-payment.
- h) ~~An offender~~A committed person who has or is suspected of having a communicable disease may be isolated from other ~~offender~~committed persons. This determination shall be made by a physician as deemed medically necessary.
- i) In case of critical illness or major surgery, the Chief Administrative Officer shall:
- 1) ~~Attempt~~attempt to notify the person designated by the ~~offender~~committed person to be contacted in case of an emergency and, where applicable, the parent or guardian.
 - 2) Notify the Chief Legal Counsel if consent for treatment is not obtained or other legal issues arise.
 - 3) Notify the Agency Medical Director.

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- j) The decision to continue or terminate a pregnancy is a medical determination ~~that~~~~which~~ shall be made by the ~~offender~~~~committed~~~~person~~ in consultation with her physician.
- 1) ~~Offenders~~~~Committed~~~~persons~~ contemplating an abortion shall be provided with information and counseling concerning the nature of, the consequences of, and any risks associated with the procedure and available alternatives.
- 2) ~~Offenders~~~~Committed~~~~persons~~ shall be granted a furlough for the purpose of obtaining an abortion. ~~Offenders~~~~Committed~~~~persons~~ shall be permitted to accept funds for an abortion from local community charities or other sources.
- k) A record of all medical and dental examinations, findings, and treatment shall be maintained.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 415.40 Mental Health Services

- a) Persons committed to the Department shall have access to mental health services as determined by a mental health professional.
- b) Community mental health services offered through the Department for juveniles released on parole or Mandatory Supervised Release shall be provided in accordance with 59 Ill. Adm. Code 132, Medicaid Community Mental Health Services. Such services shall be provided by entities that are Medicaid certified and periodically reviewed by the Department or by the Department of Human Services in accordance with 59 Ill. Adm. Code 132.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 415.50 Mental Health Examinations and Treatment for Guilty but Mentally Ill

- a) Within 48 hours after admission to a reception and classification center, each ~~offender~~~~committed~~~~person~~ adjudicated guilty but mentally ill shall be screened by a mental health professional.

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- b) An examination by a licensed or registered mental health professional shall be performed on ~~an offender~~~~a committed person~~ adjudicated guilty but mentally ill within four days after the ~~offender's~~~~committed person's~~ admission to a reception and classification center. The purpose of the examination is to determine the mental health status of the individual at the time of admission to the Department and to make any appropriate recommendations necessary for the care of such individuals. ~~Offenders~~~~Committed persons~~ so examined:
- 1) Who demonstrate acute symptoms of mental illness or who are determined to be dangerous to self or others shall be treated in accordance with the procedures applicable to other ~~offender~~~~se~~~~committed persons~~. Treatment may include routine or emergency placement in a specialized mental health setting. ~~Offenders~~~~Committed persons~~ placed in a specialized mental health setting shall remain as long as determined to be clinically necessary.
 - 2) Who are determined not to be in need of placement in a specialized mental health setting may receive necessary treatment services in a general institutional setting when such services are clinically recommended by a mental health professional.
 - 3) Who are found to be symptom free or in remission at the time of admission to the Department and are not in need of mental health treatment shall be placed in a general institutional setting.
- c) Once placed in a general institutional setting, these ~~offender~~~~se~~~~committed persons~~ shall be examined or evaluated by a mental health professional at a minimum of every three months for the first six months and then every six months thereafter.
- 1) These ~~offender~~~~se~~~~committed persons~~ may be referred by appropriate staff or may request an examination or evaluation more frequently.
 - 2) More frequent evaluations may also be performed at the discretion of the examining mental health professional as determined to be clinically necessary.
- d) Three months prior to the scheduled release date of ~~an offender~~~~a committed person~~ adjudicated guilty but mentally ill, an evaluation by a mental health professional shall be conducted to assess the person's post-release treatment needs, ~~that~~~~which~~ may include residential care, out-patient counseling,

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psychotropic medication, periodic psychiatric or psychological evaluation, high level parole supervision, commitment to Department of Mental Health and Developmental Disabilities, or other supportive services (e.g., sheltered workshops, group homes, or vocational training and assistance in obtaining needed treatment or services).

- 1) If the ~~offender~~~~committed person~~ has received psychotropic medication within the previous 12 months, this report must include a psychiatric evaluation of the need for medication or psychiatric monitoring.
 - 2) A copy of the report shall be provided to the appropriate field service office.
- e) Within 30 days before the scheduled release date of ~~an offender~~~~a committed person~~ adjudicated guilty but mentally ill, a final evaluation by a mental health professional shall be conducted to determine whether any changes in the ~~offender's~~~~person's~~ mental or emotional status may affect the previous evaluation of the ~~offender's~~~~person's~~ post-release treatment needs. A report shall be prepared and forwarded to the appropriate field service office no later than seven days prior to the ~~offender's~~~~committed person's~~ scheduled release date.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 415.60 Review of Placements in a Specialized Mental Health Setting

- a) A review of each ~~offender~~~~committed person~~ placed at a specialized mental health setting shall be made at least once every six months.
 - 1) The review shall be conducted by a staff psychiatrist and the Administrator of the mental health center or unit or designee.
 - 2) Written results of the review shall be given to the ~~offender~~~~committed person~~.
 - 3) If the recommendation is for the ~~offender~~~~committed person~~ to continue in the program at the mental health center or unit, the individual may request a review of that decision by the Placement Review Board.
 - A) The Placement Review Board shall be composed of three members appointed by the Director. One member shall be a mental health

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professional and one member shall not be employed by the Department.

- B) The Placement Review Board shall review all psychiatric records and may interview the petitioner. The Board may call any employee or other person to present information determined to be relevant to the review.
 - C) An agreement by a majority of the Board shall be considered the decision of the Board.
 - D) The decision shall be delivered to the ~~offendereommitted person~~ in writing.
- b) A request for a review hearing may be made at anytime by ~~an offendera committed person~~ placed at a specialized mental health setting and must be granted at least once every six months.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 415.70 Involuntary Administration of Psychotropic Medication

- a) Administration of Psychotropic Medication
 - 1) Psychotropic medication shall not be administered to any ~~offendereommitted person~~ against his or her will or without the consent of the parent or guardian of a minor who is under the age of 18 ~~and confined in the Juvenile Division~~, unless:
 - A) A psychiatrist, or in the absence of a psychiatrist a physician, has determined that:
 - i) The ~~offendereommitted person~~ suffers from a mental illness or mental disorder; and
 - ii) The medication is in the medical interest of the ~~offendereommitted person~~; and
 - iii) The ~~offendereommitted person~~ is either gravely disabled or poses a likelihood of serious harm to self or others; and

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- B) The administration of such medication has been approved by the Treatment Review Committee after a hearing (see subsection (b) of this Section). However, no such approval or hearing shall be required when the medication is administered in an emergency situation. An emergency situation exists whenever the required determinations listed in subsection (a)(1)(A) of this Section have been made and a psychiatrist, or in the absence of a psychiatrist a physician, has determined that the ~~offendereommitted person~~ poses an imminent threat of serious physical harm to self or others. In all emergency situations, the procedures set forth in subsection (e) of this Section shall be followed.
- 2) Whenever a physician orders the administration of psychotropic medication to ~~an offendera committed person~~ against the person's will, the physician shall document in the ~~offender's committed person's~~ medical file the facts and underlying reasons supporting the determination that the standards in subsection (a)(1) of this Section have been met and:
- A) The Chief Administrative Officer shall be notified as soon as practicable; and
- B) Unless the medication was administered in an emergency situation, the Chairperson of the Treatment Review Committee shall be notified in writing within three days.
- b) Treatment Review Committee Procedures

The Treatment Review Committee shall be comprised of two members appointed by the Chief Administrative Officer, both of whom shall be mental health professionals and one of whom shall be a physician. One member shall serve as Chairperson of the Committee. Neither of the Committee members may be involved in the current decision to order the medication. The members of the Committee shall have completed a training program in the procedural and mental health issues involved ~~thatwhich~~ has been approved by the Agency Medical Director.

- 1) The Chief Administrative Officer shall designate a member of the program staff not involved in the current decision to order medication to assist the ~~offendereommitted person~~. The staff assistant shall have completed a

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training program in the procedural and mental health issues involved ~~that~~which has been approved by the Agency Medical Director.

- 2) The ~~offender~~committed person and staff assistant shall receive written notification of the time and place of the hearing at least 24 hours prior to the hearing. The notification shall include the tentative diagnosis and the reasons why the medical staff believes the medication is necessary. The staff assistant shall meet with the ~~offender~~committed person prior to the hearing to discuss the procedural and mental health issues involved.
- 3) The ~~offender~~committed person shall have the right to attend the hearing unless the Committee determines that it is likely that the person's attendance would subject the person to substantial risk of serious physical or emotional harm or pose a threat to the safety of others. If such a determination is made, the facts and underlying reasons supporting the determination shall be documented in the ~~offender's~~committed person's medical file. The staff assistant shall appear at the hearing whether or not the ~~offender~~committed person appears.
- 4) The documentation in the medical file referred to in subsection (a)(2) of this Section shall be reviewed by the Committee and the Committee may request the physician's personal appearance at the hearing.
- 5) Prior to the hearing, witnesses identified by the ~~offender~~committed person and the staff assistant may be interviewed by the staff assistant after consultation with the ~~offender~~committed person as to appropriate questions to ask. Any such questions shall be asked by the staff assistant unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.
- 6) Prior to the hearing, the ~~offender~~committed person and the staff assistant may request in writing that witnesses be interviewed by the Committee and may submit written questions for witnesses to the Chairperson of the Committee. These questions shall be asked by the Committee unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility. If any witness is not interviewed, a written reason shall be provided.
- 7) Prior to the hearing, the ~~offender~~committed person and the staff assistant may request in writing that witnesses appear at the hearing. Any such

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request shall include an explanation of what the witnesses would state. Reasonable efforts shall be made to have such witnesses present at the hearing, unless their testimony or presence would be cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility, or for other reasons including, but not limited to, unavailability of the witness or matters relating to institutional order. In the event requested witnesses are unavailable to appear at the hearing but are otherwise available, they shall be interviewed by the Committee as provided for in subsections (b)(6) and (9) of this Section.

- 8) At the hearing, the ~~offendereommitted person~~ and the staff assistant may make statements and present documents ~~that~~which are relevant to the proceedings. The staff assistant may direct relevant questions to any witnesses appearing at the hearing. The ~~offendereommitted person~~ may request that the staff assistant direct relevant questions to any witnesses appearing at the hearing and the staff assistant shall ask such questions unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.
- 9) The Committee shall make such investigation as it deems necessary. The staff assistant shall be informed of any investigation conducted by the Committee and shall be permitted to direct relevant questions to any witnesses interviewed by the Committee. The staff assistant shall consult with the ~~offendereommitted person~~ regarding any statements made by witnesses interviewed by the Committee and shall comply with requests by the ~~offendereommitted person~~ to direct relevant questions to such witnesses unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.
- 10) The Committee shall consider all relevant information and material ~~that~~which has been presented in deciding whether to approve administration of the medication.
- 11) A written decision shall be prepared and signed by all members of the Committee ~~that~~which contains a summary of the hearing and the reasons for approving or disapproving the administration of the medication. Copies of the decision shall be given to the ~~offendereommitted person~~, the staff assistant, and the Chief Administrative Officer. Any decision by the Committee to approve involuntary administration of psychotropic medication must be unanimous. The Chief Administrative Officer shall

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direct staff to comply with the decision of the Committee.

- 12) If the Committee approves administration of the medication, the ~~offendereommitted person~~ shall be advised of the opportunity to appeal the decision to the Agency Medical Director by filing a written appeal with the Chairperson within five days after the ~~offender's~~~~ommitted~~~~person's~~ receipt of the written decision.

c) Review by Agency Medical Director

- 1) If the ~~offendereommitted person~~ appeals the Treatment Review Committee's decision, staff shall continue to administer the medication as ordered by the physician and approved by the Committee while awaiting the Agency Medical Director's decision on the appeal.
- 2) The Chairperson of the Committee shall promptly forward the written notice of appeal to the Agency Medical Director or a physician designated by the Agency Medical Director.
- 3) Within five working days after receipt of the written notice of appeal, the Agency Medical Director shall:
 - A) Review the Committee's decision, make such further investigation as deemed necessary, and submit a written decision to the Chief Administrative Officer; and
 - B) Provide a copy of the written decision to the ~~offendereommitted person~~, the staff assistant, and the Chairperson of the Committee.
- 4) The Chief Administrative Officer shall direct staff to comply with the decision of the Agency Medical Director.

d) Periodic Review of Medication

- 1) Whenever any ~~offendereommitted person~~ has been involuntarily receiving psychotropic medication continuously or on a regular basis for a period of six months, the administration of such medication shall, upon the ~~offender's~~~~ommitted person's~~ written request, be reviewed by the Treatment Review Committee in accordance with the procedures enumerated in subsections (b) and (c) of this Section. Every six months

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thereafter, for so long as the involuntary medication continues on a regular basis, the ~~offendereommitted-person~~ shall have the right to a review hearing upon written request.

- 2) Every ~~offendereommitted-person~~ who is involuntarily receiving psychotropic medication shall be evaluated by a psychiatrist at least every 30 days, and the psychiatrist shall document in the ~~offender'scommitted person's~~ medical file the basis for the decision to continue the medication.
- e) Emergency Procedures
Subsequent to the involuntary administration of psychotropic medication in an emergency situation:
- 1) The basis for the decision to administer the medication shall be documented in the ~~offender'scommitted person's~~ medical file and a copy of the documentation shall be given to the ~~offendereommitted-person~~ and to the Agency Medical Director for review.
 - 2) A mental health professional shall meet with the ~~offendereommitted person~~ to discuss the reasons why the medication was administered and to give the ~~offendereommitted-person~~ an opportunity to express any concerns he or she may have regarding the medication.
- f) Documentation
Copies of all notifications and written decisions shall be placed in the ~~offender'scommitted person's~~ medical file.
- g) Grievances
~~An offenderA-committed-person~~ may submit a grievance concerning the involuntary administration of psychotropic medication directly to the Administrative Review Board in accordance with 20 Ill. Adm. Code 504.Subpart F. In considering the grievance, the Board shall confer with the Agency Medical Director.
- h) Treatment of Minors ~~in the Juvenile Division~~

In the case of ~~an offendera-committed person~~ who is a minor under the age of 18 ~~and confined in the Juvenile Division~~, the parent or guardian shall be sent the documentation and written decisions that are provided to the ~~offendereommitted person~~ pursuant to this Section and shall be permitted to attend and participate in

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any proceedings required by this Section. Notice of any Treatment Review Committee hearing shall be promptly sent to the parent or guardian and reasonable attempts shall be made to provide such notice at least 72 hours prior to the hearing.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 415.80 Organ Transplants

- a) The Department shall grant a medical furlough for purposes of obtaining an organ transplant if:
- 1) The ~~offendereommitted person~~ or the parent or guardian of a minor who is under the age of 18 ~~and confined in the Juvenile Division~~ has made all necessary arrangements with the organ transplant facility, including application for eligibility as a recipient of an organ donor and appropriate financial arrangements. The ~~offendereommitted person~~ must be accepted by an approved organ transplant facility prior to approval of the medical furlough;
 - 2) The Agency Medical Director confirms that the ~~offendereommitted person~~ would be a suitable candidate for an organ transplant ~~that~~which is needed to preserve the ~~offender'sommitted person's~~ life or prevent irreparable harm; and
 - 3) The organ transplant facility is approved by the Agency Medical Director and the Chief Administrative Officer.
- b) The ~~offendereommitted person~~ or the parent or guardian of a minor who is under the age of 18 ~~and confined in the Juvenile Division~~ shall be responsible for the cost of the organ transplant procedure, including but not limited to pre-transplant evaluations performed by the transplant facility, the hospital stay, the physicians' services and other medical services involved. The ~~offendereommitted person~~ shall be permitted to accept funds for the organ transplant from local community charities or other sources. The cost of the transportation and security for the ~~offendereommitted person~~ shall be paid by the ~~offendereommitted person~~, whenever possible.
- c) The Department shall direct the ~~offendereommitted person~~ or the parent or guardian of a minor who is under the age of 18 ~~and confined to the Juvenile~~

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~~Division~~ to the organ transplant facilities and known sources of funding associated with an organ transplant.

- d) Use of in-State transplant facilities is preferred. Out-of-State facilities shall be considered if no in-State facility is available and if the ~~offender~~committed person or the parent or guardian of a minor who is under the age of 18 ~~and confined to the Juvenile Division~~ signs a waiver of extradition.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Student Records
- 2) Code Citation: 23 Ill. Adm. Code 375
- 3) Section Number: Proposed Action:
375.75 Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.13a and 105 ILCS 10.
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 93-859, effective January 1, 2005, makes the following changes in Section 2-3.13a of the School Code that necessitate amendments to the rules governing Student Records:
 - requires the State Board of Education to establish by rule a system for tracking transfer students;
 - requires a school or district to count a student who has withdrawn from that school or district as a dropout for purposes of its annual dropout calculation if the school or district does not receive documentation that the student has enrolled in another school within 150 days after the student withdraws; and
 - allows a request for student records (academic transcripts or medical records) to be used as documentation of student enrollment.

Currently, Section 5 of both the Missing Children Records Act [325 ILCS 50/5] and Missing Children Registration Law [325 ILCS 55/5] requires that within 14 days of enrolling a transfer student, the school to which that student is transferring must request a certified copy of the student's records from his or her previous school. This requirement is also stated in the rules at Section 375.75(e). Therefore, a requirement already exists for all schools to request records of transfer students enrolling in their schools, thereby providing a mechanism for tracking transfer students to determine whether they have re-enrolled in another school or have dropped out.

In order to make this requirement more prominent, the proposed amendments move Section 375.75(e) to new subsection (b) and add language from the law pertaining to documentation of enrollment and determination of a student's dropout status.

- 6) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No

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- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, W-475
Springfield, Illinois 62777-0001
(217) 782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Not applicable
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Not applicable
- 13) Regulatory Agenda on which this rulemaking was summarized: P.A. 93-859 was enacted after submission of the July 2004 Regulatory Agenda.

The full text of the Proposed 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 k: SCHOOL RECORDS

PART 375

STUDENT RECORDS

Section

375.10	Definitions
375.20	Rights of Students
375.30	Notification
375.40	Maintenance
375.50	Cost for Copies of Records
375.60	Emergency Release of Information
375.70	Release of Information
375.75	Public and Nonpublic Schools: Transmission of Records for Transfer Students
375.80	Directory Information
375.90	Challenge Procedures
375.100	Implementation
375.110	Enforcement

AUTHORITY: Implementing and authorized by the Illinois School Student Records Act [105 ILCS 10] and Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a].

SOURCE: Emergency rule adopted March 24, 1976; codified at 7 Ill. Reg. 12864; amended at 10 Ill. Reg. 12602, effective July 9, 1986; amended at 12 Ill. Reg. 4818, effective February 25, 1988; amended at 20 Ill. Reg. 15304, effective November 18, 1996; amended at 23 Ill. Reg. 13843, effective November 8, 1999; amended at 26 Ill. Reg. 16202, effective October 21, 2002; amended at 29 Ill. Reg. _____, effective _____.

Section 375.75 Public and Nonpublic Schools: Transmission of Records for Transfer Students

- a) This Section implements Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a], Section 5 of the Missing Children Records Act [325 ILCS 50/5] and Section 5 of the Missing Children Registration Law [325 ILCS 55/5]. This Section is applicable to all public, private or nonpublic elementary and secondary schools in the State of Illinois.

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- b) Within 14 days after enrolling a transfer student, an elementary or secondary school shall comply with the requirements of Section 5 of the Missing Children Records Act and Section 5 of the Missing Children Registration Law regarding the records of such transfer student. The transfer of the record by a public school is subject to the prior notice to parents required by Section 375.70(a) of this Part.
- c) A request made pursuant to subsection (b) of this Section for a certified copy of a student's record shall satisfy the requirement of Section 2-3.13a(c) of the School Code regarding documentation of enrollment of a transfer student.
- d) If within 150 days after a student leaves a school, that school or school district has not received a request for the student's record, or been presented with other documentation that the student has enrolled in another school, then the student shall be counted in the school's or school district's calculation of its annual dropout rate (see Section 2-3.13a(c) of the School Code).
- e)b) As used in this Section, "Unofficial Record of Student Grades" means written information relative to the grade levels and subjects in which a student was enrolled and the record of academic grades achieved by that student prior to transfer. Such records shall also include the name and address of the school, the name of the student to whom the records pertain, the name and title of the school official transmitting the records, and the date of transmittal.
- f)e) As used in this Section, "Official Transcript of Scholastic Records" means the formal record showing dates of enrollment, courses studied, grades, credits, and awards received, and bearing the signature and title of the certifying official, the seal of the school, if any, and the date of issue.
- g)d) As used in this Section, "Certified Copy of Student's Record" means:
- 1) for public schools, the student's permanent and temporary record as defined in Section 375.10 of this Part; and
 - 2) for private and nonpublic schools, the individual student information maintained by such schools for all of their students. Such information may include:
 - A) Basic identifying information, including the student's name and address, birth date and place, and gender, and the names and addresses of the student's parents;

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- B) Academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations;
- C) Attendance record;
- D) Accident reports and health record;
- E) Honors and awards received; and
- F) Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

~~e) Within 14 days after enrolling a transfer student, an elementary or secondary school shall comply with the requirements of Section 5 of the Missing Children Records Act and Section 5 of the Missing Children Registration Law regarding the records of such transfer student. The transfer of the record by a public school is subject to the prior notice to parents required by Section 375.70(a) of this Part.~~

~~h) f)~~ If the student has unpaid fines or fees and is transferring to a public school located in Illinois or any other state, the school may elect to include in the student's record transferred pursuant to this Section the unofficial record of the student's grades in lieu of the student's official transcript of scholastic records. If the school so elects, the school shall within 10 calendar days after the student has paid all of his or her unpaid fines or fees and at its own expense forward the student's official transcript of scholastic records to the student's new school.

~~i) g)~~ If the student is transferring to another public school located in Illinois or any other state and at the time of the transfer is currently serving a term of suspension or expulsion for any reason, then the transferring school shall include with the transferred records:

- 1) the date and duration of the period of any current suspension or expulsion; and
- 2) whether the suspension or expulsion is for *knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 ~~USCU.S.C.~~ 8921 et seq.), for knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or for battering a staff member of the*

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school. (Section 2-3.13a of the School Code)

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Radioactive Materials Transportation
- 2) Code Citation: 32 Ill. Adm. Code 341
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
341.10	New Section
341.20	New Section
341.25	New Section
341.30	New Section
341.40	New Section
341.50	New Section
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40], Section 20/9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/9], and by Section 3310/70 Nuclear Safety Law of 2004 [20 ILCS 3310/70].
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this new Part to replace its current Part entitled "Transportation of Radioactive Material," 32 Ill. Adm. Code 341. The Agency is taking this action because the requirements imposed by the U.S. Nuclear Regulatory Commission and U.S. Department of Transportation are no longer consistent with the requirements codified under 32 Ill. Adm. Code 341. The new standards set by the federal agencies will apply to each licensee who transports licensed material outside the site authorized for possession and use in a license, or where transport is on public highways or who delivers licensed material to a carrier for transport.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:
- Kevin McClain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: Section 341.50 clarifies that licensees are required to file a report of transportation incidents with the Agency.
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Agency when the regulatory agenda was published.

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

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NOTICE OF PROPOSED RULES

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 341

RADIOACTIVE MATERIALS TRANSPORTATION

Section

341.10	Scope
341.20	Incorporations by Reference
341.25	Definitions
341.30	General License
341.40	Records
341.50	Reports

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40], and Section 20/9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/9], and by Section 3310/70 of the Nuclear Safety Law of 2004 [20 ILCS 3310/70].

SOURCE: Old Part repealed at 29 Ill. Reg. _____ and new Part adopted at 29 Ill. Reg. _____, effective _____.

Section 341.10 Scope

- a) This Part applies to each licensee who transports licensed material outside the site authorized for possession and use in a license, or where transport is on public highways or who delivers licensed material to a carrier for transport. The licensee shall comply with the regulations in this Part, the applicable requirements of the U.S. Nuclear Regulatory Commission (NRC) in 10 CFR 71, published January 26, 2004 with corrections published February 10, 2004, exclusive of subsequent amendments or editions, and the applicable requirements of the U.S. Department of Transportation (U.S. DOT) regulations appropriate to the mode of transport in 49 CFR 170-189, published October 1, 2003 and updates published September 13, 2004 at 69 FR 55113, exclusive of subsequent amendments or editions.
- b) When the licensee is not in areas under the jurisdiction of U.S. DOT or NRC, but is in an area of jurisdiction of the State of Illinois as described in subsection (a) of this Section, the licensee shall comply with the following portions of U.S. DOT and NRC regulations, as applicable:

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- 1) Packaging, 49 CFR 173, subparts A, B and I;
- 2) Marking and labeling, 49 CFR 172, subpart D, paragraphs 172.400-172.407, 172.436-172.440 and subpart E;
- 3) Placarding, 49 CFR 172, subpart F, paragraphs 172.500-172.519 and 172.556; and appendices B and C;
- 4) Shipping papers and emergency information, 49 CFR 172, subparts C and G;
- 5) Accident reporting, 49 CFR 171.15 and 171.16;
- 6) Hazardous material shipper/carrier requirements, 49 CFR 107, subpart G;
- 7) Hazardous material employee training, 49 CFR 172, subpart H;
- 8) Definitions, 10 CFR 71.4;
- 9) Transportation of licensed material, 10 CFR 71.5;
- 10) Exemptions for low level material, 10 CFR 71.10(a);
- 11) General license: NRC-approved package, 10 CFR 71.12;
- 12) Previously approved package, 10 CFR 71.13(a) and (b);
- 13) General license: DOT specification container material, 10 CFR 71.14;
- 14) General license: Use of foreign approved package, 10 CFR 71.16;
- 15) External radiation standards for all packages, 10 CFR 71.47;
- 16) Assumptions as to unknown properties, 10 CFR 71.83;
- 17) Preliminary determinations, 10 CFR 71.85;
- 18) Routine determinations, 10 CFR 71.87;
- 19) Air transportation of plutonium, 10 CFR 71.88;

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- 20) Opening instructions, 10 CFR 71.89;
 - 21) Advance notification of shipment of irradiated reactor fuel and nuclear waste, 10 CFR 71.97; and
 - 22) Determination of A1 and A2, 10 CFR 71, appendix A.
- c) The licensee shall also comply with U.S. DOT regulations pertaining to the following modes of transportation:
- 1) Rail, 49 CFR 174, subparts A-D and K;
 - 2) Air, 49 CFR 175;
 - 3) Vessel, 49 CFR 176, subparts A-F and M; and
 - 4) Public highway, 49 CFR 177 and 390-397.
- d) If U.S. DOT regulations are not applicable to a shipment of licensed material as described in subsection (a) of this Section, the licensee shall conform to the standards and requirements of U.S. DOT specified in subsection (a) of this Section to the same extent as if the shipment or transportation were subject to U.S. DOT regulations. A request for modification, waiver or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the Illinois Emergency Management Agency (Agency).

Section 341.20 Incorporations by Reference

All rules, standards, and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards or guidelines that have been incorporated by reference are available for public inspection and copying at the Illinois Emergency Management Agency, 1035 Outer Park Drive, Springfield, Illinois.

Section 341.25 Definitions

Definition of terms used in this Part are those in 49 CFR and 10 CFR 71.4, except that whenever a definition refers to evaluation or approval by the U.S. DOT or NRC and such evaluation or

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approval is the jurisdiction of the State of Illinois because it is an Agreement State, the Agency shall perform the evaluation and approval.

AGENCY NOTE: Some terms, such as Agency, that are not defined in 49 CFR or 10 CFR 71.4 may be found in Agency rules at 32 Ill. Adm. Code 310.

Section 341.30 General License

- a) A general license is hereby issued to any licensee of the Agency to transport, or to deliver to a carrier for transport, licensed material in a package that meets the requirements of U.S. DOT.
- b) The general license issued under subsection (a) of this Section applies only to a licensee who, prior to the licensee's first use of a package, has registered with the NRC.

Section 341.40 Records

- a) Each licensee shall maintain, for radioactive waste, a record of each shipment of radioactive material not exempt pursuant to U.S. DOT regulations, such as the shipping paper copy, for three years after the material is accepted by the initial carrier. For all other radioactive materials not exempt pursuant to U.S. DOT regulations, each licensee shall maintain a record of each shipment of radioactive material, such as the shipping paper copy, for 375 days after the material is accepted by the initial carrier. The record of each shipment shall show, where applicable:
 - 1) Identification of the packaging by model and serial number;
 - 2) Verification that there are no significant defects in the packaging as shipped;
 - 3) Volume and identification of coolant;
 - 4) Type and quantity of licensed material in each package and the total quantity of each shipment;
 - 5) Date of the shipment;
 - 6) Name and address of the transferee;

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- 7) Address to which the shipment was made;
- 8) Results of the determinations required by Section 341.10(b)(18) of this Part and by the conditions of the package approval; and
- 9) In addition, for each item of irradiated fissile material:
 - A) Identification by model and serial number;
 - B) Irradiation and decay history to the extent appropriate to demonstrate that its nuclear and thermal characteristics comply with license conditions; and
 - C) Any abnormal or unusual condition relevant to radiation safety.
- b) The licensee shall make available to the Agency for inspection, at any time during shipment or upon 3 days notice after shipment, all records required by this Part. Records are only valid if stamped, initialed or signed and dated by authorized personnel or otherwise authenticated.
- c) The licensee shall maintain sufficient written records to furnish evidence of the quality of packaging. The records to be maintained include results of the determinations required by Section 341.10(b)(18) of this Part; design, fabrication and assembly records; results of reviews, inspections, tests and audits; results of monitoring work performance and materials analyses; and results of maintenance, modification and repair activities. Inspection, test and audit records must identify the inspector or data recorder, the type of observation, the results, the acceptability and the action taken in connection with any deficiencies noted. The records must be retained for 3 years after the life of the packaging to which they apply.

Section 341.50 Reports

The licensee shall report to the Agency within 30 days:

- a) Any instance in which there is significant reduction in the effectiveness of any approved Type B or fissile packaging during use;

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- b) Details of any defects with safety significance in Type B or fissile packaging after first use, with the means employed to repair the defects and prevent their recurrence; and
- c) Instances in which the conditions of approval in the certificate of compliance were not observed in making a shipment.

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NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Transportation of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 341
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
341.10	Repeal
341.15	Repeal
341.20	Repeal
341.30	Repeal
341.40	Repeal
341.50	Repeal
341.60	Repeal
341.70	Repeal
341.80	Repeal
341.90	Repeal
341.100	Repeal
341.110	Repeal
341.120	Repeal
341.130	Repeal
341.140	Repeal
341.150	Repeal
341.160	Repeal
341.170	Repeal
341.180	Repeal
341.190	Repeal
341.200	Repeal
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36], Section 20/9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/9], and by Section 71(G) of the Civil Administrative Code of Illinois [20 ILCS 2005/71(G)].
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is repealing its current Part entitled "Transportation of Radioactive Material," 32 Ill. Adm. Code 341 and replacing it with a new Part. The Agency is taking this action because it has determined that the requirements currently codified at 32 Ill. Adm. Code 341 are no longer consistent with the requirements imposed by the U.S. Nuclear Regulatory Commission and U.S. Department of Transportation.
- 6) Will this proposed repealer replace an emergency repealer currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed repealer neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:
- Kevin McClain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this repealer will have no effect on small businesses, small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the agency when the regulatory agenda was published.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 341

TRANSPORTATION OF RADIOACTIVE MATERIAL ([REPEALED](#))

Section

341.10	Purpose and Scope
341.15	Incorporations by Reference
341.20	Definitions
341.30	Requirement for License
341.40	Exemptions
341.50	Transportation of Licensed Material
341.60	General Licenses for Carriers
341.70	General License: Approved Packages
341.80	Previously Approved Type B Packages
341.90	General License: DOT Specification Container
341.100	General License: Use of Foreign Approved Package
341.110	General License: Type A, Fissile Class II Packages
341.120	General License: Restricted, Fissile Class II Package
341.130	Fissile Material: Assumptions as to Unknown Properties
341.140	Preliminary Determinations
341.150	Routine Determinations
341.160	Air Transport of Plutonium
341.170	Records
341.180	Reports
341.190	Advance Notification of Transport of Nuclear Waste
341.200	Quality Assurance Requirements
341.APPENDIX A	Determination of A_1 and A_2 (Repealed)
341.TABLE A	A_1 and A_2 Values for Radionuclides (Repealed)
341.TABLE B	Relationship Between A_1 and E_{max} for Beta Emitters (Repealed)
341.TABLE C	Relationship Between A_3 and the Atomic Number of the Radionuclide (Repealed)
341.TABLE D	Activity-Mass Relationships for Uranium/Thorium (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40], and Section 9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/9], and by Section 71(G) of the Civil Administrative Code of Illinois [20 ILCS 2005/71(G)].

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SOURCE: Adopted at 10 Ill. Reg. 17616, effective September 25, 1986; amended at 11 Ill. Reg. 5219, effective March 13, 1987; amended at 12 Ill. Reg. 2434, effective January 15, 1988; amended at 18 Ill. Reg. 4196, effective March 3, 1994; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; repealed at 29 Ill. Reg. _____, effective _____.

Section 341.10 Purpose and Scope

This Part establishes requirements for packaging, preparation for shipment and transportation of radioactive material and applies to any person who transports radioactive material or delivers radioactive material to a carrier for transport.

Section 341.15 Incorporations by Reference

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

Section 341.20 Definitions

As used in this Part, the following definitions apply:

"A₁" means the maximum activity of special form radioactive material permitted in a Type A package as listed in 49 CFR 173.435 or as derived from 49 CFR 173.433.

"A₂" means the maximum activity of radioactive material, other than special form radioactive material, permitted in a Type A package. Values for A₂ are listed in 49 CFR 173.435 or can be derived from 49 CFR 173.433.

AGENCY NOTE: Values for A₁ and A₂ are listed in the U.S. Department of Transportation (U.S. DOT) regulations, 49 CFR 173.435 or can be derived from 49 CFR 173.433, published October 1, 1992, exclusive of subsequent amendments or editions.

"Carrier" means a person engaged in the transportation of passengers or property by land or water as a common, contract or private carrier or by civil aircraft.

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"Exclusive use" (also referred to in regulations of the U.S. Department of Transportation as "sole use" or "full load") means the sole use of a conveyance by a single consignor and for which all initial, intermediate and final loading and unloading are carried out in accordance with the direction of the consignor or consignee.

"Fissile material" means any special nuclear material consisting of or containing one or more fissile radionuclides. Fissile radionuclides are plutonium-238, plutonium-239, plutonium-241, uranium-233 and uranium-235. Neither natural nor depleted uranium is fissile material.

AGENCY NOTE: Department of Nuclear Safety (Department) jurisdiction extends to special nuclear material only if quantities are not sufficient to form a critical mass as defined in 32 Ill. Adm. Code 310.

Fissile Class I: A package which may be transported in unlimited numbers and in any arrangement and which requires no nuclear criticality safety controls during transportation.

Fissile Class II: A package which may be transported together with other packages in any arrangement but, for criticality control, in numbers which do not exceed an aggregate transport index of 50. These shipments require no other nuclear criticality safety control during transportation. Individual packages may have a transport index not less than 0.1 and not more than 10.

AGENCY NOTE: A transport index is not assigned for purposes of nuclear criticality safety but may be required because of external radiation levels.

"Low specific activity material" means any of the following:

Uranium or thorium ores and physical or chemical concentrates of those ores;

Unirradiated natural or depleted uranium or unirradiated natural thorium;

Tritium oxide in aqueous solutions provided the concentration does not exceed 185 MBq (5 mCi) per milliliter;

Material in which the radioactivity is essentially uniformly distributed and

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in which the estimated average concentration per gram of contents does not exceed:

3.7 kBq (100 nCi) of radionuclides for which the A_2 quantity in 49 CFR 173.433 or 173.435 is not more than 1.85 GBq (50 mCi);

185 kBq (5 microCi) of radionuclides for which the A_2 quantity in 49 CFR 173.433 or 173.435 is more than 1.85 GBq (50 mCi), but not more than 37 GBq (1 Ci); or

11.1 MBq (300 microCi) of radionuclides for which the A_2 quantity in 49 CFR 173.433 or 173.435 is more than 37 GBq (1 Ci).

Objects of non-radioactive material externally contaminated with radioactive material, provided that the radioactive material is not readily dispersible and the surface contamination, when averaged over an area of 1 square meter, does not exceed 3.7 kBq (100 nCi) (220,000 transformations per minute) per square centimeter of radionuclides for which the A_2 quantity in 49 CFR 173.433 or 173.435 is not more than 1.85 GBq (50 mCi), or 37 kBq (1 microCi) (2,200,000 disintegrations per minute) per square centimeter for other radionuclides.

AGENCY NOTE: Values for A_1 and A_2 are listed in 49 CFR 173.435 or can be derived from 49 CFR 173.433, published October 1, 1992, exclusive of subsequent amendments or editions.

"Normal form radioactive material" means radioactive material which has not been demonstrated to qualify as "special form radioactive material."

"Specific activity" of a radionuclide means the radioactivity of the radionuclide per unit mass of that nuclide. The specific activity of a material in which the radionuclide is essentially uniformly distributed is the radioactivity per unit mass of the material.

"Transport index" means the dimensionless number (rounded up to the decimal place) placed on the label of a package to designate the degree of control to be exercised by the carrier during transportation. The transport index is the number expressing the maximum radiation level in millirem per hour at 1 meter from the external surface of the package.

"Type A quantity" means a quantity of radioactive material, the aggregate

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radioactivity of which does not exceed A_1 for special form radioactive material or A_2 for normal form radioactive material, where A_1 and A_2 are given in 49 CFR 173.435 or may be determined by procedures described in 49 CFR 173.433.

AGENCY NOTE: Values for A_1 and A_2 are listed in 49 CFR 173.435 or can be derived from 49 CFR 173.433, published October 1, 1992, exclusive of subsequent amendments or editions.

"Type B package" means a Type B packaging together with its radio- active contents. A Type B package design is designated as B(U) or B(M). B(U) refers to the need for unilateral approval of international shipments; B(M) refers to the need for multilateral approval. There is no distinction made in how packages with these designations may be used in domestic transportation. To determine their distinction for international transportation, see (U.S. DOT) regulations in 49 CFR 173. A Type B package approved prior to September 6, 1983, was designated only as Type B. Limitations on its use are specified in Section 341.80.

"Type B packaging" means a packaging designed to retain the integrity of containment and shielding required by U.S. NRC regulations when subjected to the normal conditions of transport and hypothetical accident test conditions set forth in 10 CFR 71, published January 1, 1992, exclusive of subsequent amendments or editions.

"Type B quantity" means a quantity of radioactive material greater than a Type A quantity.

Section 341.30 Requirement for License

No person shall transport radioactive material or deliver radioactive material to a carrier for transport except as authorized in a general or specific license issued by the Department or as exempted in Section 341.40.

Section 341.40 Exemptions

- a) Common and contract carriers, freight forwarders and warehousemen who are subject to the requirements of the U.S. DOT in 49 CFR 170-189 or the U.S. Postal Service in the Postal Service Manual (Domestic Mail Manual), Section 124.3 incorporated by reference, 39 CFR 111.1 (1974), are exempt from this Part and 32 Ill. Adm. Code 310, 320, 330, 340, 350 and 400 to the extent that they receive, transport or store radioactive material in the regular course of their carriage for another or storage incident thereto. Common and contract carriers who are not

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subject to the requirements of the U.S. DOT or U.S. Postal Service are subject to Section 341.30 and other applicable Sections of this Part.

- b) Any licensee is exempt from the requirements of this Part to the extent that the licensee delivers to a carrier for transport a package containing radioactive material having a specific activity not greater than 74 Bq (2 nCi) per gram.
- c) A licensee is exempt from all requirements of this Part, other than Sections 341.50 and 341.160 with respect to shipment or carriage of the following:
 - 1) Packages containing no more than Type A quantities of radioactive material if the package contains no fissile material; or
 - 2) Packages, transported between locations within the United States, which contain only americium or plutonium in special form with an aggregate radioactivity not to exceed 740 GBq (20 Ci).

Section 341.50 Transportation of Licensed Material

- a) No licensee may transport licensed material outside the confines of his plant or other place of use or deliver licensed material to a carrier for transport unless:
 - 1) Such transport and delivery is in compliance with the regulations of the U.S. DOT, 49 CFR 170-189, published October 1, 1992, exclusive of subsequent amendments or editions; and
 - 2) Any special instructions needed to safely open the package have been made available to the consignee.
- b) If, for any reason, the regulations of the U.S. DOT are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of those regulations to the same extent as if the shipment were subject to the regulations.

Section 341.60 General Licenses for Carriers

- a) A general license is hereby issued to any common or contract carrier not exempt under Section 341.40. The general license issued under this subsection only authorizes the licensee to receive, transport and store radioactive material in the regular course of its carriage for another or storage incident thereto, provided the

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transportation and storage is in accordance with U.S. DOT regulations (49 CFR 171-178, published October 1, 1992, exclusive of subsequent amendments or editions), insofar as such requirements relate to the loading and storage of packages, placarding of the transporting vehicle and incident reporting. Any reports of incidents required by 49 CFR 171-178 shall be filed with, or made to, the Department.

- b) A general license is hereby issued to any private carrier to transport radioactive material, provided the transportation is in accordance with U.S. DOT regulations (49 CFR 171-178, published October 1, 1992, exclusive of subsequent amendments or editions), insofar as such requirements relate to the loading and storage of packages, placarding of the transporting vehicle and incident reporting. Any reports of incidents required by 49 CFR 171-178 shall be filed with, or made to, the Department.
- c) Persons who transport radioactive material pursuant to the general licenses in subsection (a) or (b) above are exempt from the requirements of 32 Ill. Adm. Code 340 and 400 to the extent that they transport radioactive material.

Section 341.70 General License: Approved Packages

- a) A general license is hereby issued to any licensee of the Department to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, certificate of compliance or other approval has been issued by the U.S. Nuclear Regulatory Commission.
- b) This general license applies only to a licensee who:
 - 1) Has a copy of the specific license, certificate of compliance, or other approval of the package and has the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment;
 - 2) Complies with the terms and conditions of the license, certificate or other approval, as applicable, and the applicable requirements of this Section and Sections 341.50, 341.140, 341.150 and 341.170 through 341.200;
 - 3) Prior to the licensee's first use of the package, has registered with the U.S. Nuclear Regulatory Commission; and

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- 4) Has a quality assurance program as required by Section 341.200 approved by the Department.
- c) The general license in subsection (a) above applies only when the package approval authorizes use of the package under this general license.
- d) For previously approved Type B packages which are not designated as either B(U) or B(M) in the NRC Certificate of Compliance, this general license is subject to additional restrictions of Section 341.80.

Section 341.80 Previously Approved Type B Packages

A Type B package previously approved by the NRC, but not designated as B(U) or B(M) in the NRC Certificate of Compliance, may be used under the general license of Section 341.70 with the following additional limitations:

- a) Fabrication of the packaging was satisfactorily completed before August 31, 1986, as demonstrated by application of its model number in accordance with U.S. NRC regulations 10 CFR 71, Subparts E, F, G and H, published January 1, 1992, exclusive of subsequent amendments or editions.
- b) The package may not be used for a shipment to a location outside the United States after August 31, 1986, except under special arrangement approved by the U.S. DOT in accordance with 49 CFR 173.471, published October 1, 1992, exclusive of subsequent amendments or editions.

Section 341.90 General License: DOT Specification Container

- a) A general license is issued to any licensee of the Department to transport or to deliver to a carrier for transport licensed material in a specification container for a Type B quantity of radioactive material as specified in the regulations of the U.S. DOT in 49 CFR 173 and 178, published October 1, 1992, exclusive of subsequent amendments or editions.
- b) This general license applies only to a licensee who has a quality assurance program approved by the Department as satisfying the provisions of Section 341.200.
- c) This general license applies only to a licensee who:

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- 1) Has a copy of the specifications in accordance with 49 CFR 178; and
 - 2) Complies with the terms and conditions of the specifications in accordance with 49 CFR 178 and the requirements of this Part.
- d) The general license in subsection (a) above is subject to the limitation that the specification container may not be used for a shipment to a location outside the United States after August 31, 1986, except under special arrangements approved by U.S. DOT in accordance with 49 CFR 173.472, published October 1, 1992, exclusive of subsequent amendments or editions.

Section 341.100 General License: Use of Foreign Approved Package

- a) A general license is issued to any licensee of the Department to transport or to deliver to a carrier for transport licensed material in a package the design of which has been approved in a foreign national competent authority certificate which has been revalidated by the U.S. DOT as meeting the applicable requirements of 49 CFR 171.12, published October 1, 1992, exclusive of subsequent amendments or editions.
- b) This general license applies only to shipments made to or from locations outside the United States.
- c) This general license applies only to a licensee who:
 - 1) Has a copy of the certificate, the revalidation and the drawings and other documents referenced in the certificate relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment; and
 - 2) Complies with the terms and conditions of the certificate and revalidation and with the requirements of this Part.

Section 341.110 General License: Type A, Fissile Class II Packages

- a) A general license is hereby issued to any licensee to transport fissile material, or to deliver fissile material to a carrier for transport, if the material is shipped as a Fissile Class II package.
- b) This general license applies only when a package contains no more than a Type A quantity of radioactive material, including only one of the following:

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- 1) Up to 40 grams of uranium-235; or
 - 2) Up to 30 grams of uranium-233; or
 - 3) Up to 25 grams of the fissile radionuclides of plutonium, except that for encapsulated plutonium-beryllium neutron sources in special form, an A[1] quantity of plutonium may be present; or
 - 4) A combination of fissile radionuclides in which the sum of the ratios of the amount of each radionuclide to the corresponding maximum amounts in subsections (1) through (3) above does not exceed unity.
- c) This general license applies only when:

- 1) A package containing more than 15 grams of fissile radionuclides is labeled with a transport index not less than the number given by the following equation, where the package contains x grams of uranium-235, y grams of uranium-233 and z grams of the fissile radionuclides of plutonium:

$$\text{minimum transport index} = \left(0.4x + 0.67y+z\right) + \left(1 - \left(\frac{15}{x+y+z}\right)\right)$$

The transport index must be rounded up to one decimal place and may not exceed 10.0; or

- 2) For a package in which the only fissile material is in the form of encapsulated plutonium-beryllium neutron sources in special form, the transport index based on criticality considerations shall be taken as 0.026 times the number of grams of the fissile radionuclides of plutonium in excess of 15 grams. The transport index must be rounded up to one decimal place and shall not exceed 10.0.

Section 341.120 General License: Restricted, Fissile Class II Package

- a) A general license is hereby issued to any licensee to transport fissile material, or to deliver fissile material to a carrier for transport, if the material is shipped as a Fissile Class II package.

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- b) This general license applies only when:
- 1) The package contains no more than a Type A quantity of radioactive material;
 - 2) Neither beryllium nor hydrogenous material enriched in deuterium is present;
 - 3) The total mass of graphite present does not exceed 150 times the total mass of uranium-235 plus plutonium;
 - 4) Substances having a higher hydrogen density than water, e.g. certain hydrocarbon oils, are not present, except that polyethylene may be used for packing or wrapping;
 - 5) Uranium-233 is not present and the amount of plutonium does not exceed one percent of the amount of uranium-235; and
 - 6) The amount of uranium-235 is limited as follows:
 - A) If the fissile radionuclides are not uniformly distributed, the maximum amount of uranium-235 per package may not exceed the value given as follows:

Uranium enrichment in weight percent of uranium-235 not exceeding	Permissible maximum grams of uranium-235 per package
24	40
20	42
15	45
11	48
10	51
9.5	52
9	54
8.5	55
8	57
7.5	59

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7	60
6.5	62
6	65
5.5	68
5	72
4.5	76
4	80
3.5	88
3	100
2.5	120
2	164
1.5	272
1.35	320
1	680
0.92	1200

AGENCY NOTE: Pursuant to its agreement with the U.S. Nuclear Regulatory Commission, Department jurisdiction extends only to 350 grams of uranium-235.

- B) If the fissile radionuclides are distributed uniformly (i.e., cannot form a lattice arrangement within the packaging) the maximum amount of uranium-235 per package may not exceed the value given as follows:

Uranium enrichment in weight percent of uranium-235 not exceeding	Permissible maximum grams of uranium-235 per package
4	84
3.5	92
3	112
2.5	148
2	240
1.5	560
1.35	800

AGENCY NOTE: Pursuant to its agreement with the U.S. Nuclear Regulatory Commission, Department jurisdiction extends only to

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350 grams of uranium-235.

- 7) The transport index of each package based on criticality considerations is taken as ten times the number of grams of uranium-235 in the package divided by the maximum allowable number of grams per package in accordance with subsections (6)(A) or (6)(B) above as applicable.

Section 341.130 Fissile Material: Assumptions as to Unknown Properties

When the isotopic abundance, mass, concentration, degree of irradiation, degree of moderation, or other pertinent property of fissile material in any package is not known, the licensee shall package the fissile material as if the unknown properties have credible values that will cause the maximum nuclear reactivity.

Section 341.140 Preliminary Determinations

Prior to the first use of any packaging for the shipment of radioactive material:

- a) The licensee shall ascertain that there are no defects in the packaging which could impact on compliance with the standards specified in 10 CFR 71, Subparts E and F, published January 1, 1992, exclusive of subsequent amendments or editions.
- b) Where the maximum normal operating pressure will exceed 34.3 kilopascal (5 psi) gauge, the licensee shall test the containment system at an internal pressure at least 50 percent higher than the maximum normal operating pressure to verify the capability of that system to maintain its structural integrity at that pressure.
- c) The licensee shall conspicuously and durably mark the packaging with its model number, gross weight and a package identification number assigned by the U.S. Nuclear Regulatory Commission. Prior to applying the model number, the licensee shall determine that the packaging has been fabricated in accordance with the design approved in the certificate of compliance issued by the U.S. Nuclear Regulatory Commission.

Section 341.150 Routine Determinations

Prior to each shipment of licensed material, the licensee shall ensure that the package with its contents satisfies the requirements of this Part and of the license. The licensee shall determine that:

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- a) The package is proper for the contents to be shipped in accordance with 49 CFR 173.401-435;
- b) The package is in unimpaired physical condition except for superficial defects such as marks or dents;
- c) Each closure device of the packaging, including any required gasket, is properly installed and secured and free of defects;
- d) Any system for containing liquid is sealed and has space or other specified provision for expansion of the liquid in accordance with 10 CFR 71, Subpart F, published January 1, 1992, exclusive of subsequent amendments or editions;
- e) Any pressure relief device is operable and set in accordance with the certificate of compliance;
- f) The package has been loaded and closed in accordance with written procedures;
- g) Any structural part of the package which could be used to lift or tie down the package during transport is rendered inoperable for that purpose unless it satisfies design requirements specified in accordance with 10 CFR 71.45, published January 1, 1992, exclusive of subsequent amendments or editions;
- h) The package meets the following requirements for removable contamination:
 - 1) The level of non-fixed (removable) radioactive contamination on the external surfaces of each package offered for shipment is as low as reasonably achievable. The level of non-fixed radioactive contamination may be determined by wiping an area of 300 square centimeters of the surface concerned with an absorbent material, using moderate pressure and measuring the activity on the wiping material. Sufficient measurements shall be taken in the most appropriate locations to yield a representative assessment of the non-fixed contamination levels. Except as provided in subsection (h)(2) below, the amount of radioactivity measured on any single wiping material when averaged over the surface wiped, shall not exceed the limits given in this subsection at any time during transport. Other methods of assessment of equal or greater efficiency may be used. When other methods are used, the detection efficiency of the method used shall be taken into account and in no case may the non-fixed contamination on the external surfaces of the package exceed ten times the

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limits listed as follows:

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CONTAMINATION WIPE LIMITS

Contaminant	Maximum Permissible Limits		
	Bq/cm ²	microCi/cm ²	dpm/cm ²
Beta-gamma-emitting radionuclides; all radio-nuclides with half-lives less than 10 days; natural uranium; natural thorium; uranium-235; uranium-238; thorium-232; thorium-228; and thorium-230 when contained in ores or physical concentrates	0.37	10 ⁻⁵	22
All other alpha-emitting radionuclides	0.037	10 ⁻⁶	2.2

AGENCY NOTE: One generally-acceptable technique is to perform one wipe test per square meter of surface area of the package. Appropriate locations for wipes include the areas where the package might leak through sealing gaskets or a location where water might stand on the container.

- 2) In the case of packages transported as exclusive use shipments by rail or highway only, the non-fixed radioactive contamination at any time during transport shall not exceed ten times the levels prescribed in subsection (h)(1) above. The levels at the beginning of transport shall not exceed the levels prescribed in subsection (h)(1) above.
- i) External radiation levels around the package and around the vehicle, if applicable, will not exceed 2 mSv (200 mrem) per hour at any point on the external surface of the package at any time during transportation. The transport index shall not exceed 10.
- j) For a package transported as exclusive use by rail, highway, or water, radiation levels external to the package may exceed the limits specified in subsection (i) above but shall not exceed any of the following:

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- 1) 2 mSv (200 mrem) per hour on the accessible external surface of the package unless the following conditions are met, in which case the limit is 10 mSv (1 rem) per hour.
 - A) The shipment is made in a closed transport vehicle;
 - B) Provisions are made to secure the package so that its position within the vehicle remains fixed during transportation; and
 - C) There are no loading or unloading operations between the beginning and end of the transportation;
 - 2) 2 mSv (200 mrem) per hour at any point on the outer surface of the vehicle, including the upper and lower surfaces, or, in the case of an open vehicle, at any point on the vertical planes projected from the outer edges of the vehicle, on the upper surface of the load and on the lower external surface of the vehicle;
 - 3) 100 microSv (10 mrem) per hour at any point 2 meters from the vertical planes represented by the outer lateral surfaces of the vehicle, or, in the case of an open vehicle, at any point 2 meters from the vertical planes projected from the outer edges of the vehicle; and
 - 4) 20 microSv (2 mrem) per hour in any normally-occupied position of the vehicle, except that this provision does not apply to private motor carriers when persons occupying these positions are provided with special health supervision, personnel radiation exposure monitoring devices and training in accordance with 32 Ill. Adm. Code 400.
- k) A package shall be prepared for transport so that in still air at 38° C (100° F) and in the shade, no accessible surface of a package would have a temperature exceeding 50° C (122° F) in a nonexclusive use shipment or 82° C (180° F) in an exclusive use shipment. Accessible package surface temperatures shall not exceed these limits at any time during transportation.

Section 341.160 Air Transport of Plutonium

Notwithstanding the provisions of any general licenses and notwithstanding any exemptions stated directly in this Part or included indirectly by citation of U.S. DOT regulations, as may be applicable, the licensee shall assure that plutonium in any form is not transported by air or

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delivered to a carrier for air transport unless:

- a) The plutonium is contained in a medical device designed for individual human application; or
- b) The plutonium is contained in a material in which the specific activity is not greater than 74 Bq (2 nCi) per gram of material and in which the radioactivity is essentially uniformly distributed; or
- c) The plutonium is shipped in a single package containing no more than an A[2] quantity of plutonium in any isotope or form and is shipped in accordance with Section 341.50; or
- d) The plutonium is shipped in a package specifically authorized for the shipment of plutonium by air in the Certificate of Compliance for that package issued by the U.S. Nuclear Regulatory Commission.

Section 341.170 Records

- a) Each licensee shall maintain for a period of 2 years after shipment a record of each shipment of licensed material not exempt under Section 341.40, showing, where applicable:
 - 1) Identification of the packaging by model number;
 - 2) Verification that there are no defects in the packaging, as shipped which would prevent the package from meeting the standards of 10 CFR 71, Subparts E and F, published January 1, 1992, exclusive of subsequent amendments or editions;
 - 3) Volume and identification of coolant;
 - 4) Type and quantity of licensed material in each package and the total quantity of each shipment;
 - 5) Date of the shipment;
 - 6) Name and address of the transferee;
 - 7) Address to which the shipment was made; and

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- 8) Results of the determinations required by Section 341.130.
- b) The licensee shall make available to the Department for inspection, at any time during shipment or upon 3 days notice after shipment, all records required by this Part.

Section 341.180 Reports

The licensee shall report to the Department within 30 days:

- a) Any instance in which a reduction in the effectiveness of any authorized packaging impacts upon compliance with 10 CFR 71, Subparts E and F, published January 1, 1992, exclusive of subsequent amendments or editions; and
- b) Details of any defects in the packaging after first use impacting upon compliance with 10 CFR 71, Subparts E and F, published January 1, 1992, exclusive of subsequent amendments or editions, with the means employed to repair the defects and prevent their recurrence.

Section 341.190 Advance Notification of Transport of Nuclear Waste

- a) Licensees who transport radioactive waste or deliver radioactive waste to a carrier for transport outside of the confines of the licensee's facility or other place of use or storage, shall provide advance notification of such transport to the Governor or Governor's designee in accordance with subsection (b) below. Such notification shall include the Governor or Governor's designee of each state through which the radioactive waste is to be transported.

AGENCY NOTE: A list of the mailing addresses of the Governors and Governors' designees is available upon request from the Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

- b) Advance notification is required only when:
 - 1) The nuclear waste is required to be in Type B packaging for transportation;
 - 2) The nuclear waste is being transported to, through, or across state boundaries to a disposal site or to a collection point for transport to a

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disposal site;

- 3) The quantity of licensed material in a single package exceeds:
 - A) 185 TBq (5 kCi) of special form radionuclides;
 - B) 185 TBq (5 kCi) of uncompressed gases of argon-41, krypton-85m, krypton-87, xenon-131m or xenon-135;
 - C) 1.85 PBq (50 kCi) of argon-37, or of uncompressed gases of krypton-85 or xenon-133, or of hydrogen-3 as a gas, as luminous paint or adsorbed on solid material;
 - D) 740 GBq (20 Ci) of other non-special form radionuclides for which A_2 is less than or equal to 148 GBq (4 Ci); or
 - E) 7.4 TBq (200 Ci) of other non-special form radionuclides for which A_2 is greater than 148 GBq (4 Ci).

c) Each advance notification required by subsection (a) above shall contain the following information:

- 1) The name, address and telephone number of the shipper, carrier and receiver of the shipment;
- 2) A description of the nuclear waste contained in the shipment as required by the regulations of the U.S. DOT, 49 CFR 172.202 and 172.203(d), published October 1, 1992;

AGENCY NOTE: Requirements contained in subsequent amendments or editions of 49 CFR 172 are not incorporated into this rule.

- 3) The point of origin of the shipment and the 7-day period during which departure of the shipment is estimated to occur;
- 4) The 7-day period during which arrival of the shipment at state boundaries is estimated to occur;
- 5) The destination of the shipment and the 7-day period during which arrival of the shipment is estimated to occur; and

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- 6) A point of contact, with a telephone number, for current shipment information.
- d) The notification required by subsection (a) above shall be made in writing to the Office of the Governor or Governor's designee and to the Department. A notification delivered by mail shall be postmarked at least 7 days before the beginning of the 7-day period during which departure of the shipment is estimated to occur. A notification delivered by messenger shall reach the Office of the Governor or Governor's designee, at least 4 days before the beginning of the 7-day period during which departure of the shipment is estimated to occur. A copy of the notification shall be retained by the licensee for 1 year.
- e) The licensee shall notify the Governor, or Governor's designee and the Department of any changes to schedule information provided pursuant to subsection (a) above. Such notification shall be by telephone to a responsible individual in the Office of the Governor or Governor's designee and in the Department. The licensee shall maintain for 1 year a record of the name of the individual contacted.
- f) Each licensee who cancels a nuclear waste shipment, for which advance notification has been sent, shall send a cancellation notice to the Governor or Governor's designee and to the Department. A copy of the notice shall be retained by the licensee for 1 year.

Section 341.200 Quality Assurance Requirements

- a) Each person licensed pursuant to this Part shall establish, maintain, and execute a quality assurance program to verify, by procedures such as checking, auditing and inspection, that deficiencies, deviations and defective material and equipment relating to the shipment of packages containing radioactive materials are promptly identified and corrected. Prior to the use of any package for the shipment of radioactive material, each licensee shall obtain Departmental approval of its quality assurance program. Such approval shall be in accordance with the U.S. Nuclear Regulatory Commission standards contained in Revision 1 of NRC Regulatory Guide #7.10, Establishing Quality Assurance Programs for Packaging Used in the Transport of Radioactive Material, published June 1986, exclusive of subsequent amendments or editions.
- b) Each person licensed pursuant to this Part shall document the quality assurance

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program by written procedures or instructions and shall carry out the program in accordance with those procedures throughout the period during which packaging is used. The licensee shall identify the material and components to be covered by the quality assurance program.

- c) A person licensed pursuant to this Part shall maintain sufficient written records to demonstrate compliance with the quality assurance program. Records pertaining to the use of a package for shipment of radioactive material shall be retained for a period of 2 years after shipment.

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Section 341.APPENDIX A Determination of A₁ and A₂ (Repealed)

Section 341.TABLE A A₁ and A₂ Values for Radionuclides (Repealed)

(Source: Repealed at 18 Ill. Reg. 4196, effective March 3, 1994)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

Section 341.APPENDIX A Determination of A_1 and A_2 (Repealed)

Section 341.TABLE B Relationship Between A_1 and E_{\max} for Beta Emitters (Repealed)

(Source: Repealed at 18 Ill. Reg. 4196, effective March 3, 1994)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

Section 341.APPENDIX A Determination of A₁ and A₂ (Repealed)

Section 341.TABLE C Relationship Between A₃ and the Atomic Number of the Radionuclide (Repealed)

(Source: Repealed at 18 Ill. Reg. 4196, effective March 3, 1994)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

Section 341.APPENDIX A Determination of A₁ and A₂ (Repealed)

Section 341.TABLE D Activity-Mass Relationships for Uranium/Thorium (Repealed)

(Source: Repealed at 18 Ill. Reg. 4196, effective March 3, 1994)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Proposed Action:
 112.40 Amendment
 112.320 Amendment
- 4) Statutory Authority: Implementing Sections Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: These proposed amendments eliminate the requirement that the TANF client be present at one redetermination of eligibility in a 12-month period. This rulemaking also changes a reference from Immigration/Naturalization Service to Department of Homeland Security.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.54	Amendment	28 Ill. Reg. 10505; 07-30-04
112.101	Amendment	28 Ill. Reg. 11656; 08-13-04
112.110	Amendment	28 Ill. Reg. 11656; 08-13-04
112.130	Amendment	28 Ill. Reg. 11656; 08-13-04
112.150	Amendment	28 Ill. Reg. 10505; 07-30-04

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: 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: This rulemaking was not included in the most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative
- 112.69 Felons and Violators of Parole or Probation

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SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section

- 112.70 Employment and Work Activity Requirements
- 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
- 112.72 Participation/Cooperation Requirements
- 112.73 Adolescent Parent Program (Repealed)
- 112.74 Responsibility and Services Plan
- 112.75 Teen Parent Personal Responsibility Plan (Repealed)
- 112.76 TANF Orientation
- 112.77 Reconciliation and Fair Hearings
- 112.78 TANF Employment and Work Activities
- 112.79 Sanctions
- 112.80 Good Cause for Failure to Comply with TANF Participation Requirements
- 112.81 Responsible Relative Eligibility for JOBS (Repealed)
- 112.82 Supportive Services
- 112.83 Teen Parent Services
- 112.84 Employment Retention and Advancement Project
- 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section

- 112.86 Project Advance (Repealed)
- 112.87 Project Advance Experimental and Control Groups (Repealed)
- 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.90 Project Advance Sanctions (Repealed)
- 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
- 112.93 Individuals Exempt From Project Advance (Repealed)
- 112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section

- 112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

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Section

112.100	Unearned Income
112.101	Unearned Income of Stepparent or Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers (Repealed)
112.155	Income Limit

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SUBPART H: PAYMENT AMOUNTS

Section	
112.250	Grant Levels
112.251	Payment Levels
112.252	Payment Levels in Group I Counties
112.253	Payment Levels in Group II Counties
112.254	Payment Levels in Group III Counties
112.255	Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section	
112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Reporting Requirements for Clients with Earnings
112.303	Budgeting
112.304	Budgeting Schedule
112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
112.308	Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
112.309	Institutional Status
112.310	Child Care for Representative Payees
112.315	Young Parents Program (Renumbered)
112.320	Redetermination of Eligibility
112.330	Extension of Medical Assistance Due to Increased Income from Employment
112.331	Four Month Extension of Medical Assistance Due to Child Support Collections
112.332	Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340	New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section	
112.350	Child Care (Repealed)

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112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; preemptory 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; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory 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; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory 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 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

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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; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; preemptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency

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amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989;

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amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996;

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amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. _____, effective _____.

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SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.40 Relationship

- a) The child(ren) must be living with a blood relative, step-relative or adoptive relative in the relative's home.
- b) *A child conceived or born-in-wedlock is presumed to be the child of that marriage in the absence of a court finding to the contrary* (Section 5 of the Illinois Parentage Act of 1984; ~~[750 ILCS 45/5]~~~~Ill. Rev. Stat. 1987, ch. 40, par. 2505~~).
- c) Relationship between a child born-out-of-wedlock and the child's putative father may be established by:
 - 1) adjudication; or
 - 2) legal presumption of paternity. A legal presumption of paternity exists when the putative father married the child's natural mother after the child's birth and he is named as father on the child's birth certificate ~~pursuant to Section 12 of the Vital Records Acts (Section 5 of the Illinois Parentage Act of 1984 [750 ILCS 45/5])~~~~Ill. Rev. Stat. 1987, ch. 111½, par. 73-12.~~
- d) Relatives of the child's putative father may establish relationship to the child provided one of the following criteria is met.
 - 1) Paternity has been established by:
 - A) adjudication, legal presumption of paternity or acknowledgement in open court by the putative father; and
 - B) the relationship between the putative father and the caretaker relative (defined at 89 Ill. Adm. Code 101.20) has been verified.
 - 2) The putative father's relationship to the child and his relationship to the caretaker relative has been verified by such sources as:
 - A) birth records;
 - B) baptismal certificate;

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- C) bible entries;
 - D) census records;
 - E) medical records;
 - F) Social Security records;
 - G) Veteran's Administration records;
 - H) Department of Homeland Security Immigration/Naturalization Service Records;
 - I) death certificates; or
 - J) the putative father's notarized signature on an acknowledgement of paternity.
- 3) Any of the verification factors in Section 112.40(d)(2), establish the caretaker relative as having a specified relationship to the child.
- 4) Other documentary evidence which establishes the paternity of the child, such as affidavits from disinterested parties, old personal correspondence, the putative father's notarized signature on an acknowledgement of paternity or a statement from the mother, shall be used to establish the required relationship between the caretaker and child. Such other evidence shall establish, to the Department's satisfaction, that the putative father is more than likely the actual father of the child.
- e) The relationship between a child and other specified relatives may be established by court documents which contain statements mentioning the relationship if other sources of verification cannot be obtained.
- f) When the required relationship exists between the child and the relative, the relative is referred to as a specified relative.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART I: OTHER PROVISIONS

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Section 112.320 Redetermination of Eligibility

- a) It is the Department's responsibility to determine the continued eligibility of all recipients of assistance and it is the recipient's responsibility to cooperate in the redetermination of eligibility. A redetermination of eligibility shall be conducted ~~consistent with the Responsibility and Services Plan on an as needed basis but~~ at least once in a 12-month period. ~~Once in a 12-month period there shall be a redetermination of eligibility and revision of the Responsibility and Services Plan with the client who must be present.~~ Failure to cooperate in the redetermination of eligibility process, without good cause, will result in ineligibility. Examples of good cause include, but are not limited to:
- 1) death in the family;
 - 2) illness or incapacity of the client or his or her child or children;
 - 3) family crisis;
 - 4) unexpected emergency;
 - 5) breakdown in transportation;
 - 6) inclement weather;
 - 7) if the client is employed, a conflict in the client's work schedule; or
 - 8) a conflicting court and/or administrative hearing appearance.
- b) When information of a change in a client's circumstances is received by the local office and the review and redetermination process results in a decision that a client is eligible for an increased amount of financial assistance, the Department shall mail the increased amount of assistance payment no later than 45 calendar days from the date that the local office initially received the information.
- c) When a delay in the verification of the change in circumstances is caused by the client, the 45 calendar day period may be extended by one day for each day of delay by the client.
- d) When the client fails to provide the required verification or verifications or fails to cooperate in the review and redetermination process, the 45 calendar day

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limitation is not applicable.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Child Health Examination Code
- 2) Code Citation: 77 Ill. Adm. Code 665
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
665.100	Amendment
665.105	New Section
665.115	New Section
665.130	Amendment
665.140	Amendment
665.150	Amendment
665.160	Amendment
665.210	Amendment
665.220	Repealer
665.230	Amendment
665.260	Amendment
665.270	Amendment
665.290	Amendment
665.310	Amendment
665.610	Amendment
665.700	New Section
665.710	New Section
665.720	New Section
- 4) Statutory Authority: Section 27-8/1 of the School Code [105 ILCS 5/27.8] and Section 6.2 of the Lead Poisoning Prevention Act [410 ILSC 45/6.2].
- 5) A Complete Description of the Subjects and Issues Involved: Part 665 is being amended to implement Section 27-8.1 of the School Code to require the Department of Public Health to specify that a diabetes screening be included as a required part of each health examination. A new Subpart on diabetes screening is being added, which includes diabetes screening requirements and testing recommendations. A new definitions Section is being added to the rules, as well as a new Section listing referenced materials. Additional amendments implement Public Act 92-703, which amended Section 27-8.1 of the School Code to allow advanced practice nurses and physician's assistants to perform health examinations. In Section 665.140 (Timetable for Examinations), requirements for lead screening are being clarified. Other provisions are being amended to include specific citations to laws and rules referenced in this Part.

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Some of the existing language of the rules is being re-written to increase readability and understanding.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of the rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., Fifth Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.il.us

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit

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corporations affected: preschools, nursery schools, or other child care programs licensed or approved by the State

- B) Reporting, bookkeeping or other procedures required for compliance: Use of Department forms for examinations is required.
 - C) Types of professional skills necessary for compliance: health care provider; school administrator
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER i: MATERNAL AND CHILD HEALTHPART 665
CHILD HEALTH EXAMINATION CODE

SUBPART A: GENERAL PROVISIONS

Section	
665.100	Statutory Authority
665.105	Definitions
665.110	General Considerations (Repealed)
665.115	Referenced Materials

SUBPART B: HEALTH EXAMINATION

Section	
665.120	Health Examination Requirement
665.130	Performance of Health Examination and Verification of Certificate of Child Health Examination Signature of Physician
665.140	Timetable for Time Examinations to be Conducted
665.150	Report Forms
665.160	Proof of Examination
665.210	Proof of Immunizations
665.220	Local School Authority (Repealed)
665.230	School Entrance
665.240	Basic Immunization
665.250	Proof of Immunity
665.260	Booster Immunizations
665.270	Compliance with the School Code Law
665.280	Physician Statement of Immunity
665.290	List of Non-immunized Students

SUBPART C: VISION AND HEARING SCREENING

Section	
665.310	Vision and Hearing Screening

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SUBPART D: DENTAL EXAMINATION

Section	
665.410	Dental Examination Recommendation
665.420	Dental Examination
665.430	Dental Examination Record
665.440	Guidelines

SUBPART E: EXCEPTIONS

Section	
665.510	Objection of Parent or Legal Guardian
665.520	Medical Objection

SUBPART F: VISION EXAMINATION

Section	
665.610	Vision Examination Recommendation
665.620	Vision Examination
665.630	Vision Examination Report
665.640	Indigent Students

SUBPART G: DIABETES SCREENING

Section	
<u>665.700</u>	<u>Diabetes Screening Requirement</u>
<u>665.710</u>	<u>Diabetes Screening</u>
<u>665.720</u>	<u>Testing Recommendations</u>

665.APPENDIX A	Vision Examination Report
665.APPENDIX B	Vaccination Schedule for Haemophilus influenzae type b Conjugate Vaccines (Hib)

AUTHORITY: Implementing and authorized by Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and Section 6.2 of the Lead Poisoning Prevention Act [410 ILCS 45/6.2].

SOURCE: Emergency rule adopted at 4 Ill. Reg. 38, p. 275, effective September 10, 1980, for a maximum of 150 days; emergency rule adopted at 4 Ill. Reg. 41, p. 176, effective October 1, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 1403, effective January 29, 1981;

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codified at 8 Ill. Reg. 8921; amended at 11 Ill. Reg. 11791, effective June 29, 1987; amended at 13 Ill. Reg. 11565, effective July 1, 1989; amended at 13 Ill. Reg. 17047, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5617, effective March 30, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14543, effective August 27, 1990; amended at 15 Ill. Reg. 7706, effective May 1, 1991; amended at 18 Ill. Reg. 4296, effective March 5, 1994; amended at 20 Ill. Reg. 11950, effective August 15, 1996; emergency amendment at 21 Ill. Reg. 11966, effective August 15, 1997, for a maximum of 150 days; emergency expired on January 1, 1998; amended at 26 Ill. Reg. 5921, effective July 1, 2002; amended at 26 Ill. Reg. 10689, effective July 1, 2002; amended at 29 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 665.100 Statutory Authority

The Illinois Department of Public Health (Department) is authorized under Section 27-8.1 of the School Code (~~Ill. Rev. Stat. 1991, ch. 122, par. 27-8.1~~) [105 ILCS 5/27-8.1] ~~to promulgate the rules specifying and regulations, specify the examinations and procedures that which shall constitute a health examination and may recommend by rule that certain additional examinations be performed. The Department is also authorized to promulgate rules requiring, and to promulgate rules and regulations specifying immunizations against preventable communicable diseases.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 665.105 Definitions

The following terms have the meaning ascribed to them here whenever the term is used in this Part:

Advanced practice nurse – a person who is licensed as an advanced practice nurse under the Nursing and Advanced Practice Nursing Act [225 ILCS 65] and has a written collaborative agreement with a collaborating physician in the diagnosis of illness and management of wellness and other conditions as appropriate to the level and area of his or her practice. (Section 15-5 of the Nursing and Advanced Practice Nursing Act)

Body mass index (BMI) – the result of a calculation of weight and height measurement used to determine whether an individual's weight is appropriate for his/her height. Body mass index is calculated by dividing weight in pounds by

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height in inches squared times 703 (wt (lbs) /ht (in²) X 703).

Dentist – a person who is licensed to practice dentistry under the Illinois Dental Practice Act [225 ILCS 25].

Department – the Illinois Department of Public Health.

Health care provider – a physician, advanced practice nurse, or physician assistant who is authorized to conduct health examinations under Section 27-8.1(2) of the School Code.

Local school authority – that person having ultimate control and responsibility for any public, private/independent or parochial elementary or secondary school, or any attendance center or nursery school operated by an elementary or secondary school or institution of higher learning.

Optometrist – a person who is licensed to practice optometry under the Illinois Optometric Practice Act of 1987 [225 ILCS 80].

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

Physician assistant – a person who is licensed as a physician assistant under the Physician Assistant Practice Act of 1987 [225 ILCS 95].

Registered nurse – a person who is licensed as a registered professional nurse under the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 665.115 Referenced Materials

The following materials are referenced in this Part:

- a) Illinois Statutes:

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- 1) Child Vision and Hearing Test Act [410 ILCS 205]
 - 2) Medical Practice Act of 1987 [225 ILCS 60]
 - 3) Illinois Optometric Practice Act of 1987 [225 ILCS 80]
 - 4) School Free Lunch Program Act [105 ILCS 205]
 - 5) Illinois Dental Practice Act [225 ILCS 25]
 - 6) Nursing and Advanced Practice Nursing Act [225 ILCS 65]
 - 7) Physician Assistant Practice Act of 1987 [225 ILCS 95]
 - 8) Lead Poisoning Prevention Act [410 ILCS 45]
- b) Illinois Administrative Rules
- 1) Control of Tuberculosis Code (77 Ill. Adm. Code 696)
 - 2) Vision Screening (77 Ill. Adm. Code 685)
 - 3) Hearing Screening (77 Ill. Adm. Code 675)
 - 4) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 - 5) Immunization Code (77 Ill. Adm. Code 695)

(Source: Added at 29 Ill. Reg. _____, effective _____)

SUBPART B: HEALTH EXAMINATION

Section 665.130 Performance of Health Examination and Verification of Certificate of Child Health Examination ~~Signature of Physician~~

Health examinations, other than dental examinations and hearing vision screening, shall be performed by, and the Certificate of Child Health Examination shall be signed by, a *physician licensed to practice medicine in all of its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes him/her to perform health examinations, or a physician assistant to whom has been delegated the*

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performance of health examinations by his/her supervising physician. (Section 27-8.1(2) of the School Code) A physician is required to review and sign any portion of the Certificate of Child Health Examination completed by a registered nurse who is not an advanced practice nurse. All public, private/independent and parochial school students are required to have a health examination performed and signed by a physician licensed to practice medicine in all of its branches including (Medical Doctors or Doctors of Osteopathy). A physician is required to review and sign any portion of the health examination completed by a registered nurse under his authority.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 665.140 Timetable forTime Examinations ~~to be Conducted~~

- a) The examination shall be conducted within one year:
 - 1) Prior to the date of entering school (this includes nursery school, special education, Head Start or other pre-kindergarten~~headstart~~ programs operated by elementary school systems or secondary level school units or institutions of higher learning; and students transferring into Illinois from outside of the State or outside of the country~~out-of-state or out-of-country~~);
 - 2) Prior to the date of entering kindergarten or first grade;
 - 3) Prior to the date of entering the fifth grade;
 - 4) Prior to the date of entering the ninth grade.
- b) For students attending school programs where grade levels are not assigned, examinations shall be completed prior to the date of entering and within one year prior to the school year in which the child reaches the ages of 5, 10, and 15.
- c) For students from other countries who attend classes, regardless of the duration of stay, examinations shall be completed within one year prior to the date of entering the school and at other intervals as provided in this Section.
- d) Additional health examinations and further evaluations of students may be required when deemed necessary by local school authorities.

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- e) In programs operated by elementary school systems or secondary level school units or institutions of higher learning, health examinations are recommended. It is recommended that health examinations be required for children under 5 years of age at intervals of not less than 2 years, in programs operated by elementary school systems or secondary level school units or institutions of higher learning.
- f) Lead Screening
- 1) Lead screening is a required part of the health examination for children age six years or younger prior to admission to a preschool, nursery school, kindergarten or other child care program licensed or approved by the State, including such programs operated by a public school district.
 - 2) Lead screening is required for public school students age six years or younger prior to admission, in conjunction with health examinations required by this Section.
 - 3) Physicians and health care providers shall screen children six months through six years of age for lead poisoning who are determined to reside in an area defined as high risk by the Department. (See 77 Ill. Adm. Code 845 – Lead Poisoning Prevention Code.)
 - 4) Children residing in areas defined as low risk by the Department shall be assessed for risk by a risk assessment procedure developed by the Department. (See 77 Ill. Adm. Code 845 – Lead Poisoning Prevention Code.)
 - 5) Physicians and other health care providers shall also screen children six years and older for lead poisoning in conjunction with the school health examination when, in the medical judgment of the physician, advanced practice nurse, or physician assistant, the child is potentially at high risk of lead poisoning. (Section 6.2 of the Lead Poisoning Prevention Act)Beginning with the 1994-95 school year, lead screening shall be required as a part of the health examination for children age six years or below, prior to admission to a preschool, nursery school, kindergarten or other child care program licensed or approved by the state, including such programs operated by a public school district. Lead screening shall be required for public school students age six years or below subsequent to admission, in conjunction

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~~with health examinations required by this Section.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 665.150 Report Forms

Health examinations shall be reported on the uniform forms that the Department of Public Health and the Illinois State Board of Education prescribe for Statewide use. The required form is the Certificate of Child Health Examination provided by the Department.

- a) For transfer students from ~~out of the State or out of the country~~~~out-of-state or out-of-country~~, or ~~transfer~~ from a ~~federal~~~~Federal~~ Head Start ~~program~~~~Program~~, a health form that is comparable to the Illinois requirements may be accepted only at the time of first entry into an Illinois school. (A statement by a physician ~~licensed to practice medicine in all of its branches~~ or ~~other~~ health care provider indicating only that an examination ~~was had been~~ conducted is not acceptable.)
- b) The physical examination shall include an evaluation of: height, weight, BMI, blood pressure, skin, eyes, ears, nose, throat, mouth/dental, cardiovascular (including blood pressure), respiratory, gastrointestinal, genito-urinary, neurological, musculoskeletal, spinal examination, nutritional status, lead screening, and other evaluations deemed necessary by the health care provider~~examiner~~.
- c) The strongly recommended evaluations include hemoglobin or hematocrit, urinalysis, and testing for sickle cell disease. It is also recommended that the examiner list any medications that the child takes routinely, diet restrictions/needs, special equipment needed, ~~or~~ other needs, or known allergies.
- ~~d)e)~~ The health care provider~~examiner~~ shall summarize on the report form any condition that he/she suspects indicates a need for special services.
- ~~e)d)~~ The medical history section of the form shall be completed and signed by the parent or legal guardian of the student. The medical history shall be inclusive as indicated on the Certificate of Child Health Examination form.
- ~~f)e)~~ The individual verifying the administration of required immunizations shall record as indicated on the Certificate of Child Health Examination form that the immunizations were administered as required by this Part and any other current

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~~rules of the~~ Department ~~and the~~ rules requiring immunizations of this Act.

- ~~g)f)~~ Vision and hearing screening ~~are~~ required under the Child Vision and Hearing Test Act (~~Ill. Rev. Stat. 1991, ch. 23, pars. 2331 et seq.~~) [410 ILCS 205] and the Department's rules governing hearing screening (77 Ill. Adm. Code 675) and vision screening (77 Ill. Adm. Code 685) rules prescribed thereunder. Completion of the vision and hearing screening data section of the Certificate of Child Health Examination is optional.
- ~~h)g)~~ If the vision and hearing screening data section is completed, it shall be completed with information provided by the vision and hearing screening personnel certified by the Department or from qualified medical or other professional specialists.
- ~~i)h)~~ If the student is required to have a sports physical in the year that coincides with the child health examination requirement, the Certificate of Child Health Examination form may be accepted as proof of examination for interscholastic sports; if the statement regarding participation in interscholastic sports is completed by the examiner.
- ~~j)~~ The health care provider shall indicate on the form the results of a tuberculosis skin test screening, if conducted.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 665.160 Proof of Examination

- ~~a)~~ Every student who is required by Section 27-2.8(1) of the School Code and Section 665.140 of this Part to have a health examination shall present proof to the local school authority of having had the health examination ~~in accordance with Section 665.140 of this Part~~ prior to the date of entrance to school.
- ~~b)~~ For the purpose of this Part, "proof of examination" refers to completion of the Certificate of Child Health Examination in accordance with Section 665.150 of this Part.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 665.210 Proof of Immunizations

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- a) ~~At Every child shall present, on~~ or about the same time ~~that~~as he/she receives a health examination, every child shall present proof to the local school authority of having received such immunizations against preventable communicable diseases as required by this Part and of having received such immunizations as the Department shall require in Section 695.10 of the Immunization Code (77 Ill. Adm. Code 695.10). "Proof" means that the individual administering the required immunizations has verified by recording on the Certificate of Child Health Examination form that the immunizations were administered in accordance with this Part.
- b) Immunizations shall be administered in accordance with the Immunization Code and Section 665.240 of this Part.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 665.220 Local School Authority (Repealed)

~~Local school authority is defined as that person having ultimate control and responsibility for any public, private/independent and parochial elementary or secondary school or attendance center or nursery school operated by an elementary or secondary school or institution of higher learning.~~

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

Section 665.230 School Entrance

- a) Every child, prior to enrolling in any public, private/independent or parochial school (~~including~~includes nursery schools, ~~preschool~~pre-school programs, early childhood programs, Head Start, or other pre-kindergarten child care programs offered or operated by a school or school district) in Illinois shall present to that school proof of immunity against:
- 1) Diphtheria
 - 2) Pertussis
 - 3) Tetanus
 - 4) Poliomyelitis

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- 5) Measles
- 6) Rubella
- 7) Mumps
- 8) Haemophilus influenzae type b (as noted in Section 665.240(f))
- 9) Hepatitis B (as noted in Section 665.240(g))
- 10) Varicella (as noted in Section 665.240(h))

- b) The health care provider and/or registered nurse verifying the administration of the required immunizationsimmunization shall record as indicated on the Certificate of Child Health Examination that the immunizations were administered.
- c) Any child who does not submit proof of having protection by immunity as required must receive the needed vaccine. If, for medical reasons, one or more of the required immunizations must be given after the date of entrance of the current school year, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay must be signed by the health care provider who will administer the needed immunizations and shall be kept on file at the local school.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 665.260 Booster Immunizations

Booster~~Those booster~~ immunizations are required as prescribed in Section 665.240~~are required~~.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 665.270 Compliance with the School CodeLaw

A child shall be considered in compliance with the health examination and immunization requirement in Section 27-8.1 of the School Codelaw if all applicable immunizations that~~which~~ a child can medically receive are given prior to entering school and a signed statement from a health care provider is presented indicating when the remaining medically indicated

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immunization will be ~~administered~~received. Local school authorities shall monitor immunization schedules~~Immunization schedules must be monitored by local school authorities~~ to assure their completion ~~of the immunization schedule~~. If a child is delinquent for a scheduled appointment for immunization he/she is no longer considered to be in compliance.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 665.290 List of Non-immunized Students

An accurate list shall be maintained at every attendance center of all children who have not presented proofevidence of immunity against diphtheria, pertussis (to age 6), tetanus, poliomyelitis, measles, rubella, mumps, Haemophilus influenzae type b (as noted in Section 665.240(f)), hepatitis B (as noted in Section 665.240(g)), or Varicella (as noted in Section 665.240(h)).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART C: VISION AND HEARING SCREENING

Section 665.310 Vision and Hearing Screening

Vision and hearing screening tests shall be conducted in accordance with ~~the present rules of the Department's rules titled Hearing Screening (77 Ill. Adm. Code 675) and Vision Screening (77 Ill. Adm. Code 685)~~Department.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART F: VISION EXAMINATION

Section 665.610 Vision Examination Recommendation

It is recommended, but not required, that a vision examination, including ophthalmoscopy and subjective refraction, be performed on public, private/independent, and parochial school students by a physician~~physicians licensed to practice medicine in all of its branches, the Medical Practice Act of 1987, (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60]~~ or an a licensed optometrist, ~~the Illinois Optometric Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3901 et seq.) [225 ILCS 80]~~.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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SUBPART G: DIABETES SCREENING**Section 665.700 Diabetes Screening Requirement**

A diabetes screening shall be included as a required part of each health examination. Diabetes testing is not required, but is recommended. (Section 27-8.1 of the School Code) Diabetes screening is the assessment of an asymptomatic individual for risk factors for the purpose of identifying whether the individual is likely to have diabetes. Diabetes testing is the performance of diagnostic tests (e.g., glucose tolerance test), in a health care setting, on an individual who exhibits signs or symptoms of diabetes.

(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 665.710 Diabetes Screening

- a) A diabetes screening shall include an assessment of whether a child is overweight (see Section 665.720) and an assessment of the following risk factors:
- 1) Family history of type 2 diabetes in first and second degree relatives;
 - 2) Member of an ethnic minority group, including American Indians, African Americans, Hispanic Americans, Asian/South Pacific Islanders; and
 - 3) Signs of insulin resistance or conditions associated with insulin resistance, including acanthosis nigricans, hypertension, dyslipidemia, or polycystic ovarian syndrome.
- b) Results of the diabetes screening shall be documented on the Certificate of Child Health Examination form.

(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 665.720 Testing Recommendations

- a) The Consensus Panel of the American Diabetes Association (ADA) recommends that if an individual is overweight and has any two of the risk factors identified in

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Section 665.710, diabetes testing should be done every two years, starting at age 10 years or at the onset of puberty, if it occurs at an earlier age.

- b) A child shall be considered to be overweight if one of the following exists:
- 1) BMI > 85th percentile for age and sex; or
 - 2) Weight for height > 85th percentile; or
 - 3) Weight > 120 % of ideal weight for height.
- c) Clinical judgment should be used in deciding whether to test for diabetes in children who do not meet these criteria.

(Source: Added at 29 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Weights and Measures Act
- 2) Code Citation: 8 Ill. Adm. Code 600
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
600.650	Repeal
600.660	Amend
600.690	Repeal
600.700	Repeal
600.710	Repeal
600.720	Repeal
600.750	Repeal
600.800	Amend
600.810	Amend
- 4) Statutory Authority: Weights and Measures Act [225 ILCS 470/8]
- 5) Effective Date of Amendments: November 22, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: June 25, 2004; 28 Ill. Reg. 8809
- 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 agreements were issued by JCAR.
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

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NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: The rules for half-gallon pricing of motor fuel are being repealed. These rules were originally enacted in 1979 to provide procedures for gasoline pumps that were incapable of computing prices in excess of 99.9 cents per gallon. Based on gas prices, almost all gasoline pumps today are capable of computing price in excess of 99.9 cents per gallon. Thus, the regulations are unnecessary. The requirement in Section 600.810 for the size of the fraction is also being repealed because it is unnecessary and difficult to enforce.
- 16) Information and questions regarding these amendments shall be directed to:

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

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER p: WEIGHTS AND MEASURES

PART 600
WEIGHTS AND MEASURES ACT

SUBPART A: PACKAGING AND LABELING

- Section
- 600.1 National Institute of Standards and Technology Handbook 130
- 600.10 Definitions (Repealed)
- 600.20 Application (Repealed)
- 600.30 Identity (Repealed)
- 600.40 Declaration of Identity: Nonconsumer Package (Repealed)
- 600.50 Declaration of Responsibility: Consumer and Nonconsumer Packages (Repealed)
- 600.60 Declaration of Quantity: Consumer Packages (Repealed)
- 600.70 Declaration of Quantity: Nonconsumer Packages (Repealed)
- 600.80 Prominence and Placement: Consumer Packages (Repealed)
- 600.90 Prominence and Placement: Nonconsumer Package (Repealed)
- 600.100 Requirements: Specific Consumer Commodities, Packages, Containers (Repealed)
- 600.110 Exemptions (Repealed)
- 600.120 Variations to be Allowed (Repealed)
- 600.130 Standards of Fill (Repealed)
- 600.140 Wholesale and Retail Exemption
- 600.150 Revocation of Conflicting Regulations (Repealed)
- 600.160 Tables: Weights and Measures Standards for Illinois

SUBPART B: ROOFING AND ROOFING MATERIALS

- Section
- 600.250 Roofing and Roofing Materials Shall Be Sold Either by the "Square" or by the "Square Yard." (Repealed)

SUBPART C: WEIGHING AND MEASURING DEVICES:
METERS – SCALES – FEES

- Section
- 600.300 Vehicle Scales Regulation

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 600.310 Fees
600.320 Scales Used for the Enforcement of Highway Weight Laws
600.330 National Institute of Standards and Technology Handbook 44

SUBPART D: MOISTURE METER TESTING

- Section
600.350 General (Repealed)
600.360 Testing and Inspection (Repealed)
600.370 Rejected Moisture Testing Devices (Repealed)
600.380 Use of Moisture Measuring Devices (Repealed)

SUBPART E: REGISTRATION OF SERVICE AGENCIES, SERVICEMEN,
AND SPECIAL SEALERS FOR COMMERCIAL
WEIGHING AND MEASURING DEVICES

- Section
600.450 Policy (Repealed)
600.460 Definitions (Repealed)
600.470 Certificate of Registration (Repealed)
600.480 Types of Certificates (Repealed)
600.490 Examinations (Repealed)
600.500 Exemptions (Repealed)
600.510 Registration Fee (Repealed)
600.520 Reports (Repealed)
600.530 Bonds (Repealed)
600.540 Standards and Testing Equipment (Repealed)
600.550 Revocation of Certificate of Registration (Repealed)
600.560 Publication of Lists (Repealed)

SUBPART F: LIQUID PETROLEUM MEASURING DEVICES

- Section
600.650 Use of Gasoline Pumps Which Are Not Capable of Computing the Prices Which Exceed 99.9¢ Per Gallon (Repealed)
600.660 Retail Liquid Petroleum Pumps Accurately Marked: Liters or Gallons
600.670 System Used to Sell Petroleum Product
600.680 Unit Price Per Gallon Displayed (Repealed)
600.690 Price of Gasoline (Repealed)
600.700 Unit Price Indicator: Set at One-Half Total Selling Price (Repealed)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

600.710	Decals or Stickers Affixed to the Pump Face (Repealed)
600.720	Information Sign Indicating Half Gallon Pricing of Gasoline (Repealed)
600.730	Conversion Kits or Replacement Pumps: Deadline (Repealed)
600.740	Three-Wheel Computers Prohibited
600.750	One-Half Gallon Pricing Applicable to All Metering Pumps at Facility (Repealed)
600.760	Stop Use Order; Hearing

SUBPART G: ADVERTISEMENT OF THE PRICE OF LIQUID
PETROLEUM PRODUCTS

Section

600.800	Price Per Gallon or Liter in Advertisement
600.810	Height and Width of Numbers
600.820	Advertised Price Complete
600.830	Advertising Other Commodities; Misleading Advertising Prohibited
600.840	Product Identity and Type of Service
600.850	Advertisement of Price Not Required Except on Pump
600.860	Stop Use Order; Hearing
600.TABLE A	Minimum Height of Numbers and Letters (Repealed)
600.TABLE B	Standard Weight Per Bushel for Agricultural Commodities
600.TABLE C	Illinois Standard Weights and Measures
600.TABLE D	Equivalents: Cubic Inches in U.S. Standard Capacity Measures
600.TABLE E	Weights of Coal Per Cubic Foot
600.TABLE F	Equivalents to be used by Seller in Transposing Weights
600.TABLE G	Measurement of Surfaces and Volumes

AUTHORITY: Implementing and authorized by Section 8 of the Weights and Measures Act [225 ILCS 470/8].

SOURCE: Rules and Regulations Relating to the Weights and Measures Act, filed December 17, 1969, effective January 1, 1970; amended November 5, 1971, effective November 15, 1971; amended August 26, 1975, effective September 4, 1975; amended March 22, 1976, effective April 1, 1976; amended at 3 Ill. Reg. 45, p. 72, effective October 29, 1979; amended at 3 Ill. Reg. 45, p. 81, effective January 1, 1980; codified at 5 Ill. Reg. 10562; amended at 12 Ill. Reg. 8306, effective May 3, 1988; amended at 12 Ill. Reg. 15524, effective September 20, 1988; emergency amendment at 18 Ill. Reg. 4426, effective March 7, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14692, effective September 13, 1994; amended at 19 Ill. Reg. 8114, effective June 7, 1995; amended at 20 Ill. Reg. 303, effective January 1, 1996; amended at 22 Ill. Reg. 1141, effective January 1, 1998; amended at 23 Ill. Reg. 8813, effective July 26,

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

1999; amended at 26 Ill. Reg. 8346, effective June 1, 2002; emergency amendment at 27 Ill. Reg. 10434, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18546, effective November 25, 2003; amended at 28 Ill. Reg. 15456, effective November 22, 2004.

SUBPART F: LIQUID PETROLEUM MEASURING DEVICES

Section 600.650 Use of Gasoline Pumps Which Are Not Capable of Computing the Prices Which Exceed 99.9¢ Per Gallon (Repealed)

~~Effective July 1, 1979, the Illinois Department of Agriculture will allow the use of gasoline pumps which are not capable of computing prices which exceed 99.9¢ per gallon or which are not capable of displaying the total amount of the sale, provided the procedures stated herein are followed:~~

(Source: Repealed at 28 Ill. Reg. 15456, effective November 22, 2004)

Section 600.660 Retail Liquid Petroleum Pumps Accurately Marked: Liters or Gallons

All retail liquid petroleum pumps shall be accurately marked with its deliveries in terms of either liters or gallons:

a) Liters:

- 1) Liters, decimal subdivisions of the liter
- 2) The selling price per liter
- 3) The total selling price OR

b) Gallons:

- 1) Gallons, decimal subdivisions of the gallon
- 2) The selling price per gallon
- 3) The total selling price

~~4) The selling price per half-gallon as described in this Subpart~~

(Source: Amended at 28 Ill. Reg. 15456, effective November 22, 2004)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Section 600.690 Price of Gasoline (Repealed)

~~Gasoline being sold from pumps subject to this Subpart shall be priced in whole cents per gallon or, if fractional cents are used, only even values are allowed; i.e., \$1.002, \$1.004, \$1.006 or \$1.008 per gallon.~~

(Source: Repealed at 28 Ill. Reg. 15456, effective November 22, 2004)

Section 600.700 Unit Price Indicator: Set at One-Half Total Selling Price (Repealed)

~~The unit price indicator on a pump subject to this Subpart will be set at one-half the total selling price (for example, if the price per gallon is \$1.030, the unit price is 51.5¢; if it is \$1.038, the unit price is 51.9¢).~~

(Source: Repealed at 28 Ill. Reg. 15456, effective November 22, 2004)

Section 600.710 Decals or Stickers Affixed to the Pump Face (Repealed)

~~On pumps subject to this Subpart, decals or stickers shall be affixed to the pump face which indicate the following:~~

- ~~a) Immediately adjacent to or below the unit price indication, the term "cents per ½ gallon" shall appear.~~
- ~~b) Immediately adjacent to or below the unit price indication, "cents per ½ gallon", the correct unit price per gallon shall appear.~~
- ~~c) Immediately adjacent to or below the total amount (price) display, the term "½ total sale" shall appear.~~

(Source: Repealed at 28 Ill. Reg. 15456, effective November 22, 2004)

Section 600.720 Information Sign Indicating Half Gallon Pricing of Gasoline (Repealed)

~~On pumps subject to this Subpart, a sign shall be affixed to each pump (skin decal or pump topper) stating in letters of not less than three (3) inches in height "HALF GALLON PRICE" and, further, in no less than twenty-four (24) point type the following explanatory statement shall appear: "THE PUMP IS SET TO COMPUTE THE PRICE PER HALF GALLON. TO GET THE CORRECT PRICE TO PAY, MULTIPLY BY TWO THE TOTAL PRICE (SALE)~~

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

~~INDICATED", or similar language as the Department may approve.~~

(Source: Repealed at 28 Ill. Reg. 15456, effective November 22, 2004)

Section 600.750 One-Half Gallon Pricing Applicable to All Metering Pumps at Facility

(Repealed)

~~When a petroleum retailer elects to engage in gasoline pricing at one-half the per-gallon price for any single liquid petroleum metering pump, the same pricing system shall apply to all metering pumps at the facility.~~

(Source: Repealed at 28 Ill. Reg. 15456, effective November 22, 2004)

SUBPART G: ADVERTISEMENT OF THE PRICE OF LIQUID
PETROLEUM PRODUCTS**Section 600.800 Price Per Gallon or Liter in Advertisement**

Petroleum product retailers in Illinois shall, if they elect to advertise the unit price of their petroleum products (curb, storefront, billboard, etc.), display the price per gallon or liter. The advertised price shall equal the computer price setting shown on the liquid petroleum metering pumps; ~~except in those cases where the retailer is engaging in gasoline pricing at one-half the per-gallon price, in which case the full-gallon price advertised shall equal exactly twice the half-gallon computer price setting shown on the liquid petroleum metering pumps.~~

(Source: Amended at 28 Ill. Reg. 15456, effective November 22, 2004)

Section 600.810 Height and Width of Numbers

On a price advertising sign, the whole numbers shall not be less than 6 inches in height and not less than $\frac{3}{8}$ ~~inches~~ in stroke ~~and any fraction shall not be less than 50% of the size of the whole number in both height and width.~~

(Source: Amended at 28 Ill. Reg. 15456, effective November 22, 2004)

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Department Advisory Groups
- 2) Code Citation: 89 III. Adm. Code 428
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
428.20	Amend
428.85	Added
- 4) Statutory Authority: Children and Family Services Act [225 ILCS 5], the Abused and Neglected Child Reporting Act [325 ILCS 5/3], the Adoption Act [750 ILCS 50], the Illinois Purchasing Act [30 ILCS 50], and the Civil Administrative Code of Illinois [20 ILCS 5]
- 5) Effective Date of Amendments: November 30, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill Reg. 18290; December 5, 2003
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Only editing and formatting corrections 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 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 Amendments: This rulemaking implements P.A. 93-189 requiring the Department to establish a Confidential Intermediary Council to advise the Director on matters of training, certification, decertification and potential rulemaking in

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

regard to confidential intermediaries who will obtain adoption information, pursuant to any federal or State confidentiality restrictions, for adoptees over the age of 18.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498

Telephone: (217) 524-1983
TDD: (217) 524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 428

DEPARTMENT ADVISORY GROUPS

Section

428.10	Purpose
428.20	Definitions
428.30	Children and Family Services Advisory Council
428.35	One Church, One Child Advisory Board
428.40	State Advisory Committee on Day Care (Repealed)
428.50	Child Welfare Advisory Committee
428.60	Statewide Citizens Committee on Child Abuse and Neglect
428.65	Statewide Foster Care Advisory Council
428.70	Illinois Juvenile Justice Commission (Repealed)
428.75	African-American Family Commission
428.80	Regional Advisory Committees
428.85	Confidential Intermediary Council
428.90	Regional Youth Planning Committees (Repealed)
428.95	Other Advisory Groups
428.100	Liaisons to the Department's Advisory Council
428.110	Rules of Procedure
428.120	Organization
428.130	Regular and Special Meetings
428.140	Notice of Meetings and Agendas
428.150	Compliance with the Opening Meetings Act
428.160	Quorum
428.170	Compensation
428.175	Conflict of Interest
428.180	Minutes
428.190	Staffing

AUTHORITY: Implementing and authorized by Sections 5, 17a-1 and 17a-9 of the Children and Family Services Act [20 ILCS 505/5, 17a-1, 17a-9]; Section 11.7 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.7]; Section 18.3a(f) of the Adoption Act [750 ILCS 50/18.3a(f)]; Sections 11.1 through 12 of the Illinois Purchasing Act [30 ILCS 505/11.1 through 12]; and Sections 6.15 and 8 of the Civil Administrative Code of Illinois [20 ILCS 5/6.15 and 8].

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted and codified at 5 Ill. Reg. 7789, effective August 3, 1981; amended at 7 Ill. Reg. 10578, effective September 1, 1983; recodified at 17 Ill. Reg. 21894; amended at 19 Ill. Reg. 1043, effective January 20, 1995; amended at 21 Ill. Reg. 15474, effective December 15, 1997; amended at 28 Ill. Reg. 15464, effective November 30, 2004.

Section 428.20 Definitions

"Advisory group", as used in this Part, means a council, commission, committee or task force created by statute, executive order, or administrative action of the Director of the Department that, among its functions, provides advice and counsel to the Department regarding its programs and services or monitors Department operations. Such advisory groups may be composed entirely or partially of persons other than Department personnel.

"Confidential intermediary" means a person who, by order of an Illinois court, is given access to various adoption related records and other confidential information not generally available to the public in order to identify and locate birth relatives of the petitioner. If the sought after relative is located, the confidential intermediary facilitates the mutually desired communication or contact as provided by statute while maintaining the confidentiality of all parties.

"Conflict of interest", as used in this Part, means an individual uses his or her official position for private gain (other than salary), gives preferential treatment to any entity or person in the conduct of official duties because of personal interest, impedes or adversely affects governmental efficiency or economy because of personal interest, fails to act impartially in the conduct of official duties because of personal interest, or engages in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services. The term also means that the circumstances are such that a reasonable person might conclude that an individual's judgement could be influenced by the nature of the circumstances or the ~~individuals~~individual(s) involved. Conflicts of interest may be actual or potential.

"Direct financial interest" means any type of monetary gain from a Department-funded program, such as that acquired by salaried staff of Department-funded agencies, or Department staff.

"Geographic regions" means those groupings of counties designated by the Director for administration of Department programs.

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 28 Ill. Reg. 15464, effective November 30, 2004)

Section 428.85 Confidential Intermediary Council

There shall be established under the Department of Children and Family Services a Confidential Intermediary Advisory Council. One member shall be an attorney representing the Attorney General's Office appointed by the Attorney General. One member shall be a currently certified confidential intermediary appointed by the Director of the Department of Children and Family Services. The Director shall also appoint 5 additional members. When making those appointments, the Director shall consider advocates for adopted persons, adoptive parents, birth parents, lawyers who represent clients in private adoptions, lawyers specializing in privacy law, and representatives of agencies involved in adoptions. The Director shall appoint one of the 7 members as the chairperson. An attorney from the Department of Children and Family Services and the person directly responsible for administering the confidential intermediary program shall serve as ex-officio, non-voting advisors to the Council. Council members shall serve at the discretion of the Director and shall receive no compensation other than reasonable expenses approved by the Director. The Council shall meet no less than twice yearly and shall make recommendations to the Director regarding the development of rules, procedures, and forms that will ensure efficient and effective operation of the confidential intermediary process, including:

- a) Standards of certification for confidential intermediaries.
- b) Oversight of methods used to verify that intermediaries are complying with the appropriate laws.
- c) Training for confidential intermediaries, including training with respect to federal and State privacy laws.
- d) The relationship between confidential intermediaries and the court system, including the development of sample orders defining the scope of the intermediaries' access to information.
- e) Any recent violations of policy or procedures by confidential intermediaries and remedial steps, including decertification, to prevent future violations. [750 ILCS 50/18.3a(f)]

(Source: Added at 28 Ill. Reg. 15464, effective November 30, 2004)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Annual Reports
- 2) Code Citation: 83 Ill. Adm. Code 210
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
210.10	Amendment
210.20	New Section
210.30	New Section
- 4) Statutory Authority: Implementing Section 5-109 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-109 and 10-101].
- 5) Effective Date of Amendments: December 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 28 Ill. Reg. 6528; 4/30/04
- 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 agreement letter issued by JCAR? No changes required.
- 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 updates statutory references, makes provision for the electronic distribution of annual report forms, and reiterates statutory filing instructions.
- 16) Information and questions regarding these adopted amendments shall be directed to:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

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

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITY

PART 210

~~FISCAL YEAR FOR ANNUAL REPORTS
(GENERAL ORDER 35)~~

Section

210.10 Fiscal Year for Annual Reports

210.20 Annual Report Forms210.30 Filing Instructions

AUTHORITY: Implementing Section 5-109 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-109 and 10-101].

SOURCE: Adopted January 4, 1917; codified at 8 Ill. Reg. 7599; amended at 8 Ill. Reg. 19357, effective October 1, 1984; amended at 28 Ill. Reg. 15469, effective December 1, 2004.

Section 210.10 Fiscal Year for Annual Reports

All public utilities, as that term is defined in Section 3-105 of the Public Utilities Act (Act) [220 ILCS 5/3-105]~~10.3 of "An Act concerning public utilities," (Ill. Rev. Stat. 1983, ch. 111½, par. 1 et seq.), and all telecommunications carriers, as that term is defined in Section 13-202 of the Act [220 ILCS 5/13-202]~~ shall report on a calendar year basis, ending on December 31 of each year, for purposes of the annual reports required by Section 5-109 of the Act [220 ILCS 5/5-109].~~in Section 19 of "An Act concerning public utilities."~~

(Source: Amended at 28 Ill. Reg. 15469, effective December 1, 2004)

Section 210.20 Annual Report Forms

- a) The Illinois Commerce Commission (Commission) shall notify each public utility or telecommunications carrier by United States mail in December of each calendar year that an annual report shall be submitted to the Commission with instructions on how to obtain the form. Such form can be provided electronically to public utilities or telecommunication carriers.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- b) Any public utility or telecommunications carrier that requires a printed copy of the annual report form to be filed by that entity shall request the printed copy by contacting the Chief Clerk of the Commission in accordance with instructions provided by the Commission in the annual mailing required by subsection (a).

(Source: Added at 28 Ill. Reg. 15469, effective December 1, 2004)

Section 210.30 Filing Instructions

- a) Pursuant to Section 5-109 of the Act, a completed annual report form shall be filed with the Commission at its Springfield office within three months after the end of the year for which the report is made. [220 ILCS 5/5-109]
- b) The annual report form shall be filed in accordance with the instructions on the form.

(Source: Added at 28 Ill. Reg. 15469, effective December 1, 2004)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Gifted Education
- 2) Code Citation: 23 Ill. Adm. Code 227
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
227.10	Repeal
227.12	Repeal
227.14	Repeal
227.16	Repeal
227.18	Repeal
227.20	Repeal
227.30	Repeal
227.40	Repeal
227.50	Repeal
227.60	Repeal
227.70	Repeal
227.75	Repeal
227.80	Repeal
227.85	Repeal
227.90	Repeal
227.95	Repeal
227.100	Repeal
227.105	Repeal
227.110	Repeal
227.115	Repeal
- 4) Statutory Authority: 105 ILCS 5/2-3.6 and Art. 14A
- 5) Effective Date of Repealer: November 22, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? The repealer does not contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 2, 2004; 28 Ill. Reg. 8994

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.
- 13) Will this adopted repealer replace an emergency repealer currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: The repeal of Part 227 responds to P.A. 93-21, which took effect on July 1, 2003. That Act repealed Article 14A of the School Code ("Gifted Children") in its entirety, thereby repealing the statutory basis for the requirements and reimbursement described in Part 227.
- 16) Information and questions regarding this Adopted Repealer shall be directed to:

Dana Kinley
Curriculum and Instruction
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 557-7323

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Summer School for Remedial Education
- 2) Code Citation: 23 Ill. Adm. Code 230
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
230.10	Amendment
230.20	Amendment
230.30	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.61
- 5) Effective Date of Rulemaking: November 22, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? The amendments do not contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 2, 2004; 28 Ill. Reg. 9007
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? 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 responds to P.A. 93-21, which took effect on July 1, 2003. This Act repealed Article 14A of the School Code ("Gifted Children") in its entirety and also made corresponding changes in Section 2-3.61 of the School Code. The proposed amendments to Part 230 reflect these statutory changes by deleting references to gifted students.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

Dana Kinley
Curriculum and Instruction
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 557-7323

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 f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 230

SUMMER SCHOOL FOR ~~GIFTED AND~~ REMEDIAL EDUCATION

Section

230.10	Definitions
230.20	Eligible Applicants
230.30	Procedures and Criteria for Approval of Applications
230.40	Allocation of Funds
230.50	Distribution of Grant Awards
230.60	Program Evaluation Standards

AUTHORITY: Implementing and authorized by Section 2-3.61 of the School Code [105 ILCS 5/2-3.61].

SOURCE: Adopted at 10 Ill. Reg. 12615, effective July 9, 1986; amended at 13 Ill. Reg. 1535, effective January 23, 1989; amended at 28 Ill. Reg. 15475, effective November 22, 2004.

Section 230.10 Definitions

~~"Gifted/Talented Students" means those students identified in accordance with 23 Ill. Adm. Code 227.40 (Gifted Education), including students identified as displaying high level thought processes and divergent thinking pursuant to Section 14A-2 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 14A-2).~~

"Potential Dropout" means a student who is subject to compulsory attendance as defined in ~~Section Article~~ 26-1 of ~~theThe~~ School Code [105 ILCS 5/26-1](~~Ill. Rev. Stat. 1985, ch. 122, par. 26-1 et seq.~~) and who is identified by school district officials as a potential dropout on the basis of his or her academic performance and/or personal ~~behavior~~ ~~performanee~~. This definition includes a student whose academic and/or personal performance demonstrates to school district officials that he or she is uninvolved, unmotivated, and/or disaffected (e.g., repeated tardiness or absence, disruptiveness, or failure to complete assignments).

"Remedial Students" means those students at risk of academic failure as evidenced by meeting at least one of the following criteria:

STATE BOARD OF EDUCATION

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students who are potential dropouts as defined in [this](#) Section ~~230.10~~;

students who have failed an academic subject;

students who are not likely to graduate because of insufficient academic credits; or

students who, by teacher judgment (e.g., based upon observation of students' actions, attendance patterns, or relationships with others) and assessment results, demonstrate a proficiency level one grade or more below current placement level.

"Summer School" means instruction offered during that period of the calendar year not embraced within the regular school term.

(Source: Amended at 28 Ill. Reg. 15475, effective November 22, 2004)

Section 230.20 Eligible Applicants

Eligible ~~applicants~~, **Applicants** for the purposes of this Part, are those school districts with ~~remedial~~ **Remedial or Gifted and Talented** students as defined in Section 230.10 of this Part.

(Source: Amended at 28 Ill. Reg. 15475, effective November 22, 2004)

Section 230.30 Procedures and Criteria for Approval of Applications

- a) Eligible applicants must annually submit a completed application on forms provided by the State Board of Education ~~that~~**which will** include:
 - 1) a total grant request not more than the amount for which the applicant is eligible in accordance with Section 230.40 [of this Part](#);
 - 2) information describing the local school district's proposed project, including the needs of remedial ~~and gifted~~ students and the related project activities, expectations for improving student achievement, and assessment procedures for evaluating the program; and
 - 3) a completed budget and budget summary form of proposed expenditures eligible under Section 2-3.61 of ~~the~~**The** School Code [\[105 ILCS 5/2-3.61\]](#) ~~(Ill. Rev. Stat. 1987, ch. 122, par. 2-3.61)~~ and this Part.

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- b) Local assessment procedures for evaluating the program as specified in subsection (a)(2) of this Section 230.30(a)(2) must meet the following minimum standards:
- 1) assessment procedures must include systematic data collection and analysis of students'~~student~~ needs, services provided, and results achieved;
 - 2) assessment procedures must be based on good testing practices as described in "Standards for Educational and Psychological Testing" (1999~~1985~~), published by the American Educational Research~~Psychological~~ Association, 1230 17th St., N.W., Washington, D.C. 20036 (~~no~~~~Ne~~ later amendments to or editions of these standards are incorporated by this Section~~rule~~);
 - 3) assessment criteria must be uniformly applied to all students tested with a particular assessment procedure; and
 - 4) assessment procedures must include statements concerning what actions will be taken to eliminate or alleviate identified problems when analysis of the assessment data demonstrates that the applicant's expectations for improving remedial students'~~and-gifted student~~ achievement are not being met.
- c) Each application will be reviewed by State Board of Education staff to determine the extent to which the applicant has related the needs of the students to be served to the services to be provided to them and has clearly stated expectations for the program's outcomes. Evidence that an applicant has adequately related students' needs to proposed services may include, but not be limited to, plans to provide students who demonstrate deficiency in a particular academic subject area with intensive instructional support in that area, ~~or plans to offer students exhibiting superior proficiency in a subject area advanced instruction in that area or introduction to an area requiring those skills.~~
- d) An application must be submitted on or before the date specified in Section 2-3.61 of the~~The~~ School Code.
- e) Information provided in the application, as required in subsection (a) of this Section 230.30(a), will be reviewed by State Board of Education staff to determine that the information demonstrates compliance with Section 2-3.61 of the~~The~~ School Code and this Part.
- f) State Board staff will send a written notice to applicants specifying any requested

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information that is missing from their application. Such applicants must supply the requested information within ~~15~~fifteen (15) calendar days ~~after of their~~ receipt of ~~the said~~ notice.

- g) The State Superintendent of Education will approve applications that demonstrate compliance with Section 2-3.61 of ~~the~~The School Code and this Part, except that the State Superintendent shall have discretion to invoke the provisions of subsection (f) of this Section with respect to any such application submitted for final approval.

(Source: Amended at 28 Ill. Reg. 15475, effective November 22, 2004)

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- 1) Heading of the Part: Driver Education
- 2) Code Citation: 23 Ill. Adm. Code 252
- 3) Section Number: 252.30 Adopted Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/27-23 and 27-24 through 27-24.8
- 5) Effective Date of Rulemaking: November 22, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? The adopted amendment does not contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 2, 2004; 28 Ill. Reg. 9013
- 10) Has JCAR issued as Statement of Objection to this amendment? No
- 11) Difference between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking responds to P.A. 93-55. That legislative change took effect on July 1, 2003, and amended Section 27-24.6 of the School Code with regard to who must sign a school district's claim for reimbursement for the driver education program. The previous language of the law required the president or acting president of the school board to sign the claim in addition to the chief school administrator. With the change, either the chief school administrator or "authorized driver education personnel employed by the school board" can prepare and certify the district's claim.

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

Tim Imler
Funding and Disbursements Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 782-5256

The full text of the Adopted Amendment 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 g: SPECIAL COURSES OF STUDY

PART 252

DRIVER EDUCATION

Section

252.10	Definitions
252.20	Administration and Procedures
252.25	Eligibility of Students
252.30	The Terms of Reimbursement for Public School Participation in the Program
252.40	Driver Education Teacher Requirements
252.50	Commercial Schools (Transferred)

AUTHORITY: Implementing and authorized by Section 27-23 of the School Code and the Driver Education Act [105 ILCS 5/27-23 and 27-24 through 27-24.8].

SOURCE: Adopted September 4, 1975; codified at 8 Ill. Reg. 1585; emergency amendment at 9 Ill. Reg. 15558, effective October 1, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 12922, effective July 22, 1986; Section 252.50 transferred to 92 Ill. Adm. Code 1060.240 (Secretary of State) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver License Law [625 ILCS 5/6-411] at 11 Ill. Reg. 1631; amended at 18 Ill. Reg. 16307, effective October 25, 1994; amended at 22 Ill. Reg. 7577, effective April 17, 1998; amended at 26 Ill. Reg. 10476, effective July 1, 2002; amended at 28 Ill. Reg. 15481, effective November 22, 2004.

Section 252.30 The Terms of Reimbursement for Public School Participation in the Program

- a) Claims for Reimbursement – These *shall be made under oath or affirmation of ~~the president or acting president of the school board and~~ the chief school administrator for the district employed by the school board or authorized driver education personnel employed by the school board* [105 ILCS 5/27-24.6].
 - 1) Reimbursement shall be determined in accordance with the provisions of Sections 27-24.4 and 27-24.5 of the School Code [105 ILCS 5/27-24.4 and 27-24.5]. If the local school board establishes a policy permitting students to take a proficiency examination after at least 3 clock hours of practice driving (see Section 252.20(c)(13) of this Part), and the student(s)

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successfully complete the examinations, the claim for reimbursement will include this fact. However, reimbursement for students who fail the proficiency examination may be claimed only upon their completion of 6 clock hours of practice driving.

- 2) The Statestate shall not reimburse any district for any student enrolled in the driver education course who has repeated any part of the course more than once, who did not meet the age requirements of the Act or was otherwise ineligible during the period in which he or she was enrolled in the course, or who did not hold a valid instruction permit during the laboratory instruction, or any district thatwhich did not adequately publicize and provide the course in a reasonable time after requested.
- 3) If the sum appropriated from the driver education fund is insufficient to pay all claims submitted each year, the amount payable to each district shall be proportionately reduced.
- 4) The school district thatwhich is the residence of an eligible pupil who attends a nonpublic school in another district that has furnished the driver education course shall reimburse the district offering the course the difference between the actual per capita cost of giving the course the previous school year and the amount reimbursed by the Statestate.
- 5) The district may charge a reasonable fee – not to exceed the amount specified in Section 27-23 of the School Code – to students who participate in a driver education course approved in accordance with this Part. This fee shall supersede any other fee(s) or portion thereof charged to students and attributable to the driver education course. As used in this Part, "reasonable fee" means a fee calculated by dividing the sum of documented annual district costs for items such as instructional materials (if not included in the district's textbook rental fee), the cost of driver education cars, car maintenance costs, fuel, and insurance by the number of students participating in the driver education course. For purposes of this calculation, the cost of driver education cars that are purchased by the district shall be amortized over a five-year period, and the cost of leasing cars shall be included in the fee calculation in the year such costs are incurred.
- 6) No fee shall include any portion of the costs for school district personnel salaries and benefits.

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- 7) The driver education fee shall be waived with respect to any student who applies pursuant to this subsection and who is eligible for free lunches or breakfasts pursuant to the School Free Lunch Program Act [105 ILCS 125/1-~~et seq.~~], and with respect to other students in accordance with the district's policy adopted in accordance with Section 1.245 ("Waiver of School Fees") of the rules of the State Board of Education (see 23 Ill. Adm. Code 1, Public Schools Evaluation, Recognition and Supervision).
- b) Tuition Student – The district of residence will pay the entire per capita cost of such instruction to the other school and make claim for State reimbursement for such student.
- c) Transfer Student – For any transfer student as defined in Section 252.20(b)(3) of this Part, reimbursement shall be claimed only by the school district to which the student has transferred.
- d) Cooperative School Programs – In fulfilling the reimbursable requirements, a school district must provide an approved driver education course or participate in a special education cooperative or be part of an approved joint school agreement with another public school district.
- e) Records – Daily attendance records shall be kept by the teachers in the manner prescribed in Section 27-24.6 of the School Code and are to be used to certify claims made under the Act.
- 1) Records must be maintained by the school ~~to which~~ substantiate daily lessons, time behind the wheel, observation time, other laboratory experiences and periodic as well as final evaluation of each student. Also recorded shall be the beginning and ending dates of classroom and laboratory instruction. Students are to be identified by their instructional permit number, name, address and other personal information.
- 2) Such records are to be on file in the office of the driver education supervisor, principal, or other manager at the time reimbursement and/or certification is requested.
- 3) Driver education participation records are to be kept and be readily available for a period of not less than three years.
- 4) All records are subject to yearly audit by ~~State~~ auditors.

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- f) Public School District Participation Agreement – Prior approval affirms continuous approval as long as the school continues to maintain standards established in the Driver Education Act and this Part.

- g) Driver Education Cost Accounting – Records of all expenses incurred in the operation of a reimbursable driver education program must be maintained by school officials. Actual school expenditures for administration, supervision, instruction, instructional supplies, inservice training for teachers, operation of equipment, buildings, and other special construction (provided a schedule is on file) may be used to determine the actual per capita cost.

(Source: Amended at 28 Ill. Reg. 15481, effective November 22, 2004)

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- 1) Heading of the Part: Regional Offices of Education and Intermediate Services
- 2) Code Citation: 23 Ill. Adm. Code 525
- 3) Section Number: 525.110 Adopted Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.62, 3A-16, and 3A-17
- 5) Effective Date of Amendment: November 22, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? The rules do not contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 2, 2004; 28 Ill. Reg. 9019
- 10) Has JCAR issued a Statement of Objection 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? No changes were requested by JCAR, and no agreement letter was issued.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking responds to P.A. 93-21, which took effect on July 1, 2003. This Act repealed Article 14A of the School Code ("Gifted Children") in its entirety and also made corresponding changes in Section 2-3.62 of the School Code. The proposed amendment to Part 525 reflects these statutory changes by deleting the reference to services for gifted students.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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Donna Luallen
Accountability Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 782-2948

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 0: MISCELLANEOUS

PART 525

REGIONAL OFFICES OF EDUCATION AND INTERMEDIATE SERVICES

Section

525.10	Advisory Boards for Regional Offices of Education
525.20	Purpose (Repealed)
525.30	Membership and Selection (Repealed)
525.40	Duties (Repealed)
525.50	Intermediate Service Centers in Cook County Outside the City of Chicago
525.60	City of Chicago Intermediate Service Center
525.100	Role of Chief Administrator
525.110	Programs and Services to be Provided
525.120	Regional Improvement Plan
525.130	Annual Application
525.140	Program Evaluation Standards and Procedures
525.150	Allocation of Funds
525.160	Fiscal Procedures

AUTHORITY: Implementing and authorized by Sections 2-3.62, 3A-16, and 3A-17 of the School Code [105 ILCS 5/2-3.62, 3A-16, and 3A-17].

SOURCE: Adopted at 18 Ill. Reg. 17447, effective November 28, 1994; amended at 21 Ill. Reg. 2172, effective January 29, 1997; amended at 28 Ill. Reg. 15487, effective November 22, 2004.

Section 525.110 Programs and Services to be Provided

The following school improvement services shall be provided by each Regional Office of Education and the Chicago Intermediate Service Center as defined in Section 525.10 of this Part. These services shall comprise a core common to all Regional Offices and the Chicago Intermediate Service Center, but shall not limit the range of programs and services that may be offered by one or more of these entities. The 10 Regional Offices of Education with the smallest populations shall provide services under cooperative agreements with one or more of the 35 Regional Offices of Education with the largest populations in accordance with subsection (b) of this Section.

- a) Each Regional Superintendent of Schools shall ensure the provision to all school

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districts of the following programs and services listed in this subsection (a). Such services may be provided either directly by each Regional Office of Education or in cooperation with one or more Regional Offices of Education. Such services may include, but need not be limited to, the provision of administrator and teacher training programs, data collection, on-site consultation, evaluation services, implementation of the improvement practices selected by school district staff, and other services identified by school personnel as critical to the completion of their school improvement efforts.

- 1) ~~Each Regional Office of Education shall provide for Education of Gifted Children as specified in Section 2-3.62(1) of the School Code. Gifted education services are those necessary to support school administrators and teachers in the planning, implementation, and evaluation of the district comprehensive gifted education plans as they relate to school improvement plans. Regional Offices shall assist the State Board of Education with collection and dissemination of information relative to the implementation of district comprehensive plans, professional development programs, and the completion of special studies as deemed necessary by the State Superintendent of Education.~~
- 2) Each Regional Office of Education shall provide for Computer Technology Education as specified in Section 2-3.62(2) of the School Code. This shall include planning, implementation, and evaluation services necessary for the establishment of programs designed to achieve computer literacy and high-technology competency. These technology services must include, but need not be limited to, inservice training and staff development; use, application, and evaluation of software; technical assistance; and curriculum development.
- 2)3) Each Regional Office of Education shall provide for Staff Development Services in Fundamental Learning Areas, to include at least mathematics, science, and reading resources, as specified in Section 2-3.62(3) of the School Code. These services shall include planning, implementation, and evaluation services as they relate to the continuing education, inservice training, and staff development needs of teachers and administrators in the areas of mathematics, biological and physical sciences, language arts, fine arts, social sciences, and physical development and health. Activities shall include, but need not be limited to, assisting in needs assessment activities, providing workshops and inservice training sessions, providing technical assistance, convening study or assessment groups, and acting as a clearinghouse for research materials in the fundamental learning areas.

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- ~~3)4)~~ Each Regional Office of Education shall ensure access for all administrators to continuing professional development offered through the Illinois Administrators' Academy (Section 2-3.53 of the School Code [105 ILCS 5/2-3.53]) and at least provide the following services: assessing regional needs, acting as a clearinghouse for educational materials and research, and keeping accurate records of attendance at inservice training sessions provided through the Illinois Administrators' Academy.
- ~~4)5)~~ Each Regional Office of Education shall establish and maintain a directory of cooperating consultants used by the Regional Office to provide services to school districts and to make information regarding such consultants available to schools.
- b) The 10 Regional Offices of Education with the smallest populations shall enter into cooperative agreements with one or more of the larger regions to provide those services outlined in subsections (a)(1) through ~~(4)(5)~~ of this Section, provided that:
- 1) approval for the agreement is obtained from each Regional Superintendent of Schools involved in the cooperative;
 - 2) services and programs to be delivered are included in the regional improvement plan pursuant to Section 525.120 of this Part; and
 - 3) if one or more of the 10 Regional Offices of Education cannot enter into a cooperative agreement with one or more of the larger regions, then the State Board of Education shall work with regions so that they enter into a cooperative agreement or, if necessary, assign regions to participate in a cooperative agreement.

(Source: Amended at 28 Ill. Reg. 15487, effective November 22, 2004)

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- 1) Heading of the Part: Governmental Organization
- 2) Code Citation: 2 Ill. Adm. Code 3400
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3400.10	New
3400.110	New
3400.120	New
3400.130	New
3400.140	New
3400.150	New
3400.160	New
3400.210	New
3400.220	New
3400.230	New
3400.310	New
3400 Appendix A	New
- 4) Statutory Authority: 5 ILCS 100/5-15
- 5) Effective Date of Rulemaking: November 22, 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: This rulemaking adopts required rules published pursuant to Section 5-15 of the IAPA.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None. The adopted version is final.
- 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

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rules outline the Illinois State Toll Highway Authority's organization and its procedures pertaining to information requests and rulemaking suggestions. This rule making is made to satisfy the requirements of the Administrative Procedure Act [5 ILCS 100/5-15].
- 16) Information and questions regarding these Adopted Rules shall be directed to:

Robert T. Lane
Assistant Attorney General
2700 Ogden Avenue
Downers Grove, IL 60515
Tel. (630) 241-6800 x1530
Fax. (630) 271-7559

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

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LXIV: ILLINOIS STATE TOLL HIGHWAY AUTHORITY

PART 3400
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: ORGANIZATION

Section
3400.10 Organization

SUBPART B: REQUESTS FOR INFORMATION AND FORM OF REQUEST

Section
3400.110 Requests for Public Records
3400.120 Form and Content of Requests
3400.130 Timeline for Freedom of Information Officer's Response
3400.140 Types of Responses to Requests for Public Records
3400.150 Appeal of a Denial
3400.160 Executive Director's Response to Appeal

SUBPART C: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section
3400.210 Copies of Public Records
3400.220 Inspection of Public Records
3400.230 General Material Available from the Tollway

SUBPART D: RULEMAKING

Section
3400.310 Request for Adoption of Rules

3400.APPENDIX A Document Reproduction Fees

AUTHORITY: Implementing Section 4 of the Freedom of Information Act [5 ILCS 140/4] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 3g of the Freedom of Information Act [5 ILCS 140/3g] and Section 10 of the Toll Highway Act [605 ILCS 10/10].

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SOURCE: Adopted at 28 Ill. Reg. 15492, effective November 22, 2004.

SUBPART A: ORGANIZATION

Section 6100.10 Organization

The Illinois Toll Highway Authority (Tollway) has eleven directors. The Governor and the Secretary of the Illinois Department of Transportation are ex officio directors. The Governor appoints nine directors with the advice and consent of the Senate. The Tollway has the following departments:

- a) Administration – Responsible for the development and implementation of, and employee adherence to, administrative policies and procedures. The department also serves as the key contact for employee relations.
- b) Communications and Marketing – Responsible for all external and internal communications between the Tollway and its constituents who include customers, news media, elected and appointed officials, the general public and employees.
- c) Engineering – Responsible for the design, construction and maintenance of the roadway.
- d) Finance – Responsible for all general accounting, budgeting, treasury functions, financial reporting, accounts payable, major contract review/management, payroll, risk management and cash handling. In addition, Finance manages all cash and investment analysis.
- e) Illinois State Police-District 15 – A separate contingent of the Illinois State Police that provides law enforcement to the entire Tollway System, patrols the Tollway System to assist disabled motorists and provides special details for overweight vehicles and toll collection operations.
- f) Information Technology – Responsible for leading, managing, directing, planning and controlling all information technologies and telecommunications, and providing strategic guidance and user/client services to the Tollway.
- g) Inspector General – Responsible for investigating all instances of waste, inefficiencies, fraud, corruption, misconduct and mismanagement in the day to day operations of the Tollway. Additionally, the Inspector General recommends

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policies and procedures to ensure that the Tollway's Board members and employees, contractors and/or vendors adhere to all State and federal laws, as well as internal rules and regulations.

- h) Legal – The Law Division is a Bureau of the Office of the Attorney General of the State of Illinois assigned to provide legal services to the Tollway.
- i) Operational Services – Responsible for providing the necessary resources and services to maintain the Authority's operations and facilities, as well as managing the collection and counting of tolls. The department's responsibilities include the customer service associated with the issuance of I-PASS transponders.
- j) Planning – Responsible for developing and implementing the Long-Range Capital Plan and the on-going capital programming for the Tollway. It also coordinates with community groups, government agencies, and planning organizations on transportation and land use policy focusing on better integration and coordination.

SUBPART B: REQUESTS FOR INFORMATION AND FORM OF REQUEST

Section 6100.110 Requests for Public Records

Requests for public records shall be submitted to:

Freedom of Information Officer
The Illinois State Toll Highway Authority
2700 Ogden Avenue
Downers Grove IL 60515
(630) 241-6800
Facsimile (630) 271-7559

Section 6100.120 Form and Content of Requests

- a) Requests for public records shall be in writing, excluding e-mail.
- b) The request for public records must include the following information:
 - 1) The requestor's full name, address and telephone number.
 - 2) A description of the public records sought, being as specific as possible.

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- 3) A statement of whether the request is for inspection of public records, copies of public records, or both.

Section 6100.130 Timeline for Freedom of Information Officer's Response

- a) The Freedom of Information Officer shall respond to a written request for public records within 7 working days after the receipt of a request pursuant to Section 3(a) of the Illinois Freedom of Information Act (FOIA) [5 ILCS 140/3(a)].
- b) The Freedom of Information Officer will either comply with or deny a written request for public records within 7 working days after its receipt. The Freedom of Information Officer may extend the 7 day period an additional 7 working days for any of the reasons specified in Section 3(d)(vii) of FOIA. The Freedom of Information Officer will notify by letter the person making the written request within 7 working days (after receipt of the request) of the reasons for the delay and the date by which the records will be made available or denial will be forthcoming.

Section 6100.140 Types of Responses to Requests for Public Records

- a) The Freedom of Information Officer shall respond to a request for public information in writing, in one of three ways:
 - 1) Approve the request.
 - 2) Approve in part and deny in part.
 - 3) Deny the request.
- b) The response shall be signed by the Freedom of Information Officer.
- c) Upon approval of a request for public records, the Freedom of Information Officer shall either provide the materials immediately, give notice that materials shall be made available upon payment of reproduction costs, give notice of the time and place for inspection of records, or request that the requestor contact the Freedom of Information Officer to schedule a time and place for the inspection of records.
- d) Categorical requests considered by the Freedom of Information Officer to be unduly burdensome shall be denied pursuant to Section 3(f) of FOIA. Before

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making this determination, the Freedom of Information Officer shall provide an opportunity to the requestor to confer and reduce the request to manageable proportions. The Freedom of Information Officer shall consider a request to be unduly burdensome if the burden on the Tollway outweighs the public interest in the information. Repeated requests for the same public records by the same person shall be deemed unduly burdensome.

- e) A denial of a request for public records shall be made in writing and shall state the reasons for the denial and the names and titles of the individuals responsible for the decision pursuant to Section 9(a) of FOIA. Denials of requests determined to be unduly burdensome shall also explain the extent to which compliance with the request would unduly burden the operations of the Tollway pursuant to Section 3(f) of FOIA. Each notice of denial shall inform the requestor of his/her right to appeal to the Executive Director of the Tollway.
- f) *Failure to respond to a written request within 7 workings days after its receipt by the Executive Director of the Tollway may be considered by the requestor to be a denial of the request. [5 ILCS 140/3]*

Section 3400.150 Appeal of a Denial

- a) A requestor whose request has been denied by the Freedom of Information Officer may appeal the denial to the Executive Director of the Tollway pursuant to Section 10 of the Freedom of Information Act. The notice of appeal shall be made in writing and sent to:

Executive Director
The Illinois State Toll Highway Authority
2700 Ogden Avenue
Downers Grove IL 60515-1703

- b) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requestor and a statement of the reasons why the appeal should be granted. If the appeal is filed because the requestor did not receive a response to a written request for information, the notice of appeal shall state that this is the reason for the appeal.

Section 3400.160 Executive Director's Response to Appeal

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- a) Upon receipt of the notice of appeal, the Executive Director of the Tollway shall review the public records requested and shall determine whether those record are available for public inspection and copying. The Executive Director shall notify the person making the appeal of his or her determination within 7 working days after the notice of appeal is received pursuant to Section 10(a) of FOIA.
- b) If the Executive Director determines the public record is exempt from public inspection, the Director shall notify the requestor in writing of the denial and the reasons for the denial and shall inform the requestor of his/her rights to judicial review under Section 11 of FOIA.

SUBPART C: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section 3400.210 Copies of Public Records

- a) Copies of public records shall be provided to the requestor only upon payment of any charges due, except as provided in subsection (c).
- b) Charges for the certification and copies of public records shall be assessed in accordance with the Fee Schedule for Duplication of Public Records (see Appendix A to this Part).
- c) Charges shall be waived if the requestor is a member of the General Assembly. Charges may be waived in any other case where the Freedom of Information Officer determines that the waiver serves the public interest pursuant to Section 6(b) of FOIA. The Freedom of Information Officer will base this determination on the requestor's ability to pay the charges and whether the requestor's organization serves the citizens of Illinois as a whole.

Section 3400.220 Inspection of Public Records

- a) Records of the Tollway shall be available, unless otherwise exempt under Section 7 of FOIA, during the hours of 8:30 a.m. through 4:30 p.m. Monday through Friday (except for State holidays) at 2700 Ogden Avenue, Downers Grove IL 60515. Requestors must contact the Freedom of Information Officer to schedule an appointment to inspect requested records.
- b) An employee of the Tollway may be present throughout the inspection. A requestor will be prohibited from bringing bags, briefcases or other containers into the inspection room.

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- c) Documents the requestor wishes to have copied shall be segregated during the course of the inspection. Tollway employees or its designees shall do all copying.

Section 3400.230 General Material Available from the Tollway

The following materials shall be made available by the Tollway at its Central Offices located at 2700 Ogden Avenue, Downers Grove IL 60515 and on its Website, www.illinoistollway.com, pursuant to Sections 4 and 5 of FOIA:

- a) A brief description of the organizational structure and budget of the Tollway.
- b) A brief description of the means for requesting information and public records.
- c) A list of types and categories of public records maintained by the Tollway.

SUBPART D: RULEMAKING

Section 3400.310 Request for Adoption of Rules

- a) Pursuant to the requirements of Section 5-145 of the Illinois Administrative Procedure Act [5 ILCS 100/5-145], any interested person may contact the Tollway requesting the promulgation, amendment or repeal of a rule.
- b) The form of the request, which may be handwritten or typewritten, shall be essentially as follows:
 - 1) Name, title (if any), organization (if any), address, and telephone number of the requestor.
 - 2) Nature of action sought, i.e., promulgation of a rule, amendment of a rule, or repeal of a rule.
 - 3) Proposed text of the rule or amendment or identification of the rule to be repealed.
 - 4) Brief statement of the rationale for the requested action.
- c) Requests for rulemaking are to be sent or delivered to the Executive Director at 2700 Ogden Avenue, Downers Grove IL 60515.

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- d) Requests shall be handled as follows:
- 1) The Executive Director will forward a copy of the request to the Chairman, who will distribute a copy of the request to each Board Member.
 - 2) The Chairman may, or, upon the request of at least three Board members, the Chairman shall, assign the matter for consideration by a committee of the Board of Directors or the full Board. The Chairman will select up to three Board members to serve on the committee.
 - 3) The selected committee of the Board of Directors will evaluate the request and make a recommendation to the Chairman before the next meeting of the Board as to whether the request should be considered by the full Board.
 - 4) If, within 30 days after submission of the request, the Tollway has not initiated rulemaking proceedings in accordance with Section 5-35 of the Illinois Administrative Procedure Act, the request shall be deemed to have been denied.

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Section 3400.APPENDIX A Document Reproduction Fees

PRICING PER PAGE FOR FOIA

Paper copy from paper original (letter sized)	\$0.15
Paper copy from paper original (legal sized)	\$0.25
Greenbar computer printout	\$0.50
Paper copy from paper original (11" x 17")	\$0.75
Paper copy from microfilm original (letter sized)	\$0.25
Blueprints (microfiche adds \$0.50 per page)	\$2.50
Color photocopy (not exceeding 8½" x 11")	\$0.50
Aerial photographs/renderings (color and black & white) (for sizes larger than 8½" x 11" & size dependent)	\$10.00-\$50.00
Electronic Media	Cost of Production
Certification of Requested Documents	\$1.50

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Late-Winter Deer Hunting Season
- 2) Code Citation: 17 Ill. Adm. Code 680
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
680.10	Amendment
680.20	Amendment
680.25	New Section
680.40	Amendment
680.50	Amendment
680.60	Amendment
680.70	Amendment
680.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]
- 5) Effective Date of Amendments: November 19, 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: July 30, 2004; 28 Ill. Reg. 10546
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: To reflect that this season is no longer limited to handgun deer hunting only, references to "handgun" were changed to "Late-Winter." A new Section regarding free landowner/tenant permits was added. Legal firearms, legal ammunition and standards, and specifications for use of muzzleloading firearms was added.
- 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 b: FISH AND WILDLIFE

PART 680

LATE-WINTER DEER HUNTING SEASON
~~WHITE-TAILED DEER HUNTING BY USE OF HANDGUNS~~

Section

680.10	Statewide Season
680.20	Statewide Deer Permit Requirements
<u>680.25</u>	<u>Deer Permit Requirements – Free Landowner/Tenant Permits</u>
680.30	Deer Permit Requirements – Group Hunt
680.40	Statewide Firearm/Handgun Requirements for <u>Late-Winter</u> Deer Hunting
680.50	Statewide Deer Hunting Rules
680.60	Reporting Harvest
680.70	Rejection of Application/Revocation of Permits
680.80	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective August 3, 1998; amended at 24 Ill. Reg. 8975, effective June 19, 2000; amended at 26 Ill. Reg. 13820, effective September 5, 2002; emergency amendment at 28 Ill. Reg. 1032, effective January 6, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 2197, effective January 26, 2004; amended at 28 Ill. Reg. 15503, effective November 19, 2004.

Section 680.10 Statewide Season

- a) Season: One-half hour before sunrise on the first Friday after January 11 to sunset on the following Sunday. Shooting hours are one-half hour before sunrise to sunset. Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Hunting after sunset is a Class B misdemeanor (see 520 ILCS 5/2.24).

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- b) For the purpose of removing surplus deer, the Department of Natural Resources (Department) shall open select counties and sites to firearmhandgun deer hunting during the Late-Winter Deer Season. The Department shall notify the public of the counties that are projected to have surplus deer populations via a public announcement. These counties also will be listed in the instructions contained in the current Late-WinterHandgun Deer Permit Application.
- c) Hunting outside the set season dates or without a valid permit for the county hunted in is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 28 Ill. Reg. 15503, effective November 19, 2004)

Section 680.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Late-WinterHandgun Deer Season Permit" (\$15) or an unused free landowner/tenant permit and must be 18 years of age or older by the opening date of the handgun deer season applied for. A permit is issued for one county and is valid only in the county stated on the permit. For permit applications and other information write to:

Department of Natural Resources
(Late-WinterHandgun Deer Season)
Deer Permit Office
Post Office Box 19227
Springfield IL 62794-9227

- b) Applications shall be accepted as soon as they are available through the tenth weekday in November for the Late-WinterHandgun Deer Season in the following January. Applications received after the tenth weekday in November shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless-only.
- c) In-person and mail-in applications shall receive equal treatment in the drawings.
- d) Each applicant must apply using the official agency Late-WinterHandgun Deer Permit Application, and must complete all portions of the form. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send

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permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, ~~Late-Winterhandgun~~, archery, and free or paid landowner/tenant permits.

- e) For the applicant to be eligible to receive a ~~Late-WinterHandgun~~ Deer Permit (\$15), he must be an Illinois resident, ~~at least 18 years of age by the opening date of the handgun deer season~~ and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. ~~Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).~~
- ~~f) It shall be unlawful to apply for or receive more than one permit for the Late-Winter Deer season.~~
- ~~g)f) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.~~
- ~~h)g) Recipients of the ~~Late-WinterHandgun~~ Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.~~
- ~~i)h) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.~~
- ~~j)i) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.~~
- ~~k)j) Each applicant must enclose a separate \$15 (check or money order) payable to the Department of Natural Resources, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.~~
- ~~l)k) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).~~

(Source: Amended at 28 Ill. Reg. 15503, effective November 19, 2004)

Section 680.25 Deer Permit Requirements – Free Landowner/Tenant Permits

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- a) Unfilled free landowner and tenant firearm deer permits issued pursuant to 17 Ill. Adm. Code 650.21 shall be valid only on lands owned/leased by the permit holder during the Late-Winter Deer Season and only for antlerless deer.
- b) Violation of this Section is a Class B Misdemeanor (see 520 ILCS 5/2.24).

(Source: Added at 28 Ill. Reg. 15503, effective November 19, 2004)

Section 680.40 Statewide Firearm~~Handgun~~ Requirements for Late-Winter Deer Hunting

- a) ~~The only legal firearms to take, or attempt to take, deer are: centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches and single-shot muzzleloading handguns (blackpowder handguns that are incapable of being loaded from the breech end) of .50 caliber or larger capable of producing at least 500 foot pounds of energy at the muzzle according to published ballistic tables of the manufacturer. It shall be unlawful to take or attempt to take white-tailed deer by the use of semi-automatic handguns, blackpowder revolvers or handguns altered to allow for shoulder firing.~~
 - 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or
 - 2) A single or double barreled muzzleloading rifle of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length; or
 - 3) centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches and single-shot muzzleloading handguns (blackpowder handguns that are incapable of being loaded from the breech end) of .50 caliber or larger capable of producing at least 500 foot pounds of energy at the muzzle according to published ballistic tables of the manufacturer.
- b) ~~Standards and specifications for legal ammunition are: The only legal ammunition for a centerfire handgun is a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches or a straight-walled centerfire cartridge of .30 caliber or larger, both of which must be available with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle. Single-shot muzzleloading handguns must use a projectile of .44 caliber or larger with sufficient blackpowder or~~

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~~"blackpowder substitute" (such as Pyrodex) to produce at least 500 foot pounds of energy at the muzzle. Modern smokeless powders (nitrocellulose based) do not qualify as "blackpowder" substitutes. A wad or sleeve is not considered a projectile or part of a projectile. Non-expanding, military-style, full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.~~

- 1) For shotguns and muzzleloading firearms, the minimum size of the projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.
 - 2) The only legal ammunition for a centerfire handgun is a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches, or a straight-walled centerfire cartridge of .30 caliber or larger, both of which must be available with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle. Single-shot muzzleloading handguns must use a projectile of .44 caliber or larger with sufficient blackpowder or "blackpowder substitute" (such as Pyrodex) to produce at least 500 foot pounds of energy at the muzzle. A wad or sleeve is not considered a projectile or part of a projectile.
 - 3) Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
- c) Standards and specifications for use of muzzleloading firearms are as follows:
- 1) A muzzleloading firearm is defined as a blackpowder firearm that is incapable of being loaded from the breech end.
 - 2) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) do not qualify as a "black powder substitute".
 - 3) Percussion caps, wheellock, matchlock or flint type ignition only may be used.

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4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.

d)e) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the Late-WinterHandgun Deer Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than handgun deer hunters shall not be prohibited during the Late-Winterhandgun deer season as set in Section 680.10. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 28 Ill. Reg. 15503, effective November 19, 2004)

Section 680.50 Statewide Deer Hunting Rules

- a) The bag limit is one antlerless deer per legally authorized antlerless-only permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long.
- b) The temporary harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag must be attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon checking at the check station. If the deer head is delivered to a taxidermist for processing, the temporary harvest tag must be removed from the leg and must remain with the head while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.
- c) Hunters shall not have in their possession, while in the field during the Late-Winterhandgun deer season, any deer permit issued to another person (permits are

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non-transferrable).

- d) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in the Department's Chronic Wasting Surveillance Program, a free permit for the same county or special hunt area will be made available the subsequent year if their tested deer is determined to have chronic wasting disease.
- e) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24), except unlawful take or possession of 2 or more deer within 90 days is a Class 4 felony, and unlawful take of 2 or more deer as a single act or possession or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36(a)).

(Source: Amended at 28 Ill. Reg. 15503, effective November 19, 2004)

Section 680.60 Reporting Harvest

- a) Deer shall be checked in by the hunter in person within 48 hours after taking a deer at the Late-Winter by handgun at the county handgun deer check station in the county for which the permit was issued or in an adjoining county.
- b) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 28 Ill. Reg. 15503, effective November 19, 2004)

Section 680.70 Rejection of Application/Revocation of Permits

- a) In the event that an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by the Department. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the violation was without the knowledge of the applicant, the permit office will process only the number of applications allowed by administrative rule with additional applications rejected and fees returned.
- 1) Submitting more applications in the same name or by the same person for

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a Late-WinterHandgun Deer Permit than the number of legally authorized permits. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

- 2) Providing false and/or deceptive information on the deer permit application form. Violation is a Class A misdemeanor (see 520 ILCS 5/2.38).
 - 3) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Violation is a Class A misdemeanor (see 520 ILCS 5/3.36).
 - 4) Submitting an incomplete or incorrect application.
- b) Any violation of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 28 Ill. Reg. 15503, effective November 19, 2004)

Section 680.80 Regulations at Various Department-Owned or -Managed Sites

Sites will be opened to Late-Winterhandgun deer hunting only if the site is announced as being open via a public announcement and/or the site is listed as being open on the Late-Winterhandgun deer season application. Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 28 Ill. Reg. 15503, effective November 19, 2004)

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NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
140.452	Amendment
140.453	Amendment
140.454	Amendment
140.455	Amendment
140.456	Amendment
- Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: November 24, 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 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: July 16, 2004; 28 Ill. Reg. 9923
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences Between Proposal and Final Version: No substantive changes have been 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 any emergency amendments currently in effect? Yes
- 14) Are there any other amendments pending on this Part? Yes

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.523	Amendment	August 27, 2004; 28 Ill. Reg. 12066

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- 15) Summary and Purpose of Amendments: These amendments respond to the Children's Mental Health Act (Public Act 93-495) regarding an enhanced Screening, Assessment and Support Services (SASS) system that is designed to serve children and adolescents who are experiencing a mental health crisis and whose care will require public funding. This new initiative involves a partnership between the Department, the Department of Human Services and the Department of Children and Family Services to create a single Statewide system. The SASS program emphasizes a single point of entry for all children and adolescents using the system and will ensure that they receive crisis services in the most appropriate setting. These amendments describe provider services and payment for those services under SASS.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

(217) 524-0081

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

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NOTICE OF ADOPTED AMENDMENTS

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

PART 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)
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- 140.647 Description of Developmental Training (DT) Services
- 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

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

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

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amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992;

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emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995;

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amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957,

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effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; 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; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

| **Section 140.452 Mental Health *Clinic* Services**

- | a) Payment will be made for mental health *clinic* services provided by providers:

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- 1) ~~certified by the Department of Mental Health and Developmental Disabilities~~ as being in compliance with standards set forth in 59 Ill. Adm. Code ~~132; or 130.~~
- 2) certified as being compliant with standards set forth in 59 Ill. Adm. Code 132 and under a multi-agency contract with the Department, DCFS and DHS to provide Screening, Assessment and Support Services (SASS).
- b) ~~To receive payment for mental health services, providers must be enrolled~~ Providers shall enroll for participation in the Medical Assistance Program pursuant to ~~Sections as provided in Section~~ 140.11 and 140.12.

(Source: Amended at 28 Ill. Reg. 15513, effective November 24, 2004)

Section 140.453 Definitions

Words ~~that~~which are defined in 59 Ill. Adm. Code ~~132.25130.20~~ have the same meaning when used in Sections 140.452 ~~through~~thru 140.456.

"DCFS" means the Illinois Department of Children and Family Services.

"DHS" means the Illinois Department of Human Services.

"Screening, Assessment and Support Services (SASS)" means a program of intensive mental health services provided by an agency certified by DHS or DCFS to provide screening, assessment and support services to children with a mental illness or emotional disorder who are at risk for psychiatric hospitalization.

(Source: Amended at 28 Ill. Reg. 15513, effective November 24, 2004)

Section 140.454 Types of Mental Health ~~Clinic~~ Services

The specific types of mental health ~~clinic~~ services for which payment will be made are:

- a) Mental health services meeting the standards in 59 Ill. Adm. Code 132;
- b) The screening and assessment authorized under 59 Ill. Adm. Code 131.40 for clients under 21 years of age; and
- c) The crisis intervention and stabilization services authorized under 59 Ill. Adm.

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Code 131.50(a) for a period not to exceed 90 days for clients under 21 years of age.

- a) ~~Comprehensive Assessment—the mental health assessment shall be conducted by a Qualified Mental Health Professional (QMHP) under the direction of or in accordance with a protocol established by a physician. The assessment shall meet the standards in 59 Ill. Adm. Code 130.200.~~
- b) ~~Treatment plan development—the Individual Treatment Plan (ITP) shall be developed by a QMHP with the participation of the client and client guardian, if applicable. The ITP will be signed by the client and client guardian, if applicable, the QMHP and the physician who is directing the formulation of the ITP. The ITP shall meet the standards in 59 Ill. Adm. Code 130.210.~~
- e) ~~Crisis intervention—crisis intervention services shall be provided to clients of all ages who are experiencing a psychiatric crisis and a high level of personal distress to screen and determine if inpatient psychiatric treatment is required, and to provide brief and immediate, intensive treatment to reduce symptomatology, stabilize and restore the client to a previous level of role functioning and to assist the client in functioning in the community. Crisis intervention shall be provided by or under the direction of a physician and shall meet the standards in 59 Ill. Adm. Code 130.230.~~
- d) ~~Psychiatric treatment—psychiatric treatment services shall be provided to clients of all ages who require interpersonal therapy and/or psychotropic medication to promote growth in role functioning or to maintain role functioning in order to assist the client in functioning in the community. Psychiatric treatment services shall be provided by or under the direction of a physician. Psychiatric treatment shall meet the standards in 59 Ill. Adm. Code 130.220.~~
- e) ~~Day Treatment—Day treatment shall include intensive stabilization and extended treatment and rehabilitation services provided on an integrated, comprehensive and complimentary schedule of recognized psychiatric treatment including the major diagnostic, medical, psychiatric, and psychosocial modalities addressing at least three areas of dysfunction: psychological, interpersonal, and primary role dysfunction. Day treatment shall meet the standards in 59 Ill. Adm. Code 130.240.~~
- f) ~~Case management—case management shall be provided to clients of all ages who require access to mental health services and to social, educational, vocational,~~

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~~recreational, housing, public income entitlements, and other community services to assist the client in functioning in the community. Case management shall be provided by or under the direction of a QMHP and shall meet the standards in 59 Ill. Adm. Code 130.250.~~

(Source: Amended at 28 Ill. Reg. 15513, effective November 24, 2004)

Section 140.455 Payment for Mental Health ~~Clinic~~ Services

- a) The amount approved for payment for mental health ~~clinic~~ services ~~described in Section 140.454~~ shall be based on the type and amount of service required by and actually delivered to a client.
- b) The ~~payment~~ amount is determined in accordance with the rate methodologies outlined in 59 Ill. Adm. Code ~~132.60, 130.70 and as authorized by the Department of Public Aid for Medicaid reimbursable services for eligible clients. The Department will review the rate methodologies for accuracy and validity of statistical assumptions.~~
- b) ~~Rates shall be prospective and shall be generated through the application of the methodologies described in 59 Ill. Adm. Code 130.70. Each category of service shall have a specific rate which shall be calculated and determined annually. The new rate shall reconcile the prior year's rate to actual costs and include an update for inflation. The methodology shall be applied uniformly and consistently within each treatment service category as follows:~~
 - 1) ~~Services such as psychiatric evaluation, mental health assessment and psychological evaluation shall be reimbursed at an all-inclusive per evaluation/assessment.~~
 - 2) ~~Services such as individual, group, and family therapy, psychotropic medication prescription, review, monitoring and training, crisis intervention and case management shall be reimbursed at an all-inclusive per client hour rate payable to the nearest quarter hour.~~
 - 3) ~~Day treatment services such as intensive stabilization and extended treatment and rehabilitation shall be reimbursed at an all-inclusive per client day rate payable for a four hour period or payable to the nearest hour, e.g., at one quarter of the day rate for clients who receive one hour of service. No more than one client day, i.e., a four hour period, shall be~~

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~~reimbursed for any client during any 24 hour period. A day treatment service shall not be reimbursed in combination with any individual, group, or family therapy service in a 24 hour period.~~

- e) ~~The total rate for each service category reimbursable under the mental health clinic program shall be established by deriving:~~
 - 1) ~~The statewide median for salary and fringe benefits of qualified mental health professionals who provide mental health clinic services which will be multiplied by~~
 - 2) ~~The statewide median ratio of the total program/service cost to the salaries and fringe benefits of the qualified mental health professionals (QMHP) who provide mental health clinic services.~~
 - 3) ~~The rate will be the product of the median salary and fringe benefits multiplied by the median ratio of program/service cost to salaries and fringe benefits of the QMHP.~~
- d) ~~Payments for mental health clinic services shall be made to certified mental health clinics by the Department of Mental Health and Developmental Disabilities (DMH/DD) in accordance with 59 Ill. Adm. Code 130.~~
- e) ~~Psychiatric services provided by a physician will be reimbursed in accordance with Section 140.410.~~

(Source: Amended at 28 Ill. Reg. 15513, effective November 24, 2004)

Section 140.456 Hearings

The Department shall initiate administrative proceedings pursuant to 89 Ill. Adm. Code ~~Part~~ 104, Subpart C, and Sections 140.13 through 140.19 ~~of this Part~~ to suspend or terminate the eligibility of providers of mental health clinic services to participate in the Illinois Medical Assistance Program where:

- a) The provider has failed to comply with 59 Ill. Adm. Code ~~132;130~~, and/or
- b) Any of the grounds for termination set forth in Section 140.16 ~~of this Part~~ are present.

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(Source: Amended at 28 Ill. Reg. 15513, effective November 24, 2004)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
148.40	Amendment
148.115	Amendment
148.140	Amendment
148.240	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: November 24, 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 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: July 16, 2004; 28 Ill. Reg. 9926
- 10) Has JCAR issued a Statement of Objection to this rulemaking? Yes
- 11) Differences Between Proposal and Final Version:

Section 148.40

In subsection (a)(10)(A), "statewide" has been changed to "Statewide".

Sections 148.283 and 148.295

The proposed new Section 148.283 and the proposed amendments to Section 148.295 were deleted from the proposed rulemaking that was published on July 16, 2004 at 28 Ill. Reg. 9926.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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13) Will these amendments replace any emergency amendments currently in effect? Yes

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

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.126	Amendment	October 8, 2004; 28 Ill. Reg. 13324

15) Summary and Purpose of Amendments:

Sections 148.40, 148.240

These amendments respond to the Children's Mental Health Act (Public Act 93-0495) concerning an enhanced screening, assessment and support services (SASS) system that is designed to serve children and adolescents who are experiencing a mental health crisis and whose care will require public funding. This new initiative involves a partnership between the Department, the Department of Human Services and the Department of Children and Family Services to create a single Statewide system. The SASS program emphasizes a single point of entry for all children and adolescents using the system and will ensure that they receive crisis services in the most appropriate setting. These amendments to Part 148 establish hospital reimbursement and utilization review for the intensive community-based mental health services under SASS. The SASS program will target resources more efficiently and effectively by preventing unnecessary psychiatric hospitalizations of children and adolescents.

Sections 148.115 and 148.140

Technical changes concerning Rural Adjustment Payments exclude the previous year's payments associated with the program itself when calculating cost coverage. This will result in a limited redistribution of funding, but spending for Rural Adjustments will remain the same.

Changes concerning hospital outpatient and clinic services are intended to modify rates to hold aggregate fiscal year 2005 projected spending levels neutral. Absent these modifications, the Department estimates changes mandated by the Health Insurance Portability and Accountability Act (HIPAA) will result in increased spending above that budgeted for fiscal year 2005. These changes are allowed under the Hospital Assessment provisions of Public Act 93-659.

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

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

(217) 524-0081

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

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 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
148.85	Supplemental Tertiary Care Adjustment Payments
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100	Outpatient Rural Hospital Adjustment Payments
148.103	Outpatient Service Adjustment Payments
148.105	Psychiatric Adjustment Payments
148.110	Psychiatric Base Rate Adjustment Payments
148.112	High Volume Adjustment Payments
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

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- Population of Over Three Million
- 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
- 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

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148.400 Special Hospital Reporting Requirements

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section

148.500 Definitions

148.510 Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section

148.600 Definitions

148.610 Scope of the Program

148.620 Assistance Level and Reimbursement

148.630 Criteria and Information Required to Establish Eligibility

148.640 Covered Services

148.TABLE A Renal Participation Fee Worksheet

148.TABLE B Bureau of Labor Statistics Equivalence

148.TABLE C List of Metropolitan Counties by SMSA Definition

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

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

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

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amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency 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; emergency expired June 7, 2004; 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; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004.

SUBPART A: GENERAL PROVISIONS

Section 148.40 Special Requirements

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- a) Inpatient Psychiatric Services
- 1) Payment for inpatient hospital psychiatric services shall be made only to:
 - A) A hospital that is a general hospital, as defined in Section 148.25(b), with a functional unit, as defined in Section 148.25(c)(1), that specializes in, and is enrolled with the Department to provide, psychiatric services; or
 - B) A hospital, as defined in Section 148.25(b), that holds a valid license as, and is enrolled with the Department as, a psychiatric hospital, as defined in 89 Ill. Adm. Code 149.50(c)(1).
 - 2) Inpatient psychiatric services are those services provided to patients who are in need of short-term acute inpatient hospitalization for active treatment of an emotional or mental disorder.
 - 3) Inpatient psychiatric services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.
 - 4) Federal Medicaid regulations preclude payment for patients over 20 or under 65 years of age in any Institution for Mental Diseases (IMD). Therefore, psychiatric hospitals may not receive reimbursement for services provided to patients over the age of 20 and under the age of 65. In the case of a patient receiving psychiatric services immediately preceding his/her 21st birthday, reimbursement for psychiatric services shall be provided until the earliest of the following:
 - A) The date the patient no longer requires the services; or
 - B) The date the patient reaches 22 years of age.
 - 5) A psychiatric hospital must be accredited by the Joint Commission on the Accreditation of Health Care Organizations to provide services to program participants under 21 years of age or be Medicare certified to provide services to program participants 65 years of age and older. Distinct part psychiatric units and psychiatric hospitals located in the State of Illinois, or within a 100 mile radius of the State of Illinois, must execute an

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interagency agreement with a Department of Human Services (DHS) operated mental health center (State-operated facility) for coordination of services including, but not limited to, crisis screening and discharge planning to ensure linkage to aftercare services with private practitioners or community mental health services, as described in subsection (a)(6) of this Section.

- 6) Coordination of Care – Purpose. In accordance with subsection (a)(5) of this Section, distinct part psychiatric units and psychiatric hospitals located in the State of Illinois, or within a 100 mile radius of the State of Illinois, must execute a Coordination of Care Agreement in order to participate as a provider of inpatient psychiatric services. The Coordination of Care Agreement shall set forth an agreement between the DHS operated mental health center (State-operated facility) and the hospital for the coordination of services, including but not limited to crisis screening and discharge planning to ensure efficient use of inpatient care. The agreement shall also set forth the manner in which linkage to aftercare services with community mental health agencies or private practitioners shall be carried out.
- 7) Coordination of Care – General Provisions. The general provisions of the Coordination of Care Agreement described in subsection (a)(6) of this Section are as follows:
 - A) The hospital shall agree, on a continuing basis, to comply with applicable licensing standards as contained in State laws or regulations and shall maintain accreditation by JCAHO;
 - B) The provider shall comply with Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973 and regulations promulgated thereunder which prohibit discrimination on the grounds of sex, race, color, national origin or handicap;
 - C) The provider shall comply with the following applicable federal, State and local statutes pertaining to equal employment opportunity, affirmative action, and other related requirements: 42 USCA 2000e, 29 USCA 203 et seq. and 775 ILCS 25;
 - D) The Coordination of Care Agreement shall remain in effect until amended by mutual consent or cancelled in writing by either party

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having given 30 days prior notification.

- 8) Coordination of Care – Special Requirements. The hospital shall:
- A) Provide on its premises, the facilities, staff, and programs for the diagnosis, admission, and treatment of persons who may require inpatient care and/or assessment of mental status, mental illness, emotional disability, and other psychiatric problems;
 - B) Notify the community mental health agency that serves the geographic area from which the recipient originated to allow the agency to prescreen the case prior to referring the individual to the designated State-operated facility. The community mental health agency's resources and other appropriate community alternatives shall be considered prior to making a referral to the State-operated facility for admission;
 - C) Complete any forms necessary and consistent with the Mental Health and Developmental Disabilities Code in the event of a referral for involuntary or judicial admission;
 - D) Notify the community mental health agency or private practitioner of the date and time of discharge and invite their participation in the discharge planning process;
 - E) Refer to the State-operated facility only those individuals for whom less restrictive alternatives are documented not to be appropriate at the time based on a clinical determination by the community mental health agency, a private practitioner (if applicable), or the hospital; and
 - F) Notify the State-operated facility prior to planned transfer of an individual and transfer the individual at such time as to assure arrival of the person prior to 11 a.m. Monday through Friday. In unusual situations, transfers may be made at other times after prior discussion between the hospital and the State-operated facility. The individual will only be transported to the State-operated facility when, based on a clinical determination, he/she is medically stable as determined by the transferring physician. A copy of the transfer summary from the hospital must accompany

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the recipient at the time of admission to the State-operated facility.

- 9) Coordination of Care – Special Requirements of the State-Operated Facility. The State-operated facility shall:
- A) Admit individuals who have been screened as defined in the Coordination of Care Agreement and are appropriate for admission consistent with the provisions of the Mental Health and Developmental Disabilities Code.
 - B) Evaluate individuals for whom the hospital has executed a Petition and Certificate for involuntary/judicial admission consistent with the Mental Health and Developmental Disabilities Code.
 - C) Consider for admission voluntary individuals for whom less restrictive alternatives are documented not to be appropriate at the time, based on a clinical determination by the community mental health agency, private practitioner (if applicable), the hospital, or the State-operated facility.
- 10) Coordination of Care – Special Requirements for the Children's Mental Health Screening, Assessment and Support Services (SASS) Program. For patients under 21 years of age, all inpatient admissions must be authorized through the SASS Program. The hospital shall:
- A) Prior to admission, contact the Crisis and Referral Entry Service (CARES), the Department's Statewide centralized intake and referral point for a mental health screening and assessment of the patient, pursuant to 59 Ill. Adm. Code 131.40;
 - B) For admissions authorized through a SASS screening, involve the SASS provider in the patient's treatment plan during the inpatient stay and in the development of a discharge plan in order to facilitate linkage to appropriate aftercare resources.
- 11)+0) A participating hospital not enrolled for inpatient psychiatric services may provide psychiatric care as a general inpatient service only on an emergency basis for a maximum period of 72 hours or in cases in which the psychiatric services are secondary to the services for which the period of hospitalization is approved.

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- b) Inpatient Rehabilitation Services
- 1) Payment for inpatient rehabilitation services shall be made only to a general hospital, as defined in Section 148.25(b), with a functional unit of the hospital, as defined in Section 148.25(c)(2), which specializes in, and is enrolled with the Department to provide, physical rehabilitation services or a hospital, as defined in 89 Ill. Adm. Code 149.50(c)(2), which holds a valid license as, and is enrolled with the Department as, a physical rehabilitation hospital.
 - 2) The primary reason for hospitalization is to provide a structured program of comprehensive rehabilitation services, furnished by specialists, to the patient with a major handicap for the purpose of habilitating or restoring the person to a realistic maximum level of functioning.
 - 3) Inpatient rehabilitation services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.
 - 4) For payment to be made, a rehabilitation facility, which includes a distinct part unit as described in Section 148.25(c)(2), must be certified by the Health Care Financing Administration for participation under the Medicare Program (Title XVIII) and must be licensed and/or certified by the Department of Public Health (DPH) to provide comprehensive physical rehabilitation services. Out-of-state hospitals that specialize in physical rehabilitation services must be licensed or certified to provide comprehensive physical rehabilitation services by the authorized licensing agency in the state in which the hospital is located.
 - 5) A rehabilitation facility must meet the following criteria:
 - A) Have a full-time (at least 35 hours per week) director of rehabilitation; a participating general hospital with a functional rehabilitation unit must have a part-time (at least 20 hours per week) director of rehabilitation;
 - B) Have an organized medical staff;
 - C) Have available consultants qualified to perform services in

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appropriate specialties;

- D) Have adequate space and equipment to provide comprehensive diagnostic and treatment services;
 - E) Maintain records of diagnosis, treatment progress (notations must be made at regular intervals) and functional results; and
 - F) Submit reports as required by the Department of Public Aid (DPA).
- 6) A rehabilitation facility must provide, or have a contractual arrangement with an appropriate entity or agency to provide, the following minimal services:
- A) Full-time nursing services under the supervision of a registered nurse formally trained in rehabilitation nursing;
 - B) Full-time physical therapy and occupational therapy services; and
 - C) Social casework services as an integral part of the rehabilitation program.
- 7) A rehabilitation facility must have available the following minimal services:
- A) Psychological evaluation services;
 - B) Prosthetic and orthotic services;
 - C) Vocational counseling;
 - D) Speech therapy;
 - E) Clinical laboratory and x-ray services; and
 - F) Pharmacy services.
- 8) The director of rehabilitation must meet the following criteria:

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- A) Provide services to the hospital and its patients as specified in subsection (b)(5) of this Section;
 - B) Be a doctor of medicine or osteopathy;
 - C) Be licensed under State law to practice medicine or surgery; and
 - D) Must have, after completing a one-year hospital internship, at least two years of training or experience in the medical management of inpatients requiring rehabilitation services.
- 9) Personnel of the rehabilitation facility must meet the following minimum standards:
- A) Physicians shall have unlimited licenses to practice medicine and surgery in the state in which they practice. Consultants shall be Board Qualified or Board Certified in their specialty.
 - B) Physical therapists shall be licensed by the Illinois Department of Professional Regulation.
 - C) Occupational therapists shall be licensed by the Illinois Department of Professional Regulation.
 - D) Registered nurses and licensed practical nurses shall be currently licensed by the Illinois Department of Professional Regulation or comparable licensing agency in the State in which the facility is located.
 - E) Social workers shall have completed two years of graduate training leading to a Master's Degree in social work from an accredited graduate school of social work.
 - F) Psychologists shall have a Master's Degree in clinical psychology.
 - G) Vocational counselors shall have a Master's Degree in Rehabilitation Counseling, Psychology or Guidance from a school accredited by the North Central Association or its equivalent.
 - H) An orthotist or prosthetist, certified by the American Board of

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Certification in Orthotics and Prosthetics, shall fabricate or supervise the fabrication of all limbs and braces.

- c) End-Stage Renal Disease Treatment (ESRDT) Services. The Department provides payment to hospitals, as defined in Section 148.25(b), for ESRDT services only when the hospital is Medicare certified for ESRDT and services are provided as follows:
- 1) Inpatient hospital care is provided for the evaluation and treatment of acute renal disease;
 - 2) Outpatient chronic renal dialysis treatments are provided in the outpatient renal dialysis department of the hospital, a satellite unit of the hospital that is professionally associated with the center for medical direction and supervision, or a free-standing chronic dialysis center certified by Medicare, pursuant to 42 CFR 405, Subpart U (1994); or
 - 3) Home dialysis treatments are provided through the outpatient renal dialysis department of the hospital, a satellite unit of the hospital that is professionally associated with the center for medical direction and supervision, in a patient's home, or through a free-standing chronic dialysis center certified by Medicare, pursuant to 42 CFR 405, Subpart U (1994).
- d) Hospital-Based Organized Clinic Services. Hospital-based clinics, as described in Section 148.25(b)(4), must meet the requirements of 89 Ill. Adm. Code 140.461(a). The following two categories of hospital-based organized clinic services are recognized in the Medical Assistance Program:
- 1) Psychiatric Clinic Services
 - A) Psychiatric Clinic Services (Type A). Type A psychiatric clinic services are clinic service packages consisting of diagnostic evaluation; individual, group and family therapy; medical control; optional Electroconvulsive Therapy (ECT); and counseling, provided in the hospital clinic setting.
 - B) Psychiatric Clinic Services (Type B). Type B psychiatric clinic services are active treatment programs in which the individual patient is participating in no less than social, recreational, and task-

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oriented activities at least four hours per day at a minimum of three half days of active treatment per week. The duration of an individual patient's participation in this treatment program is limited to six months in any 12 month period.

- C) Coverage. Psychiatric clinic services are covered for all Medicaid-eligible individuals. The services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.
- D) Approval. The Department of Human Services and DPA are responsible for approval and enrollment of community hospitals providing psychiatric clinic services. In order to participate as a provider of psychiatric clinic services, a hospital must be enrolled for the provision of inpatient psychiatric services and execute a Psychiatric Clinic Services Type A and B Enrollment Assurance with DHS and DPA, which assures that the hospital is enrolled for the provision of inpatient psychiatric services and meets the following requisites:
- i) The hospital must be accredited by, and be in good standing with, the Joint Commission on Accreditation of Health Care Organizations (JCAHO);
 - ii) The hospital must have executed a Coordination of Care Agreement between the hospital and the designated DHS State-operated facility serving the mentally ill in the appropriate geographic area;
 - iii) The clinical staff of the psychiatric clinic must collaborate with the mental health service network to provide discharge, linkage and aftercare planning for recipients of outpatient services;
 - iv) The hospital must agree to participate in Local Area Networks in compliance with P.L. 99-660 and P.A. 86-844; and
 - v) The hospital must be enrolled to participate in Medicaid Program (Title XIX) and must meet all conditions and

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requirements set forth by DPA.

- E) Duration of Approval. The approval described in subsection (d)(1)(D) of this Section shall be in effect for a period of two years from the date DPA approves the psychiatric clinic's enrollment. The approval may be terminated by DPA or DHS with cause upon 30 days written notice to the hospital. Accordingly, the hospital must submit a 30 day written notification to DPA and DHS when terminating delivery of psychiatric clinic services.
- 2) Physical Rehabilitation Clinic Services
 - A) Physical rehabilitation clinic services include the same rehabilitative services provided to inpatients by hospitals enrolled to provide the services described in Section 148.40(b). Clinic services should be utilized when the patient's condition is such that it does not necessitate inpatient care and adequate care and treatment can be obtained on an outpatient basis through the hospital's specialized clinic.
 - B) Physical rehabilitation clinic services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.
- e) Maternal and Child Health Managed Care Clinics. Maternal and Child Health Managed Care Clinics, as described in 89 Ill. Adm. Code 140.461(f) and Section 148.25(b)(5), must meet the requirements of 89 Ill. Adm. Code 140.461(f).
 - f) Transition to the Diagnosis Related Grouping Prospective Payment System (DRG PPS) (see 89 Ill. Adm. Code 149)
 - 1) Effective with admissions occurring on or after September 1, 1991, and before October 1, 1992, hospitals shall be reimbursed in accordance with the statutes and administrative rules governing the time period when the services were rendered.
 - 2) Effective with admissions occurring on or after October 1, 1992, hospitals that, on August 31, 1991, had a contract in effect with the Department under the Illinois Health Finance Reform Act [20 ILCS 2215] and that elected, effective September 1, 1991, to be reimbursed at rates stated in

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such contracts, may elect to continue to be reimbursed at rates stated in such contracts for general and specialty care in accordance with subsection (g) of this Section.

- 3) In the case of a hospital that was determined by the Department to be a rural hospital at the beginning of the rate period described in Section 148.25(g)(2)(A), those hospitals that shall be treated as sole community hospitals, as described in 89 Ill. Adm. Code 149.125(b), shall elect one of the following payment methodologies to be used by the Department in reimbursing that hospital for inpatient services during the rate period described in Section 148.25(g)(2)(A):
 - A) the DRG PPS, as described in 89 Ill. Adm. Code 149, or
 - B) the rate calculated under Section 148.260.
- 4) In the case of a hospital that was not determined by the Department to be a rural hospital at the beginning of the rate period described in Section 148.25(g)(2)(A), but was subsequently reclassified by the Department as a rural hospital, as described in Section 148.25(g)(3), on July 14, 1993, those hospitals that shall be treated as sole community hospitals, as described in 89 Ill. Adm. Code 149.125(b), shall elect one of the following payment methodologies to be used by the Department in reimbursing that hospital for inpatient admissions, or, if applicable, for inpatient services provided on October 1, 1993, and for the duration of the rate period described in Section 148.25(g)(2)(A):
 - A) the DRG PPS, as described in 89 Ill. Adm. Code 149, subject to the provisions of 89 Ill. Adm. Code 149.100(c)(1), or
 - B) the rate calculated under Section 148.260 that would have been in effect for the rate period described in Section 148.25(g)(2)(A) if the hospital had been designated as a sole community hospital on October 1, 1992.
- 5) For the rate periods described in Section 148.25(g)(2)(B), hospitals, as described in 89 Ill. Adm. Code 149.125(b), shall elect one of the following payment methodologies to be used by the Department in reimbursing that hospital for inpatient admissions, or, if applicable, for inpatient services provided during such rate periods described in Section 148.25(g)(2)(B):

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- A) the DRG PPS, as described in 89 Ill. Adm. Code 149, subject to the provisions of 89 Ill. Adm. Code 149.100(c)(1), or
 - B) the rate calculated under Section 148.260.
- g) Annual Irrevocable Election
- 1) Hospitals described in subsections (f)(2) and (f)(3) of this Section may elect to be reimbursed under the special arrangements described in subsections (f)(2) and (f)(3) at the beginning of each rate period.
 - 2) Hospitals described in subsection (f)(4) of this Section may elect to be reimbursed under the special arrangements described in subsection (f)(4) effective with admissions, or, if applicable, with inpatient services provided, on October 1, 1993, and for the duration of the rate period described in Section 148.25(g)(2)(A).
 - 3) Hospitals described in subsection (f)(5) of this Section may elect to be reimbursed under the special arrangements described in subsection (f)(5) at the beginning of each rate period described in Section 148.25(g)(2)(B).
 - 4) Once a sole community hospital elects to be reimbursed under the DRG PPS, it may not later in that rate period elect to be classified as exempt. Once a sole community hospital elects to be reimbursed as exempt, it may not later in that rate period elect to be reimbursed under the DRG PPS.
 - 5) Hospitals that, on August 31, 1991, had a contract with the Department under the Illinois Health Finance Reform Act may elect to continue to be reimbursed at rates stated in such contracts for general and specialty care. Once such election has been made, the hospital may not later in that rate period elect to be reimbursed under any other methodology.
 - 6) Hospitals that, on August 31, 1991, had a contract with the Department under the Illinois Health Finance Reform Act and have elected to be reimbursed under the DRG PPS may not later elect to be reimbursed at rates stated in such contracts.
- h) Notification of Reimbursement Methodology

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- 1) Hospitals shall receive notification from the Department with respect to the reimbursement methodologies that shall be in effect for admissions occurring during the rate period.
 - 2) Hospitals described in subsections (f)(2), (f)(3), (f)(4), and (f)(5) of this Section shall receive notification of their reimbursement options accompanied by a Choice of Reimbursement form. Each hospital described in subsections (f)(2), (f)(3), (f)(4), and (f)(5) shall have 30 days after the date of such notification to file, with the Department, the reimbursement method of choice for the rate period. In the event the Department has not received the hospital's Choice of Reimbursement form within 30 days after the date of notification, as described in this Section, the hospital will automatically be reimbursed for the rate period under the reimbursement methodology that would have been in effect without benefit of the election described in subsection (g) of this Section.
- i) **Zero Balance Bills.** The Department requires a hospital to submit a bill for any inpatient service provided to an Illinois Medicaid eligible person, including newborns, regardless of payor. A "zero balance bill" is one on which the total "prior payments" are equal to or exceed the Department's liability on the claim. The Department requires that zero balance bills be submitted subsequent to discharge in the same manner as are other bills so that information can be available for the maintenance of accurate patient profiles and diagnosis-related grouping (DRG) data, and information needed for calculation of disproportionate share and other rates. The provisions of this subsection apply to all hospitals regardless of the reimbursement methodology under which they are reimbursed.

(Source: Amended at 28 Ill. Reg. 15536, effective November 24, 2004)

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.115 Rural Adjustment Payments

- a) **Qualifying Criteria**
Rural Adjustment Payments shall be made to all qualifying general acute care hospitals that are designated as a Critical Access Hospital or a Necessary Provider, as designated by the Illinois Department of Public Health, in accordance with 42 CFR 485, Subpart F (2001), as of the first day of July in the Rural Adjustment Payment rate period.

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- b) Rural Adjustment Rates
- 1) Inpatient Component
For a hospital qualifying under subsection (a) of this Section, a Rural Adjustment Payment inpatient component shall be calculated as follows:
- A) Total inpatient payments, as described in subsection (d)(2) of this Section, shall be divided by the total inpatient days, as described in subsection (d)(4) of this Section, to derive an inpatient payment per day.
 - B) Total inpatient charges, associated with inpatient days as described in subsection (d)(4) of this Section, shall be multiplied by the hospital's cost to charge ratio, as described in subsection (d)(1) of this Section, to derive total inpatient cost.
 - C) Total inpatient costs, as defined in subsection (b)(1)(B) of this Section, are divided by the total inpatient days, as described in subsection (d)(4) of this Section, to derive an inpatient cost per day.
 - D) Inpatient payment per day, as defined in subsection (b)(1)(A) of this Section, shall be subtracted from the inpatient cost per day, as described in subsection (b)(1)(C) of this Section, to derive an inpatient cost coverage deficit per day. The minimum result shall be no lower than zero.
 - E) Inpatient cost coverage deficit per day, as described in subsection (b)(1)(D) of this Section, shall be multiplied by the total inpatient days, as described in subsection (d)(4) of this Section, to derive a total hospital specific inpatient cost coverage deficit.
 - F) The inpatient cost deficits, as described in subsection (b)(1)(E) of this Section, for all qualifying hospitals, shall be summed to determine an aggregate Rural Adjustment Payment base year inpatient cost deficit.
- 2) Outpatient Component
For a hospital qualifying under subsection (a) of this Section, a Rural Adjustment Payment outpatient component shall be calculated as follows:

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- A) Total outpatient payments, as defined in subsection (d)(3) of this Section, shall be divided by the total outpatient services, as described in subsection (d)(5) of this Section, to derive an outpatient payment per service unit.
 - B) Total outpatient charges, associated with outpatient services, as defined in subsection (d)(5) of this Section, shall be multiplied by the hospital's cost to charge ratio, as described in subsection (d)(1) of this Section, to derive total outpatient cost.
 - C) Total outpatient costs, as defined in subsection (b)(2)(B) of this Section, are divided by the total outpatient services, as described in subsection (d)(5) of this Section, to derive an outpatient cost per service unit.
 - D) Outpatient payment per service unit, as defined in subsection (b)(2)(A) of this Section, shall be subtracted from the outpatient cost per service unit, as described in subsection (b)(2)(C) of this Section, to derive an outpatient cost coverage deficit per service unit. The minimum result shall be no lower than zero.
 - E) Outpatient cost coverage deficit per service unit, as described in subsection (b)(2)(D) of this Section, shall be multiplied by the total outpatient services, as described in subsection (d)(5) of this Section, to derive a total hospital specific outpatient cost coverage deficit.
 - F) The outpatient cost coverage deficits, as described in subsection (b)(2)(e) of this Section, for all qualifying hospitals, shall be summed to determine an aggregate Rural Adjustment Payment base year outpatient cost deficit.
- 3) Payment Methodology
A \$7 million total pool shall be allocated to the program, and proportioned between inpatient services and outpatient services as follows:
- A) The total inpatient cost coverage deficit, as described in subsection (b)(1)(F) of this Section, is added to the total outpatient cost coverage deficit, as described in subsection (b)(2)(F) of this

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Section, to derive a total Rural Adjustment Payment base year deficit.

- B) The inpatient pool allocation percentage shall be the quotient of the fraction, the numerator of which is the total inpatient cost deficit, as described in subsection (b)(1)(F) of this Section, the denominator of which is the total Rural Adjustment Payment base year deficit, as described in subsection (b)(3)(A) of this Section.
- C) The outpatient pool allocation percentage shall be the quotient of the fraction, the numerator of which is the total outpatient cost deficit, as described in subsection (b)(2)(F) of this Section, the denominator of which is the total Rural Adjustment Payment base year deficit, as described in subsection (b)(3)(A) of this Section.
- D) An inpatient pool allocation shall be the product of the inpatient pool allocation percentage, as described in subsection (b)(3)(B) of this Section, multiplied by the \$7 million pool, as described in subsection (b)(3) of this Section.
- E) The outpatient pool allocation shall be the product of the outpatient pool allocation percentage, as described in subsection (b)(3)(C) of this Section, multiplied by the \$7 million pool, as described in subsection (b)(3) of this Section.
- F) An inpatient residual cost coverage factor shall be the quotient of the fraction, the numerator of which shall be the inpatient pool allocation, as described in subsection (b)(3)(D) of this Section, the denominator of which shall be the total inpatient cost deficit as described in subsection (b)(1)(F) of this Section.
- G) An outpatient residual cost coverage factor shall be the quotient of the fraction, the numerator of which shall be the outpatient pool allocation, as described in subsection (b)(3)(E) of this Section, the denominator of which shall be the total outpatient cost deficit as described in subsection (b)(2)(F) of this Section.
- H) The hospital specific inpatient cost coverage adjustment amount shall be the product of the inpatient residual cost coverage factor, as described in subsection (b)(3)(F) of this Section, multiplied by

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the hospital specific inpatient cost coverage deficit, as described in subsection (b)(1)(E) of this Section.

- I) The hospital specific outpatient cost coverage adjustment amount shall be the product of the outpatient residual cost coverage factor, as described in subsection (b)(3)(G) of this Section, multiplied by the hospital specific outpatient cost coverage deficit, as described in subsection (b)(2)(E) of this Section.
- c) Payment to a Qualifying Hospital
- 1) The total annual adjustment amount to a qualified hospital shall be the sum of the hospital specific inpatient cost coverage adjustment amount, as described in subsection (b)(3)(H) of this Section, plus the hospital specific outpatient cost coverage adjustment amount, as described in subsection (b)(3)(I) of this Section.
 - 2) The total annual adjustment amount shall be paid to the hospital during the Rural Adjustment Payment rate period, as described in subsection (d)(7) of this Section, on at least a quarterly basis.
- d) Definitions
- 1) "Hospital cost to charge ratio" means the quotient of the fraction, the numerator of which is the cost as reported on Form CMS 2552, worksheet C, Part 1, column 1, row 101, the denominator of which is the charges as reported on Form CMS 2552, worksheet C, Part 1, column 8, row 101. The base year for State Fiscal Year (SFY) 2003 shall be the hospital's fiscal year 1999 Medicare cost report, and, for SFY 2004, the hospital's fiscal year 2000 cost report shall be utilized. The base year for any SFY shall be determined in this manner.
 - 2) "Inpatient payments" shall mean all payments associated with total days provided, as described in subsection (d)(4) of this Section, and all quarterly adjustment payments paid, as described throughout Part 148, excluding the Rural Adjustment Payments described in this Section.
 - 3) "Outpatient payments" shall mean all payments associated with total outpatient services provided, as described in subsection (d)(5) of this

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Section, and all quarterly adjustment payments paid, as described in this Part, excluding the Rural Adjustment Payments described in this Section.

- 4) "Total days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's claims data for admissions occurring in the Rural Adjustment Payment base year that were subsequently adjudicated through the last day of June preceding the Rural Adjustment Payment rate period.
- 5) "Total outpatient services" means the number of outpatient services provided during the Rural Adjustment Payment base year to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding services for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's claims data for services occurring in the Rural Adjustment Payment base year that were subsequently adjudicated through the last day of June preceding the Rural Adjustment Payment rate period.
- 6) "Rural Adjustment Payment base year" means, for the Rural Adjustment Payment rate period beginning October 1, 2002, SFY 2001; for the Rural Adjustment Payment rate period beginning July 1, 2003, SFY 2002. The Rural Adjustment Payment base year for subsequent rate periods shall be determined in this manner.
- 7) "Rural Adjustment Payment rate period" means, beginning October 1, 2002, the nine month period beginning October 1 and ending June 30 of the following year, and beginning July 1, 2003, the 12 month period beginning July 1 of that year and ending June 30 of the following year.

(Source: Amended at 28 Ill. Reg. 15536, effective November 24, 2004)

Section 148.140 Hospital Outpatient and Clinic Services

- a) Fee-For-Service Reimbursement
 - 1) Reimbursement for hospital outpatient services shall be made on a fee-for-service basis, except for:

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- A) Those services that meet the definition of the Ambulatory Procedure Listing (APL) as described in subsection (b) of this Section.
 - B) End stage renal disease treatment (ESRDT) services, as described in subsection (c) of this Section.
 - C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D).
 - D) Those services provided by a Critical Clinic Provider as described in subsection (e) of this Section.
- 2) Except for the procedures under the APL groupings described in subsection (b) of this Section, fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.
- 3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
- A) The reimbursement rates described in subsection (a)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

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- 4) Maternal and Child Health Program rates, as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), and Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C), and Section 148.25(b)(5)(C). Maternal and Child Health Program rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-assigned Maternal and Child Health Program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).
 - 5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.
 - 6) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
 - 7) With the exception of the retrospective adjustment described in subsection (a)(3) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this Section.
- b) Ambulatory Procedure Listing (APL)
Effective July 1, ~~2004~~²⁰⁰², the Department will reimburse hospitals for certain hospital outpatient procedures as described in subsection (b)(1) of this Section.
- 1) APL Groupings
Under the APL, a list was developed that defines those technical procedures that require the use of the hospital outpatient setting, its technical staff or equipment. These procedures are separated into separate groupings based upon the complexity and historical costs of the procedures. The groupings are as follows:
 - A) Surgical Groups

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- i) Surgical group 1(a) consists of intense surgical procedures. Group 1(a) surgeries require an operating suite with continuous patient monitoring by anesthesia personnel. This level of service involves advanced specialized skills and highly technical operating room personnel using high technology equipment. The rate for this procedure shall be ~~\$1,709.00~~\$1,794.00.
- ii) Surgical group 1(b) consists of moderately intense surgical procedures. Group 1(b) surgeries generally require the use of an operating room suite or an emergency room treatment suite, along with continuous monitoring by anesthesia personnel and some specialized equipment. The rate for this procedure shall be ~~\$999.00~~\$1,049.00.
- iii) Surgical group 1(c) consists of low intensity surgical procedures. Group 1(c) surgeries may be done in an operating suite or an emergency room and require relatively brief operating times. Such procedures may be performed for evaluation or diagnostic reasons. The rate for this procedure shall be ~~\$716.00~~\$752.00.
- iv) Surgical group 1(d) consists of surgical procedures of very low intensity. Group 1(d) surgeries may be done in an operating room or emergency room, have a low risk of complications, and include some physician-administered diagnostic and therapeutic procedures. The rate for this procedure shall be ~~\$273.00~~\$287.00.

B) Diagnostic and Therapeutic Groups

- i) Diagnostic and therapeutic group 2(a) consists of advanced or evolving technologically complex diagnostic or therapeutic procedures. Group 2(a) procedures are typically invasive and must be administered by a physician. The rate for this procedure shall be ~~\$896.00~~\$941.00.
- ii) Diagnostic and therapeutic group 2(b) consists of technologically complex diagnostic and therapeutic

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procedures that are typically non-invasive. Group 2(b) procedures typically include radiological consultation or a diagnostic study. The rate for this procedure shall be ~~\$290.00~~\$304.00.

iii) Diagnostic and therapeutic group 2(c) consists of other diagnostic tests. Group 2(c) procedures are generally non-invasive and may be administered by a technician and monitored by a physician. The rate for this procedure shall be ~~\$168.00~~\$176.00.

iv) Diagnostic and therapeutic group 2(d) consists of therapeutic procedures. Group 2(d) procedures typically involve parenterally administered therapeutic agents. Either a nurse or a physician is likely to perform such procedures. The rate for this procedure shall be ~~\$130.00~~\$136.00.

C) Group 3 reimbursement for services provided in a hospital emergency department will be made in accordance with one of the three levels described in this Section. Emergency Services mean those services that are for a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, possessing an average knowledge of medicine and health, could reasonably expect that the absence of immediate attention would result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part. The determination of the level of service reimbursable by the Department shall be based upon the circumstances at the time of the initial examination, not upon the final determination of the client's actual condition, unless the actual condition is more severe.

i) Emergency Level I refers to Emergency Services provided in the hospital's emergency department for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries that pose an immediate significant threat to life or physiologic function or requires an intense

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level of physician or nursing intervention. An "intense level" is defined as more than two hours of documented one-on-one nursing care or interactive treatment. The rate for this service shall be ~~\$172.00~~\$181.00.

ii) Emergency Level II refers to Emergency Services that do not meet the definition in this Section of Emergency Level I care, but that are provided in the hospital emergency department for a medical condition manifesting itself by acute symptoms of sufficient severity. The rate for this service shall be ~~\$64.00~~\$67.00.

iii) Non-Emergency/Screening Level means those services provided in the hospital emergency department that do not meet the requirements of Emergency Level I or II stated in this Section. For such care, the Department will reimburse the hospital either applicable current FFS rates for the services provided or a screening fee, but not both. The rate for this service shall be ~~\$25.00~~\$26.00.

D) Group 4 for observation services is established to reimburse such services that are provided when a patient's current condition does not warrant an inpatient admission but does require an extended period of observation in order to evaluate and treat the patient in a setting that provides ancillary resources for diagnosis or treatment with appropriate medical and skilled nursing care. The hospital may bill for both observation and other APL procedures but will be reimbursed only for the procedure (group) with the highest reimbursement rate. Observation services will be reimbursed under one of three categories:

i) for at least 60 minutes but less than six hours and 31 minutes of services, the rate shall be ~~\$70.00~~\$74.00;

ii) for at least six hours and 31 minutes but less than 12 hours and 31 minutes of services, the rate shall be ~~\$211.00~~\$222.00; or

iii) for at least 12 hours and 31 minutes or more of services, the rate shall be ~~\$422.00~~\$443.00.

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- E) Group 5 for psychiatric treatment services is established to reimburse for certain outpatient treatment psychiatric services that are provided by a hospital that is enrolled with the Department to provide inpatient psychiatric services. Under this group, the Department will reimburse, at different rates, Type A and Type B Psychiatric Clinic Services, as defined in Section 148.40(d)(1). A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
- i) The rate for Type A psychiatric clinic services shall be \$68.00.
 - ii) The rate for Type A psychiatric clinic services provided by a Children's Hospital shall be \$102.00.
 - iii) The rate for Type B psychiatric clinic services shall be \$101.00.
 - iv) The rate for Type B psychiatric clinic services provided by a Children's Hospital shall be \$102.00.
- F) Group 6 for physical rehabilitation services is established to reimburse for certain outpatient physical rehabilitation services. Under this group, the Department will reimburse for services provided by a hospital enrolled with the Department to provide outpatient-physical rehabilitation services at a different rate than will be reimbursed for physical rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation services. A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
- i) The rate for rehabilitation services provided by a hospital enrolled with the Department to provide outpatient physical rehabilitation shall be \$130.00.
 - ii) The rate for rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation shall be \$115.00.

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- iii) The rate for rehabilitation services provided by Children's Hospitals shall be \$130.00.
- 2) Each of the groups described in subsection (b)(1) of this Section will be reimbursed by the Department considering the following:
- A) The Department will provide cost outlier payments for specific devices and drugs associated with specific APL procedures. Such payments will be made if:
 - i) The device or drug is on an approved list maintained by the Department. In order to be approved, the Department will consider requests from medical providers and shall base its decision on medical appropriateness of the device or drug and the costs of such device or drug; and
 - ii) The provision of such devices or drugs is deemed to be medically appropriate for a specific client, as determined by the Department's physician consultants.
 - B) Additional payment for such devices or drugs, as described in subsection (b)(2)(A) of this Section, will require prior authorization by the Department unless it is determined by the Department's professional medical staff that prior authorization is not warranted for a specific device or drug. When such prior authorization has been denied for a specific device or drug, the decision may be appealed as allowed by 89 Ill. Adm. Code 102.80(a)(7) and in accordance with the provisions for assistance appeals at 89 Ill. Adm. Code 104.
 - C) The amount of additional payment for devices or drugs, as described in subsection (b)(2)(A) of this Section, will be based on the following methodology:
 - i) The product of a cost to charge ratio that, in the case of cost reporting hospitals as described in Section 148.130(d), or in the case of other non-cost reporting providers, equals 0.5 multiplied by the provider's total covered charges on the qualifying claim, less the APL payment rate multiplied by

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four;

- ii) If the result of subsection (b)(2)(C)(i) of this Section is less than or equal to zero, no additional payment will be made. If the result is greater than zero, the additional payment will equal the result of subsection (b)(2)(C)(i) of this Section, multiplied by 80 percent. In such cases, the provider will receive the sum of the APL payment and the additional payment for such high cost devices or drugs.
- D) For county-owned hospitals located in an Illinois county with a population greater than three million, reimbursement rates for each of the reimbursement groups shall be equal to the amounts described in subsection (b)(1) of this Section multiplied by a factor of 2.8562-72, except that physical rehabilitation services provided by a general care hospital not enrolled with the Department to provide outpatient physical rehabilitation services shall be reimbursed at a rate of \$230.00 and the reimbursement rate for Type B psychiatric clinic services shall be \$224.00.
- E) Reimbursement rates for hospitals not required to file an annual cost report with the Department may be lower than those listed in this Section.
- F) Reimbursement for each APL group described in this subsection (b) shall be all-inclusive for all services provided by the hospital, regardless of the amount charged by a hospital. No separate reimbursement will be made for ancillary services or the services of hospital personnel. Exceptions to this provision are that hospitals shall be allowed to bill separately, on a fee-for-service basis, for professional outpatient services of a physician providing direct patient care who is salaried by the hospital, and occupational or speech therapy services provided in conjunction with rehabilitation services as described in subsection (b)(1)(F) of this Section. For the purposes of this Section, a salaried physician is a physician who is salaried by the hospital; a physician who is reimbursed by the hospital through a contractual arrangement to provide direct patient care; or a group of physicians with a financial contract to provide emergency department care. Under APL reimbursement, salaried physicians do not include

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radiologists, pathologists, nurse practitioners, or certified registered nurse anesthetists and no separate reimbursement will be allowed for such providers.

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

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hospital outpatient payments, multiplied by the resulting ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.

- ii) The payment calculated under this subsection (b)(5)(A) may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations.
 - iii) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.
- B) County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:
- i) "Base Year" means the most recently completed State fiscal year.
 - ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.
 - iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for the upcoming rate year.
 - iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.
- 6) No Year-End Reconciliation
With the exception of the retrospective rate adjustment described in subsection (b)(8) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (b).
- 7) Rate Adjustments

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

- A) The reimbursement rates described in subsection (b)(5) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 8) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care Program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
- 9) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- c) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:
- 1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149.
 - 2) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate which will reimburse the provider

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for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163 (1994). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (1994).

- 3) Payment for non-routine services. For services which are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(2) or (c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.
 - 4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.
 - 5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
 - A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
 - 6) With the exception of the retrospective rate adjustment described in subsection (c)(5) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).
 - 7) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) of this Section shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- d) Non Hospital-Based Clinic Reimbursement

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1) County-Operated Outpatient Facility Reimbursement

Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as either a Maternal and Child Health Program managed care clinics, as described in 89 Ill. Adm. Code 140.461(f), or as a Critical Clinic Provider, as described in subsection (e) of this Section, shall be on an all-inclusive per encounter rate basis as follows:

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

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- iii) The quotient derived in subsection (d)(1)(B)(i) of this Section, shall be added to the product derived in subsection (d)(1)(B)(ii) of this Section, to determine the per encounter supplemental rate.
 - iv) The resulting sum, as described in subsection (d)(1)(B)(iii) of this Section, shall be the per encounter supplemental rate.
- C) Final Rate
- i) The per encounter base rate, as described in subsection (d)(1)(A)(iv) of this Section, shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv) of this Section, to determine the per encounter final rate.
 - ii) The resulting sum, as determined in subsection (d)(1)(C)(i) of this Section, shall be the per encounter final rate.
 - iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) of this Section, shall be adjusted in accordance with subsection (d)(2) of this Section.
- 2) Rate Adjustments
- Rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) of this Section, shall be calculated as follows:
- A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) and (e)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total

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allowable Medicaid days.

- C) The final rate described in subsection (d)(1)(C) of this Section shall be no less than \$147.09 per encounter.
- 3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).
 - 4) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
- e) Critical Clinic Providers
 - 1) Effective for services provided on or after September 27, 1997, a clinic owned or operated by a county with a population of over three million, that is within or adjacent to a hospital, shall qualify as a Critical Clinic Provider if the facility meets the efficiency standards established by the Department. The Department's efficiency standards under this subsection (e) require that the quotient of total encounters per facility fiscal year for the Critical Clinic Provider divided by total full time equivalent physicians providing services at the Critical Clinic Provider shall be greater than:
 - A) 2700 for reimbursement provided during the facility's cost reporting year ending during 1998,
 - B) 2900 for reimbursement provided during the facility's cost reporting year ending during 1999,
 - C) 3100 for reimbursement provided during the facility's cost reporting year ending during 2000,

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- D) 3600 for reimbursement provided during the facility's cost reporting year ending during 2001, and
 - E) 4200 for reimbursement provided during the facility's cost reporting year ending during 2002.
- 2) Reimbursement for all services provided by any Critical Clinic Provider shall be on an all-inclusive per-encounter rate which shall equal reported direct costs of Critical Clinic Providers for each facility's cost reporting period ending in 1995, and available to the Department as of September 1, 1997, divided by the number of Medicaid services provided during that cost reporting period as adjudicated by the Department through July 31, 1997.
 - 3) Critical Clinic Providers, as described in this subsection (e), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (e).
 - 4) The reimbursement rates described in this subsection (e) shall be no less than the reimbursement rates in effect on July 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- f) **Critical Clinic Provider Pharmacies**
Prescribed drugs, dispensed by a pharmacy that is a Critical Clinic Provider, that are not part of an encounter reimbursable under subsection (e) of this Section shall be reimbursed at the rate described in subsection (e)(2) of this Section.

(Source: Amended at 28 Ill. Reg. 15536, effective November 24, 2004)

Section 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements

- a) **Utilization Review**
The Department, or its designated peer review organization, shall conduct

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utilization review in compliance with Section 1152 of the Social Security Act and 42 CFR Subchapter F (October 1, 2001). A peer review shall be conducted by a Physician Peer Reviewer who is licensed to practice medicine in all its branches, engaged in the active practice of medicine, board certified or board eligible in his or her specialty and has admitting privileges in one or more Illinois hospitals. Payment will only be made for those admissions and days approved by the Department or its designated peer review organization. Utilization review may consist of, but not be limited to, preadmission, concurrent, prepayment, and postpayment reviews to determine, pursuant to 42 CFR ~~Part~~ 476, Subpart C (October 1, 2001), the following:

- 1) Whether the services are or were reasonable and medically necessary for the diagnosis and treatment of illness or injury;
- 2) The medical necessity, reasonableness and appropriateness of hospital admissions and discharges, including, but not limited to, the coordination of care requirements defined in Section 148.40(a)(10) for the Children's Mental Health Screening, Assessment and Support Services (SASS) Program;
- 3) Through DRG (Diagnosis Related Grouping) (see 89 Ill. Adm. Code 149) validation, the validity of diagnostic and procedural information supplied by the hospital;
- 4) The completeness, adequacy and quality of hospital care provided;
- 5) Whether the quality of the services meets professionally recognized standards of health care; or
- 6) Whether those services furnished or proposed to be furnished on an inpatient basis could, consistent with the provisions of appropriate medical care, be effectively furnished more economically on an outpatient basis or in an inpatient health care facility of a different type.

b) Notice of Utilization Review

The Department shall provide hospitals with notice 30 days before a service is subject to utilization review, as described in subsections (c), (d), (e) and (f) of this Section, that the service is subject to such review. In determining whether a particular service is subject to utilization review, the Department may consider factors that include:

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- 1) Assessment of appropriate level of care;
- 2) The service could be furnished more economically on an outpatient basis;
- 3) The inpatient hospital stays for the service deviate from the norm for inpatient stays using accepted length of stay criteria;
- 4) The cost of care for the service;
- 5) Denial rates; and
- 6) Trends or patterns that indicate potential for abuse.

| c) Preadmission Review

Preadmission review may be conducted prior to admission to a hospital to determine if the services are appropriate for an inpatient setting. The Department shall provide hospitals with notice of the criteria used to determine medical necessity in preadmission reviews 30 days before a service is subject to preadmission review.

d) Concurrent Review

Concurrent review consists of a certification of admission and, if applicable, a continued stay review.

- 1) The certification of admission is performed to determine the medical necessity of the admission and to assign an initial length of stay based on the criteria for the admission.
- 2) The continued stay review is conducted to determine the medical necessity and appropriateness of continuing the inpatient hospitalization. More than one continued stay review can be performed in an inpatient stay.

e) Prepayment Review

The Department may require hospitals to submit claims to the Department for prepayment review and approval prior to rendering payment for services provided.

f) Postpayment Review

Postpayment review shall be conducted on a random sample of hospital stays

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following reimbursement to the hospital for the care provided. The Department may also conduct postpayment review on specific types of care.

- g) **Hospital Utilization Control**
Hospitals and distinct part units that participate in Medicare (Title XVIII) must use the same utilization review standards and procedures and review committee for Medicaid as they use for Medicare. Hospitals and distinct part units that do not participate in Medicare (Title XVIII) must meet the utilization review plan requirements in 42 CFR, Ch. IV, Part 456 (October 1, 2001). Utilization control requirements for inpatient psychiatric hospital care in a psychiatric hospital, as defined in 89 Ill. Adm. Code 149.50(c)(1) shall be in accordance with the federal regulations.
- h) **Denial of Payment as a Result of Utilization Review**
- 1) If the Department determines, as a result of utilization review, that a hospital has misrepresented admissions, length of stay, discharges, or billing information, or has taken an action that results in the unnecessary admission or inappropriate discharge of a program participant, unnecessary multiple admissions of a program participant, unnecessary transfer of a program participant, or other inappropriate medical or other practices with respect to program participants or billing for services furnished to program participants, the Department may, as appropriate:
 - A) Deny payment (in whole or in part) with respect to inpatient hospital services provided with respect to such an unnecessary admission, inappropriate length of stay or discharge, subsequent readmission, ~~or~~ transfer of an individual or failure to comply with the coordination of care requirements of Section 148.40.
 - B) Require the hospital to take action necessary to prevent or correct the inappropriate practice.
 - 2) When payment with respect to the discharge of an individual patient is denied by the Department or its designated peer review organization, under subsection (h)(1)(A) of this Section as a result of prepayment review, a reconsideration will be provided within 30 days upon the request of a hospital or physician if such request is the result of a medical necessity or appropriateness of care denial determination and is received within 60 days after receipt of the notice of denial. The date of the notice

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of denial is counted as day one.

- 3) When payment with respect to the discharge of an individual patient is denied by the Department or its designated peer review organization under subsection (h)(1)(A) of this Section as a result of a preadmission or concurrent review, the hospital or physician may request an expedited reconsideration. The request for expedited reconsideration must include all the information, including the medical record, needed for the Department or its designated peer review organization to make its determination. A determination on an expedited reconsideration request shall be completed within one business day after the Department's or its designated peer review organization's receipt of the request. Failure of the hospital or physician to submit all needed information shall toll the time in which the reconsideration shall be completed. The results of the expedited reconsideration shall be communicated to the hospital by telephone within one business day and in writing within three business days after the determination.
- 4) A determination under subsection (h)(1) of this Section, if it is related to a pattern of inappropriate admissions, length of stay and billing practices that has the effect of circumventing the prospective payment system, may result in:
 - A) withholding Medicaid payment (in full or in part) to the hospital until the hospital provides adequate assurances of compliance; or
 - B) termination of the hospital's Provider Agreement.
- i) Furnishing of Inpatient Hospital Services Directly or Under Other Arrangements
 - 1) The applicable payments made under Sections 148.82, 148.120, 148.130, 148.150, 148.160, 148.170, 148.175 and 148.250 through 148.300 are payment in full for all inpatient hospital services other than for the services of nonhospital-based physicians to individual program participants and the services of certain hospital-based physicians as described in subsections (i)(1)(B)(i) through (i)(1)(B)(v) of this Section .
 - A) Hospital-based physicians who may not bill separately on a fee-for-service basis:

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- i) A physician whose salary is included in the hospital's cost report for direct patient care may not bill separately on a fee-for-service basis.
 - ii) A teaching physician who provides direct patient care may not bill separately on a fee-for-service basis if the salary paid to the teaching physician by the hospital or other institution includes a component for treatment services.
- B) Hospital-based physicians who may bill separately on a fee-for-service basis:
- i) A physician whose salary is not included in the hospital's cost report for direct patient care may bill separately on a fee-for-service basis.
 - ii) A teaching physician who provides direct patient care may bill separately on a fee-for-service basis if the salary paid to the teaching physician by the hospital or other institution does not include a component for treatment services.
 - iii) A resident may bill separately on a fee-for-service basis when, by the terms of his or her contract with the hospital, he or she is permitted to and does bill private patients and collect and retain the payments received for those services.
 - iv) A hospital-based specialist who is salaried, with the cost of his or her services included in the hospital reimbursement costs, may bill separately on a fee-for-service basis when, by the terms of his or her contract with the hospital, he or she may charge for professional services and do, in fact, bill private patients and collect and retain the payments received.
 - v) A physician holding a nonteaching administrative or staff position in a hospital or medical school may bill separately on a fee-for-service basis to the extent that he or she maintains a private practice and bills private patients and collects and retains payments made.

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- 2) Charges are to be submitted on a fee-for-service basis only when the physician seeking reimbursement has been personally involved in the services being provided. In the case of surgery, it means presence in the operating room, performing or supervising the major phases of the operation, with full and immediate responsibility for all actions performed as a part of the surgical treatment.

- j) "Designated peer review organization" means an organization designated by the Department that is experienced in utilization review and quality assurance, which meets the guidelines in Section 1152 of the Social Security Act and 42 CFR 475 (October 1, 2001).

(Source: Amended at 28 Ill. Reg. 15536, effective November 24, 2004)

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- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Number: 153.125 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: November 24, 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: 28 Ill. Reg. 9930; July 16, 2004
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version:

Subsection (n) has been revised to read, "Notwithstanding the provisions set forth in Section 153.100, pending the approvals described in this subsection (n), nursing facility (SNF/ICF) rates effective July 1, 2004, shall be 3.0 percent greater than the rates in effect on June 30, 2004. The increase is contingent on approval of both the payment methodologies required under Article 5A-12 of the Public Aid Code [305 ILCS 5/5A-12] and the waiver granted under 42 CFR 433.68."
- 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? No
- 15) Summary and Purpose of Amendment: The amendment provides several reimbursement methodology changes for nursing facilities.

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These changes at new subsection (n) allow for an increase of 3.0 percent to the nursing facility (SNF/ICF) rates that were in effect on June 30, 2004. The increase is contingent upon approval of both the payment methodologies required under Article 5A-12 of the Public Aid Code [304 ILCS 5/5A-12] and the waiver granted under 42 CFR 433.68. The 3.0 percent increase will result in an annual budgetary impact of approximately \$60 million.

The changes at subsection (f) and new subsection (o) pertain to the nursing facility capital rate component. These changes address an inequity under the current methodology affecting a small number of nursing facilities that have long-term leases and have invested in significant capital improvements. The revised methodology will correct this inequity.

- 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:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGESPART 153
LONG TERM CARE REIMBURSEMENT CHANGES

Section

- 153.100 Reimbursement for Long Term Care Services
153.125 Long Term Care Facility Rate Adjustments
153.150 Quality Assurance Review (Repealed)

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

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. 10421, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15071, effective October 1, 2000; emergency amendment at 25 Ill. Reg. 8867, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14952, effective November 1, 2001; emergency amendment at 26 Ill. Reg. 6003, effective April 11, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 12791, effective August 9, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11087, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17817, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 11088, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18880, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 10218, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15584, effective November 24, 2004.

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Section 153.125 Long Term Care Facility Rate Adjustments

- a) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996, shall be increased by 6.8 percent for services provided on or after January 1, 1997.
- b) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1998, for services provided on or after that date, shall be increased by three percent. For nursing facilities (SNF/ICF) only, \$1.10 shall also be added to the nursing component of the rate.
- c) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1999, for services provided on or after that date, shall include:
 - 1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental training rates;
 - 2) an additional increase of \$3.00 per resident day for ICF/MR rates; and
 - 3) an increase of \$10.02 per person, per month for developmental training rates.
- d) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall be increased by \$4.00 per resident day for services provided on or after October 1, 1999.
- e) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF, ICF/MR and developmental training rates shall be increased 2.5 percent per resident day for services provided on or after July 1, 2000.
- f) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2001, shall be computed using the most recent cost reports on file with the Department no later than April 1, 2000, updated for inflation to January 1, 2001.
 - 1) The Uniform Building Value shall be as defined in 89 Ill. Adm. Code 140.570(b)(10), except that, as of July 1, 2001, the definition of current

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year is the year 2000.

- 2) The real estate tax bill that was due to be paid in 1999 by the nursing facility shall be used in determination of the capital component of the rate. The real estate tax component shall be removed from the capital rate if the facility's status changes so as to be exempt from assessment to pay real estate taxes.
 - ~~3) Wages shall be calculated according to 89 Ill. Adm. Code 147.150, except that wages will be updated for inflation to January 1, 2001.~~
 - ~~4) Capital and support rates in effect on July 1, 2001, shall be adjusted based on audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.~~
 - ~~35) For rates effective July 1, 2001, only, rates shall be the greater of the rate computed for July 1, 2001, or the rate effective on June 30, 2001.~~
 - ~~46) All accounting records and other documentation necessary to support the costs and other information reported on the cost report to be used in accordance with rate setting under Section 153.125(f) shall be kept for a minimum of two years after the Department's final payment using rates that were based in part on that cost report.~~
- g) Notwithstanding the provisions set forth in Section 153.100, intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled nursing facilities for persons under 22 years of age (SNF/Ped), shall receive an increase in rates for residential services equal to a statewide average of 7.85 percent. Residential rates taking effect March 1, 2001, for services provided on or after that date, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support rate component, each of which shall be adjusted by the geographical area adjuster, as defined by the Department of Human Services (DHS).
 - h) For developmental training services provided on or after March 1, 2001, for residents of long term care facilities, rates shall include an increase of 9.05 percent and rates shall be adjusted by the geographical area adjuster, as defined by DHS.
 - i) Notwithstanding the provisions set forth in Section 153.100, daily rates for

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intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 2.247 percent for services provided during the period beginning on April 11, 2002, and ending on June 30, 2002.

- j) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2002, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be reduced to the level of the rates in effect on April 10, 2002.
- k) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2002 will be 5.9 percent less than the rates in effect on June 30, 2002.
- l) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2003, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 3.59 percent.
- m) Notwithstanding the provisions set forth in Section 153.100, developmental training rates effective on July 1, 2003, shall be increased by 4 percent.
- n) Notwithstanding the provisions set forth in Section 153.100, pending the approvals described in this subsection (n), nursing facility (SNF/ICF) rates effective July 1, 2004, shall be 3.0 percent greater than the rates in effect on June 30, 2004. The increase is contingent on approval of both the payment methodologies required under Article 5A-12 of the Public Aid Code [305 ILCS 5/5A-12] and the waiver granted under 42 CFR 433.68.
- o) Notwithstanding the provisions set forth in Section 153.100, the "Original Building Base Cost" for nursing facilities (SNF/ICF) which have been rented continuously from an unrelated party since prior to January 1, 1978, effective on July 1, 2004, shall be added to the capital rate calculation using the most recent cost reports on file with the Department no later than June 30, 2004. The "Original Building Base Cost" as defined in 89 Ill. Adm. Code 140.570 shall be calculated from the original lease information that is presently on file with the Department. This original lease information will be used to capitalize the oldest available lease payment from the unrelated party lease that has been in effect since prior to January 1, 1978, and continued to be in effect on December 31,

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1999. Before the lease payment is capitalized, a 15 percent portion will be removed from the oldest available lease payment for movable equipment costs. After the lease payment is capitalized, a portion of the capitalized amount will be removed for land cost. The land cost portion is 4.88 percent. The remaining amount will be the facility's building cost. The construction/acquisition year for the building will be the date the pre-1978 lease began. The allowable cost of subsequent improvements to the building will be included in the original building base cost. The original building base cost will not change due to sales or leases of the facility after January 1, 1978.

(Source: Amended at 28 Ill. Reg. 15584, effective November 24, 2004)

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- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Number: 160.10 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: November 24, 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 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: July 16, 2004; 28 Ill. Reg. 9933
- 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.
- 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 amendments currently in effect? Yes
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This amendment concerning child support enforcement responds to the Servicemembers Civil Relief Act (SCRA) that has replaced the Soldiers' and Sailors' Relief Act. This new Act applies to persons in the military, including Reservists and National Guards who are called to active federal duty by the President and National Guards called to State service by the Governor, "...for the purpose of responding to a national emergency declared by the President and supported by federal funds."

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The amendments grant the Department the authority to appoint an attorney for non-custodial parents who are in the military service under the circumstances and for the purposes described in the SCRA. The SCRA defines "court" as a "court or an administrative agency of the United States or of any State (including any political subdivision of a State), whether or not a court or administrative agency of record." Under the SCRA, an attorney is to be appointed for a military person when he or she does not make an appearance at a civil action or proceeding and if "...it appears that the defendant is in the military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant."

- 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 f: COLLECTIONS

PART 160
CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section	
160.1	Incorporation by Reference
160.5	Definitions
160.10	Child Support Enforcement Program
160.12	Administrative Accountability Process
160.15	Application Fee for IV-D Non-TANF Cases
160.20	Assignment of Rights to Support
160.25	Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section	
160.30	Cooperation With Support Enforcement Program
160.35	Good Cause for Failure to Cooperate with Support Enforcement
160.40	Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45	Suspension of Child Support Enforcement Upon a Claim of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section	
160.60	Establishment of Support Obligations
160.61	Uncontested and Contested Administrative Paternity and Support Establishment
160.62	Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program (Repealed)
160.65	Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section	
160.70	Enforcement of Support Orders

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- 160.71 Credit for Payments Made Directly to the Title IV-D Client
160.75 Withholding of Income to Secure Payment of Support
160.77 Certifying Past-Due Support Information or Failure to Comply with a Subpoena
or Warrant to State Licensing Agencies
160.80 Amnesty – 20% Charge (Repealed)
160.85 Diligent Efforts to Serve Process
160.88 State Case Registry

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

- Section
160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

- Section
160.95 State Disbursement Unit
160.100 Distribution of Child Support for TANF Recipients
160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who
Continue to Receive Child Support Enforcement Services
160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF
Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is
Cancelled
160.130 Distribution of Intercepted Federal Income Tax Refunds
160.132 Distribution of Child Support for Non-TANF Clients
160.134 Distribution of Child Support For Interstate Cases
160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

- Section
160.140 Statement of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

- Section
160.150 Department Review of Distribution of Child Support for TANF Recipients
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF
Recipients

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AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380, effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended

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at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004.

SUBPART A: GENERAL PROVISIONS

Section 160.10 Child Support Enforcement Program

- a) Under Title IV-D of the Social Security Act (42 USC 651 et seq.) the Department undertakes to establish, modify, enforce and collect child and spouse support obligations from responsible relatives as defined in 89 Ill. Adm. Code 103.10. "IV-D cases" consist of:
- 1) children receiving Temporary Assistance for Needy Families (TANF);
 - 2) children receiving AFDC MANG;
 - 3) children receiving foster care maintenance payments under Title IV-E of the Social Security Act (42 USC 670 et seq.);
 - 4) children of applicants for TANF, where the caretaker or specified relative is the putative father or relative of the putative father;
 - 5) children of applicants for TANF, where the mother and putative father of the children born out of wedlock are living together;
 - 6) children of applicants for TANF, where the caretaker relative is reapplying for cash or medical assistance and was in sanctioned status for noncooperation at the time the case was previously canceled;
 - 7) a spouse or former spouse when the former spouse/spouse lives with the child;
 - 8) former AFDC and TANF recipients following AFDC and TANF cancellation pursuant to subsection (g) of this Section;
 - 9) persons not receiving TANF, AFDC MANG, or Foster Care Services under Title IV-E upon application to the Department for such services;
 - 10) persons receiving AFDC MANG that previously received AFDC or TANF

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cash assistance;

- 11) persons similarly situated to subsections (a)(1) through (10) above and receiving Title IV-D support services in other states; and
 - 12) persons similarly situated to those described in subsections (a)(1) through (10) above and receiving support services in other countries or subdivisions thereof which have been declared to be foreign reciprocating countries by the Secretary of State under Section 459A of the Social Security Act (42 USC 659A).
- b) Title IV-D is implemented by the Department through its Division of Child Support Enforcement.
 - c) The Division of Child Support Enforcement has sole responsibility for:
 - 1) identifying and locating the absent parent;
 - 2) establishing the parentage of a child born out of wedlock;
 - 3) establishing support obligations;
 - 4) enforcing and collecting support;
 - 5) receiving and distributing support payments;
 - 6) maintaining accurate records of location and support activities; and
 - 7) advising the local office of circumstances which may affect the family's eligibility for TANF or AFDC MANG (for example, the father is living in the home, or a child no longer lives in the home, etc.).
 - d) For Title IV-D children, the Department determines financial ability and establishes the support obligation of the absent parent through order of the court or through administrative process in accordance with Section 160.60.
 - e) The Department shall explain to each TANF applicant or recipient his or her responsibility to cooperate with the Department in obtaining support from absent parents and enforcing support obligations and the consequence of noncooperation.

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- f) Whenever a family ceases to receive TANF cash assistance, IV-E foster care or medical assistance, the Department shall notify the family that Title IV-D services will be continued unless the family advises the Department that it does not wish to receive Title IV-D services. Additionally, the notice shall advise that no application or application fee is required. Finally, the notice shall also include a description of the Title IV-D services available from the Department and information on the Department's cost recovery (for example, filing fees) and distribution policies: (see 45 CFR 302.33(a) and (d) and 303.7(d)(4) and (5) (20034989)).
- g) Whenever a family ceases to receive AFDC MANG assistance:
- 1) if the family previously received TANF cash assistance, IV-D services shall be continued without the filing of a new application as explained in subsection (f) of this Section; or
 - 2) if the family did not previously receive TANF cash assistance, IV-D services shall be continued without the filing of a new application as explained in subsection (f) of this Section.
- h) Whenever in the course of an administrative proceeding, as provided for under the Public Aid Code [305 ILCS 5/10] and in accordance with this Part, it appears that the non-custodial parent is in the military service and the Servicemembers Civil Relief Act (SCRA) (50 App. USC 501-596) requires the appointment of counsel, the Department shall have the authority to appoint counsel for the service member non-custodial parent. The appointed attorney will perform the duties required under the SCRA that include locating members, advising them of proceedings and requesting stays if the members' military duties materially affect their ability to participate in cases.

(Source: Amended at 28 Ill. Reg. 15591, effective November 24, 2004)

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- 1) Heading of the Part: Property Tax Code
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Number: 110.170 Adopted Action: Amendment
- 4) Statutory Authority: 35 ILCS 200/4-20 (as amended by Public Act 93-643)
- 5) Effective Date of Amendment: November 17, 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 Illinois Register: 28 Ill. Reg. 12402; 9/3/04
- 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 agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Subsection (a): Explains which year will be used to set the applicable uniformity criteria when population in a jurisdiction is shown to have increased to over 50,000 inhabitants or decreased to 50,000 or fewer inhabitants beginning with the next federal decennial census in 2010. Extends the filing deadline for eligible assessing officials to submit Form PTAX-205, Assessor's Additional Compensation, to the Department to apply for an additional \$3,000 monetary award based on performance under 35 ILCS 200/4-20.

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Subsection (b): Updates year references in examples. Adds language to clarify permissible trending techniques if there is an insufficient number of sales for a sales ratio study. Corrects citation to list a more recent publication on edit standards for sales ratio studies.

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

Mark Dyckman
Deputy General Counsel – Property Taxes
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

(217) 782-2844

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 110
PROPERTY TAX CODE

Section	
110.101	Railroads
110.105	Non-carrier Real Estate of Railroads
110.110	Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices
110.112	Procedures for Assessment of Section 515 Low-income Housing Projects
110.113	Fraternal Organization Assessment Freeze
110.115	Non-Homestead Exemption Proceedings
110.120	Oil Right Lessees and Producers
110.125	Reports to be Filed with the Department
110.130	Hearings and Records of Chief County Assessment Officers
110.135	Review of Assessments – Counties of 3,000,000 or More
110.140	Board of Review Procedures and Records – Counties of Less than 3,000,000
110.141	Farmland Factor Review Procedures (Repealed)
110.145	Practice and Procedure for Hearings on Property Tax Matters Before the Illinois Department of Revenue
110.150	Records Reproduction
110.155	Course and Examination Requirements for Board of Review Members
110.160	Multi-township Assessment Districts
110.162	Township and Multi-township Assessor Qualifications
110.165	Farmland Assessment Review Procedures
110.170	Assessors' Bonus
110.175	Equalization by Chief County Assessment Officers in Counties with Fewer Than 3,000,000 Inhabitants
110.180	Supervisor of Assessments Examination
110.190	Property Tax Extension Limitation
110.192	Property Tax Extension Limitation Law Notification and Determination Requirements After Referendum Under Section 18-213 or 18-214 of the Property Tax Code
110.ILLUSTRATION A	State of Illinois Board of Review Course and Exam Requirements

AUTHORITY: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625].

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SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989; amended at 15 Ill. Reg. 3522, effective February 21, 1991; emergency rule added at 15 Ill. Reg. 14297, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2624, effective February 4, 1992; emergency amendment at 17 Ill. Reg. 22584, effective January 1, 1994, for a maximum of 150 days; emergency expired May 30, 1994; amended at 18 Ill. Reg. 15618, effective October 11, 1994; emergency amendment at 19 Ill. Reg. 2476, effective February 17, 1995, for a maximum of 150 days; emergency expired July 16, 1995; emergency amendment at 19 Ill. Reg. 3555, effective March 1, 1995, for a maximum of 150 days; emergency expired July 28, 1995; emergency amendment at 20 Ill. Reg. 7540, effective May 21, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13611, effective October 3, 1996; amended at 20 Ill. Reg. 13993, effective October 3, 1996; emergency amendment at 20 Ill. Reg. 15613, effective November 22, 1996, for a maximum of 150 days; emergency expired on April 21, 1997; amended at 21 Ill. Reg. 6921, effective May 22, 1997; emergency amendment at 23 Ill. Reg. 9909, effective August 2, 1999, for a maximum of 150 days; emergency expired December 29, 1999; amended at 23 Ill. Reg. 14759, effective December 8, 1999; amended at 24 Ill. Reg. 2428, effective January 25, 2000; amended at 25 Ill. Reg. 191, effective December 26, 2000; amended at 25 Ill. Reg. 6396, effective May 1, 2001; amended at 26 Ill. Reg. 3727, effective February 26, 2002; emergency amendment at 27 Ill. Reg. 17094, effective October 24, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1395, effective January 9, 2004; amended at 28 Ill. Reg. 2257, effective January 22, 2004; emergency amendment at 28 Ill. Reg. 9690, effective June 28, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14662, effective October 19, 2004; amended at 28 Ill. Reg. 15599, effective November 17, 2004.

Section 110.170 Assessors' Bonus

- a) Section 4-20 of the Property Tax Code [35 ILCS 200/4-20] provides a \$3,000 bonus for township and multi-township district assessors, including supervisors of assessments, who meet specified uniformity criteria in counties with fewer than 3,000,000 inhabitants. Application for the bonus shall be made to the Department on Form No. PTAX-205. In all cases, it is incumbent upon the applicant to provide all data and information necessary to substantiate eligibility for the bonus. The information requested on Form No. PTAX-205 is mandatory and failure to

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provide accurate and complete data as specified shall result in rejection of the application. Additional information may be requested by the Department to aid in the determination of whether or not the coefficient of dispersion and level of assessment meet the legal requirements. Beginning with the 2010 federal decennial census, however, if the population in an assessment jurisdiction has increased to over 50,000 inhabitants or decreased to 50,000 or fewer inhabitants, then the Department will continue to determine bonus eligibility of any affected assessor on the basis of the uniformity criteria originally applicable to the assessment jurisdiction before the reported population change for all applications submitted in the year during which the official federal decennial census population count is released (e.g., if data is released in 2011 showing a population change for a county, then, on the 2011 bonus application, the assessor must meet the uniformity criteria applicable to the assessment jurisdiction in 2010 and only satisfy the new requirements for the county with the bonus application submitted in 2012). The need for additional information, as well as the type of supporting documentation that may be required, is dependent upon the approach and methodology selected by the applicant to document their eligibility for the bonus. The filing time frame for submitting the application and supporting documentation shall begin April 15 and continue until 60 days after the original hearing date in the county for the tentative equalization factor ~~is certified to the county~~. Applications for the \$3,000 bonus and all necessary documentation must be received within the specified time frame for the assessment year in question.

- b) In determining the current level of assessments for the jurisdiction, the Department shall use the most recent three-year adjusted median as determined by the assessment/sales ratio study, e.g., for the ~~2004-1995~~ bonus, the Department shall use the 2001, 2002, and 2003~~1992, 1993 and 1994~~ levels of assessment. Adjustments to the study data may be made on the basis of changes reported by the assessor on the application form and on any alternative sales ratio data submitted. For an application by a township or multi-township assessor, the average of the most recent three-year levels shall be adjusted only to reflect action by the township or multi-township assessor. Adjustments to the Department's most recent urban weighted three-year average county level for an application submitted by a Supervisor of Assessments shall be made on the basis of assessment information provided on Form Nos. PTAX-280-A (Tentative Abstract of Assessments), PTAX-280-R (Reclassification Table) and PTAX-204-S/A (Report on Equalization of Local Assessment by Supervisor of Assessments). Decisions relating to the coefficient of dispersion for purposes of qualifying for the bonus shall be made using the Department's most recent single year assessment/sales ratio data, e.g., for the ~~2004-1995~~ bonus award, the Department

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shall use the ~~2003~~1994 single-year sales ratio study. More recent or supplemental data shall be accepted from the applicant to aid in determining whether or not the uniformity criteria for the assessment year being applied for meets the legal requirement. Alternate or supplemental data may take the form of current year sales from the jurisdiction matched with prior year assessments. If there is an insufficient number of sales in an assessment jurisdiction, appraisals may also be used when provided by an objective source having no personal, business, or monetary interest in the Department's decision to award or withhold the bonus. If appraisals are submitted, the properties involved must be shown to have been selected in a random manner that adequately represents the jurisdiction or assessment district. As an alternate to appraisals in cases where there is an insufficient number of sales for any of the applicable years in the assessment/sales ratio study, a trending technique may be used to adjust the sale price for time. To trend, the study year at issue is first augmented with sales from the most recent year in comparison before adding any other sales from the remaining year in the three-year period. For the 2004 bonus award:

- 1) if sales are needed for 2001, first trend 2002 sales back, then trend 2003 sales back if necessary;
- 2) if sales are need for 2002 first trend 2003 sales back, then trend 2001 sales forward if necessary; and
- 3) if sales are needed for 2003, first trend 2002 sales forward, then trend 2001 sales forward if necessary.

Whenever alternate sales ratio study data are submitted, the sales used must conform to those edit standards commonly accepted in the appraisal field for determining "arms length" transactions, as detailed in the publication "Standard on Ratio Studies" (International Association of Assessing Officers – ~~1999~~1990 edition). This incorporates no later amendment or edition.

c) Department Audits

- 1) The Department may conduct field audits to determine the validity and accuracy of information and data provided on or with the application. Field audits shall be conducted under two circumstances:
 - A) on a random basis;

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- B) whenever the petitioner's study data qualifies for the bonus but Department sales data do not indicate compliance with bonus requirements.
- 2) The audit may include but not be limited to the assessor's books, abstracts, and property record cards. Failure to provide or have available information deemed necessary for the audit shall result in denial of the bonus application.
- d) The Department may utilize assessment/sales ratio data from its annual study to evaluate the need for an in-depth review, pursuant to subsections (a), (b) and (c), of a bonus application and supporting data. In situations where Department data are sufficient in quantity (i.e., 25 useable sales per township, other than townships for which 25 sales are not normally available), representative of the district (i.e., sufficient sales by geography and class of property), and clear as to both the current level and uniformity of assessments within the jurisdiction as required by Section 4-20 of the Property Tax Code, decisions regarding eligibility for the bonus may be made without review or audit of data presented with the application. Unless the petitioner can provide additional information which changes the Department of Revenue study so as to qualify the applicant for the bonus or information that reveals an error or omission in the Department's study, the petition shall be denied (assuming the Department's study does not indicate eligibility for the bonus).
- e) Decisions by the Department of Revenue shall be made in writing to the applicant within the latest of the following time periods:
- 1) for applications based on prior year sales, within 120 days after the Department's certification of the results of the hearing on the tentative multiplier; or
 - 2) for applications based on prior year sales, within 120 days after receipt of all supporting documentation, including any additional information required by the Department under the preceding provisions of this Section; or
 - 3) for applications based on current year sales, within 120 days after the Department's completion of the assessment/sales ratio study for the current year; or

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- 4) for applications based on current year sales, within 120 days after receipt of all supporting documentation, including any additional information required by the Department under this Section.

Decisions affecting levels of assessment or coefficients of dispersion made in consideration of eligibility for the \$3,000 bonus are non-binding upon the Department's equalization factor computation process. All Department decisions regarding eligibility for the bonus shall be final for the assessment year involved.

- f) Federal and State income taxes, the employee's share of Social Security taxes and, if applicable, the employee's share of contributions to the Illinois Municipal Retirement Fund shall be withheld from such \$3,000 bonus. An employee's withheld Social Security tax and Illinois Municipal Retirement Fund contribution shall be forwarded to the township, multi-township or county that employs the assessor for proper accounting and forwarding to the appropriate authorities. The township, multi-township or county that employs the assessor shall pay the employer's share of Social Security taxes and, if applicable, contributions to the Illinois Municipal Retirement Fund.

(Source: Amended at 28 Ill. Reg. 15599, effective November 17, 2004)

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- 1) Heading of the Part: Public Library Construction Grants
- 2) Code Citation: 23 Ill. Adm. Code 3060
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3060.100	Amended
3060.200	Amended
3060.400	Amended
3060.500	Amended
3060.600	Amended
3060.800	Amended
3060.1100	Amended
3060.1110	New
- 4) Statutory Authority: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8]
- 5) Effective Date: December 1, 2004
- 6) Do these amendments contain and automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file and available of the Illinois State Library, Gwendolyn Brooks Building, 300 South Second Street, Springfield IL 62701-1796.
- 9) Notice of Proposal Published in the Illinois Register: August 13, 2004; 28 Ill. Reg. 11673
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version:

In Section 3060.1100(b)(6) and Section 3060.1110(b)(6), the term “State Librarian” was deleted since the Secretary of State and State Librarian is the same person.

In Section 3060.200, the word “subcommittee” has been changed to a “committee”.

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- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter from 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) A Complete Description of the Subjects and Issues Involved: Because of the ongoing the budget crisis, the priority for public library grant funds for FY 2005 will be remodeling for accessibility and mini-grants. The amendments define mini-grants, accelerate reimbursements for mini-grants, and clarify that there is no local matching funds required for mini-grants. The minimum grant awarded for mini-grants has been reduced from \$5,000 to \$2,500. The minimum grant awarded for projects other than mini-grants and remodeling for accessibility shall be \$25,000. The maximum grant awarded for mini-grants shall not exceed \$25,000, which is a reduction from \$50,000; the maximum grant awarded for remodeling for accessibility projects shall not exceed \$50,000, which is a reduction from \$150,000. The maximum grant awarded for other projects shall not exceed \$250,000. The amendments also indicate that construction projects are to be concluded within 24 months from the execution date of the public library construction grant by the Office of Secretary of State, unless an extension is granted by the Director of the Illinois State Library.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
Springfield, IL 62701-1796

217-558-4185; jnatale@ilsos.net

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATEPART 3060
PUBLIC LIBRARY CONSTRUCTION GRANTS

SUBPART A: INTRODUCTION

Section	
3060.100	Program Purpose
3060.200	Duty to Administer
3060.400	Definitions

SUBPART B: GRANT APPLICATION

Section	
3060.500	Priorities in Library Grant Construction Proposals
3060.600	Grant Funding Limitations
3060.700	The Chicago Public Library Branches
3060.800	Grant Application Procedure
3060.900	Requirements and Conditions of Grant Funds
3060.1000	Remodeling for Accessibility
3060.1050	Shared Use Facilities
3060.1100	Disbursement of Grant Funds <u>of \$50,000 or more</u>
<u>3060.1110</u>	<u>Disbursement of Grant Funds of \$50,000 or less</u>

SUBPART C: APPEAL PROCEDURE

Section	
3060.2000	Appeal Procedure

3060.APPENDIX A EDA Qualified Areas (Repealed)

AUTHORITY: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

SOURCE: Emergency rules adopted and codified at 7 Ill. Reg. 2017, effective January 28, 1983, for a maximum of 150 days; emergency expired June 27, 1983; adopted at 8 Ill. Reg. 2510,

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effective February 10, 1984; Part repealed, new Part adopted by emergency action at 9 Ill. Reg. 4560, effective March 20, 1985, for a maximum of 150 days; emergency expired August 17, 1985; Part repealed, new Part adopted at 9 Ill. Reg. 15004, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 17885, effective November 4, 1985, for a maximum of 150 days; emergency expired April 3, 1986; amended at 10 Ill. Reg. 20002, effective November 19, 1986; amended at 12 Ill. Reg. 11264, effective July 1, 1988; emergency amendment at 17 Ill. Reg. 18687, effective October 12, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 4996, effective March 14, 1994; amended at 19 Ill. Reg. 12493, effective August 22, 1995; amended at 20 Ill. Reg. 13078, effective September 20, 1996; emergency amendment at 20 Ill. Reg. 15081, effective November 7, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 4981, effective April 3, 1997; amended at 23 Ill. Reg. 12717, effective October 4, 1999; amended at 25 Ill. Reg. 8352, effective July 1, 2001; amended at 26 Ill. Reg. 12014, effective August 1, 2002; amended at 27 Ill. Reg. 17089, effective November 1, 2003; amended at 28 Ill. Reg. 15607, effective December 1, 2004.

SUBPART A: INTRODUCTION

Section 3060.100 Program Purpose

To establish a program of matching State grants to aid in paying for the construction costs of public libraries and facilities for library systems within Illinois. Local money except as provided in subsection (c) will be matched by State grants based on the category of grant as follows:

- a) Remodeling for Accessibility. Special projects where 70% – 100% of total project funds are to be used specifically for remodeling an existing building as outlined in Section 3060.1000. The State's share shall be 50% of the project's total cost.
- b) Projects involving new construction, additions to and/or remodeling of existing buildings, conversion of buildings not currently used for library services, energy conservation projects, [technology wiring](#) and renovation projects, including projects involving shared use of public facilities. The State's share shall be a maximum of 50% of the project's total cost. For shared use public facilities, the costs allocated to the public library portion of the building are the only costs eligible for reimbursement under this grant program as stipulated in Section 3060.1050 of this Part.
- c) Mini-grants. [Special grants to enable "public libraries with limited funds", as defined in Section 3060.400 of this Part, to remodel or refurbish the library.](#) These projects include (but are not limited to) new carpeting, new furnishings,

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remodeling, energy conservation and technology wiring and interior or exterior painting. Libraries receiving mini-grants must address legal requirements for making the building accessible to the handicapped. There is no local match required for mini-grants.

d) Technology wiring.

(Source: Amended at 28 Ill. Reg. 15607, effective December 1, 2004)

Section 3060.200 Duty to Administer

- a) It shall be the duty of the Illinois Secretary of State, in his capacity as the Illinois State Librarian, to administer the provisions of this Part and to award any such grants, where appropriate, on an annual basis from funds appropriated from the Illinois General Assembly.
- b) The State Librarian shall add to, delete from, or modify the rules in accordance with the provisions of the Illinois Library System Act [75 ILCS 10] as necessary for the administration of these construction grants.
- c) The director of the Illinois State Library shall appoint a committee~~the~~ subcommittee that will review applications for grants. The committee shall make and make recommendations on the program to the Secretary of State, Illinois State Library Advisory Committee (ISLAC). One committeesubcommittee member should be a member of the Illinois State Library Advisory Committee ISLAC, and at least one shall be an architect or an engineer licensed to practice in the State of Illinois. The Director of the Illinois State Library shall apprise ISLAC of the recommendations and program status.
- d) Committee members shall recuse themselves from making recommendations on any grant application in which they have a financial interest.

(Source: Amended at 28 Ill. Reg. 15607, effective December 1, 2004)

Section 3060.400 Definitions

For the purposes of this Part:

"Act" means the Illinois Library System Act [75 ILCS 10].

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"Application round" means the period in which applications for grants are available to prospective applicants and completed applications are reviewed and grants awarded as indicated in Section 3060.100 of this Part.

"Appropriation" means the amount of funds actually approved by the General Assembly for a particular fiscal year and allocated to fund the construction grant program under Section 8 of the Illinois Library System Act.

"Audit" means a report of financial compliance of a construction grant project by a certified public accountant.

"Construction" includes, but is not limited to:

The construction of new public library and library systems buildings.

The acquisition, expansion, remodeling and/or alteration of existing buildings.

The purchase of initial equipment for new buildings or existing buildings which are being expanded, remodeled, or altered, under this grant.

Any combination of such activities (including architect's fees and the cost of the site if acquired in the last 2 years).

"Conversion" means converting a building currently not used as a library into a public library facility.

"Equipment" includes machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and all other items necessary for the functioning of a particular facility as a library or as a library system facility. By way of illustration, "equipment" includes, for example, fixtures, furnishings, shelving, and carpeting. "Equipment" does not include, for example, books, periodicals, films, or recordings.

"Intersystem reciprocal borrowing" means reciprocal borrowing transactions involving a lending library and a patron registered as a borrower at a library in another system.

"Library" means a tax-supported public library within an Illinois Library System.

"Library" also means a branch library of a main library facility.

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"Library building consultant" refers to an individual, chosen by the library, with: a Master's degree in library science from a library school accredited by the American Library Association; and prior experience in at least one library construction project.

"Library system" means an organization defined at Section 2 of the Library System Act.

"Local matching funds" means general funds, securities, general revenue bonds, tax levies, mortgages and locally generated monies. Local matching funds do not include any pledges as defined in this Part, and any funds from the State of Illinois, or from the federal government or from collateralized pledges.

"Mini-grants" means projects to enable public libraries with limited funds, as defined in this Section, to remodel or refurbish the library.

"Pledge" means a non-collateralized offer or guarantee in writing of a specified dollar amount as part of the local matching funds for a construction project.

"Political unit" refers to the local governing authority.

"Public libraries with limited funds" refers to public libraries which would have received an income of less than \$10 per capita in the preceding fiscal year by using a formula whereby the library's equalized assessed valuation is multiplied by .13% and divided by the population of the library's service area.

"Shared use facility" means a building occupied by a public library with a school or another entity that is open to the public and complements the concept of public library service.

"State fiscal year" means the period from July 1 through June 30.

"Technology wiring" means the installation of wiring to allow for the transmission of electronic data.

(Source: Amended at 28 Ill. Reg. 15607, effective December 1, 2004)

SUBPART B: GRANT APPLICATION

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Section 3060.500 Priorities in Library Grant Construction Proposals

- a) Library grant funds for library building construction in any one application round will be awarded according to the following priorities:
- 1)a) Remodeling for accessibility with conditions as stated in subsection ~~(c)(e)~~ of this Section.
 - 2)b) A maximum of \$1 million and no less than 10% of available funding in a fiscal year will be allocated for mini-grants for public libraries.
 - 3)e) Projects involving new construction, additions to and/or remodeling of existing buildings, energy conservation projects, conversions, technology wiring and renovation projects, including projects involving shared use of public facilities.
- b)d) The cost of a parking lot can be included in the total project cost funded for remodeling for accessibility projects, but grant funds will not be allocated solely for a parking lot project, unless it is for accessibility for the disabled (ramps, curbs, doors, etc.).
- c)e) In the event that funds are not sufficient to meet the priorities of this Part, the State Librarian may determine the priorities upon the funding available. Due to insufficient funding for this program, for fiscal year ~~2005~~2004 only, grant priority shall be given to remodeling for accessibility and mini-grants (as indicated in Section 3060.100(a) and (c) of this Part), except as otherwise provided by Section 3060.600(e).

(Source: Amended at 28 Ill. Reg. 15607, effective December 1, 2004)

Section 3060.600 Grant Funding Limitations

Fiscal limitations on library building construction grants under Section 8 of the Illinois Library System Act shall include the following:

- a) The public libraries in any one county shall not receive more than 50% of the funding in each application round unless there are insufficient applications from libraries in other counties to expend the entire appropriation. Grants to library systems shall not be included in calculating this 50% limitation.

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- b) The maximum grant for each library political unit shall be \$250,000 per annual funding cycle unless there are insufficient applications from other political units to expend the entire appropriation. This subsection (b) shall not be used to award grants in excess of the maximum grants per project specified in subsection (d) ~~below~~.
- c) The minimum grant awarded for mini-grants shall be ~~\$2,500~~\$5,000. The minimum grant awarded for projects other than mini-grants and remodeling for accessibility shall be \$25,000. The maximum grant awarded for mini-grants shall not exceed ~~\$25,000~~\$50,000; the maximum grant awarded for remodeling for accessibility projects shall not exceed ~~\$50,000~~\$150,000; ~~the maximum award for technology wiring shall not exceed \$50,000~~; and the maximum grant awarded for other projects shall not exceed \$250,000.
- d) Library buildings that received any State or federal construction funding, whether under a library construction grant program or a specific appropriation, during the three prior state fiscal years, including the current State fiscal year are not eligible for any construct grant funding under this Part.
- e) For projects of a unique nature or resulting from a disaster, the Secretary of State, on the advice of the Illinois State Library, may raise the ceiling, award less than the minimum grant amount, make a special grant award and/or allow for consecutive years of funding.
- f) Competitive bids for construction projects shall not be let until after the grant contract with the Secretary of State has been signed.
- g) Grant contracts awarded under this Part must be signed no later than June 30 of the fiscal year in the year that the grant was issued.

(Source: Amended at 28 Ill. Reg. 15607, effective December 1, 2004)

Section 3060.800 Grant Application Procedure

The following application procedures shall apply:

- a) The Illinois State Library shall issue application forms for library construction grants under this program.
- b) Applying libraries and library systems shall submit the completed library

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construction grant application, together with the following documents or written assurances, to be eligible for library construction grants:

- 1) Application phase:
 - A) To be eligible for a Live & Learn construction grant, a public library must comply with the assurances contained in this Section as listed in the Construction Grant Application Form, as most recently adopted by the Subcommittee for Public Library Construction, a subcommittee of the Illinois State Library Advisory Committee.
 - B) A statement describing the necessity for the proposed project.
 - C) A statement of plans to meet existing library standards of service, "Serving Our Public: Standards for Illinois Public Libraries, 1997" (produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The material incorporated by reference includes no later amendments or editions. This subsection (b)(1)(C) shall not apply to library systems.
 - D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.
 - E) A library building program. For projects with a total cost of over \$150,000, a library building consultant must work with the library in developing the building program. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].
 - F) Preliminary construction plans with a site plan of the proposed building.
 - G) An estimated cost per square foot (for all projects).
 - H) A letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].

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- I) The following conditions apply in new construction, additions and projects involving evacuation of soil:
- i) A letter from the Illinois State Water Survey of the Illinois Department of Natural Resources stating that the project site is not located in a Special Flood Hazard Area. If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources, stating that the project meets the requirements of Executive Order 79-4 regarding flood damages.
 - ii) A subsurface soil analysis by a soils engineer.
 - iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.
- J) The real estate affected by the proposed construction is available to the library or library system, and the legal description of the affected real estate. A deed of ownership or proof of long-term (20 years minimum) occupancy, except for mini-grants. The building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the director of the Illinois State Library.
- K) A letter from the Director of the Regional Library System that serves the applicant library acknowledging that the System is aware of the proposed project.
- L) A listing of all applicable authorities having jurisdiction over the applying facility.
- M) The library will submit with the grant application the Americans with Disabilities Act Self-Evaluation form prepared by the Illinois State Library, except for new construction projects.

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- N) Other funds designated for construction that are immediately available to the library upon application. Funds may include a mortgage commitment letter from a financial institution licensed by a state or the federal government. Assurances from the applicant that various fundraising activities will be undertaken in the future, where the amount to be raised in pledges remains uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3060.100.
- 2) Construction phase:
- A) The grantee library will expend 90% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. The final 10% of grant funds will be reimbursed upon receipt and review by the Illinois State Library of the close-out report, including the final audit, if applicable. Upon failure of the grantee to submit a close-out report, or an audit, if applicable, within 24 months after the execution of the contract, the grant shall be forfeited unless an extension is granted by the director of the Illinois State Library.
- B) Construction work will be performed by the lump sum (fixed price) contract method.
- C) The library will publicly announce all requirements for architectural, engineering, and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].
- D) Architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- E) Adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in the State designated newspaper and newspaper of general circulation in the area, and that the award of the contract will be made to the responsible bidder submitting the lowest

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acceptable bid in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].

- F) All laborers and mechanics employed by the contractor or subcontractors on all construction projects shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- G) A copy of the building permit shall be supplied to the Illinois State Library prior to the actual construction and the permit shall be posted in a prominent place on the construction site.
- H) Any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library; any change order of \$10,000 or more will be submitted to the Illinois State Library for approval prior to being effected. The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.
- I) All contractors and subcontractors shall comply with the provisions of the Copeland Anti-Kick Back Act (40 USC 276c) supplemented in U.S. Department of Labor regulations (29 CFR 3 (1985)). The material incorporated by reference includes no later amendments or editions.
- J) Contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all Federal and State laws, rules, and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age, and physical or mental handicap.
- K) Construction contracts signed by both the library board (or library system board) and contractors will be prepared on standard American Institute of Architecture (AIA) forms that are submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the

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board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any such contracts between the library board or library system board and contractors if:

- i) The bidding procedure outlined in subsection (c)(14) was not followed.
 - ii) The conditions and standards specified in the contract between the Illinois State Library and the library board are not incorporated into the contracts between the library board or library system board and the contractors.
- L) A revised budget will be prepared after bids have been accepted and will be submitted to the Illinois State Library for approval prior to actual construction. Such approval will be based on the reduction in the contingency line item from 5% in the original budget to 2% of total project cost in the revised budget. Grant monies awarded are based on the amount specified in the original budget; grant awards will not be increased because of subsequent increases in revised budgets. Decisions shall not affect the time frame imposed unless approved by the director of the Illinois State Library.
- M) A sign will be displayed on the construction site stating that State funds administered by the Secretary of State and State Librarian are being used for the construction; and a plaque will be placed in the completed building stating that State funds administered by the Secretary of State and State Librarian were used for the building's construction.
- N) Projects receiving over \$200,000 must use .5% of the grant award for the purchase and placement of suitable works of art. The purchase of the artwork will be done in conjunction with the Capital Development Board [20 ILCS 3105/14].
- O) Any agent authorized by the Illinois State Library, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, shall have full access to and the right to examine any records, books, papers, or documents of the grantee involving transactions related to the

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grant.

- P) Construction will commence within 140 days after the effective date of the grant contract according to Section 3060.600(f) of this Part ~~and the project will be completed within a reasonable length of time.~~
- Q) The following reports and records will be completed and transmitted to the Illinois State Library: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 24 months after the execution of the contract, unless an extension is granted by the director of the Illinois State Library ~~90 days after the completion of the project~~; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Library. The final financial report shall be signed by the president of the library's board of directors.
- i) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.
- ii) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
- iii) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit report that shall be completed by an independent certified public accountant in accordance with the "Government Auditing Standards: 1994 Revision", published by the Comptroller General of the United States, U.S. General Accounting Office, 441 G. Street, NW, Washington, DC 20548. No later amendments to these standards are incorporated in this Section. The project audit report shall include financial

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statements and compliance statements (which indicate that grant monies have been obligated in compliance with applicable laws and regulations of the State of Illinois and this Part).

- iv) The project architect or engineer shall certify to the Illinois State Library when the project reaches the 30%, 60%, 90% and 100% state of completion.
- R) When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable Federal, State and local requirements.
- S) The library will establish a separate account for construction grant funds.
- T) Any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.
- c) Some of the documentation and written assurances may be waived in the application for mini-grants described in Section 3060.100(c) of this Part, upon approval of the Illinois State Library construction consultant. Documentation and written assurances may be waived if they are not relevant to the specific mini-grant. As an example, a legal description of the affected real estate may not be required for a mini-grant project to install carpeting in the existing library building.
- d) All applications will be considered ~~by the Illinois State Library Advisory Committee~~ in accordance with Section 3060.200(c) ~~the provisions~~ of this Part.

(Source: Amended at 28 Ill. Reg. 15607, effective December 1, 2004)

Section 3060.1100 Disbursement of Grant Funds of \$50,000 or more

For grants of \$50,000 or more, theThe Illinois State Library shall disburse grant funds in accordance with the following schedule:

- a) 45% upon approval of the subject application and execution of the grant agreement;

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- b) 45% upon receipt by the Illinois State Library of the following items:
- 1) A list of bids submitted and bids accepted;
 - 2) A revised project budget after bids have been accepted;
 - 3) A revised construction schedule after bids have been accepted;
 - 4) A copy of the building permit issued by the appropriate corporate authority;
 - 5) Copies of each contract signed, including:
 - A) general contractor;
 - B) prime contractor;
 - C) any contracts for which separate bids were advertised and received (e.g., carpeting, equipment);
 - D) subcontractors (if contracts are to be signed later, copies can be sent as signed but prior to the start of the subcontractor's work);
 - 6) Notification of the erection on the construction site of a sign stating that library construction funds administered by the Secretary of State ~~and State Librarian~~ are being used for the construction;
 - 7) Quarterly narrative and financial reports to date;
 - 8) Letter of notification as to the official date of actual construction start. Construction should begin within 140 days after the effective date of the contract with the Illinois State Library according to Section 3060.600(f) of this Part;
 - 9) Submission of any projected project expenditure changes including identification in detail of how the grant is to be spent;
- c) 10% upon completion of the project and receipt and approval of the close-out reports and audit by the Illinois State Library.

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(Source: Amended at 28 Ill. Reg. 15607, effective December 1, 2004)

Section 3060.1110 Disbursement of Grant Funds of \$50,000 or Less

- a) For grants of \$50,000 or less, the State Library shall make a lump sum payment upon the signing of the grant contract with the Secretary of State.
- b) Throughout the course of the project, the grantee shall submit the following:
 - 1) A list of bids submitted and bids accepted;
 - 2) A revised project budget after bids have been accepted;
 - 3) A revised construction schedule after bids have been accepted;
 - 4) A copy of the building permit issued by the appropriate corporate authority;
 - 5) Copies of each contract signed, including:
 - A) general contractor;
 - B) prime contractor;
 - C) any contracts for which separate bids were advertised and received (e.g., carpeting, equipment);
 - D) subcontractors (if contracts are to be signed later, copies can be sent as signed but prior to the start of the subcontractor's work);
 - 6) Notification of the erection on the construction site of a sign stating that library construction funds administered by the Secretary of State are being used for the construction;
 - 7) Quarterly narrative and financial reports to date;
 - 8) Letter of notification as to the official date of actual construction start. Construction should begin within 140 days after the effective date of the

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contract with the Illinois State Library, according to Section 3060.600(f) of this Part;

9) Submission of any projected project expenditure changes, including identification in detail of how the grant is to be spent.

c) Upon completion of the project, submit for approval the close-out reports and audit by the Illinois State Library as specified in Section 3060.800(b)(2)(Q) of this Part.

(Source: Added at 28 Ill. Reg. 15607, effective December 1, 2004)

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STATE EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Number: 1540.80 Adopted Action: Amendment
- 4) Statutory Authority: 40 ILCS 5/14-124 (5)(e)
- 5) Effective Date of Amendment: November 18, 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 Proposed published in the Illinois Register: June 18, 2004; 28 Ill. Reg. 8454
- 10) Has JCAR issued a Statement of Objection to this amendment? Yes
 - A) Statement of Objection: July 30, 2004; 28 Ill. Reg. 10793
 - B) Agency Response: August 6, 2004; 28 Ill. Reg. 11412
 - C) Date Agency Response Submitted for Approval to JCAR: July 26, 2004
- 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 any emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Section 1540.80 is amended to reflect the current change in the Social Security gainful employment dollar amount. SERS has always

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paralleled the Social Security gainful employment dollar amounts. Social Security typically changes this amount every 3-5 years. This will true-up the amounts based on their most recent change.

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

Pat Cummings, Claims Division Manager
State Employees Retirement System
2101 S. Veterans Parkway
Springfield, IL 62794-9255

217-785-7260

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

STATE EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

THE ADMINISTRATION AND OPERATION OF THE
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section	
1540.5	Introduction
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment – A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits
1540.80	Disability Claims
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application – Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.200	Removal From the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions By the State (Repealed)
1540.240	Actuarially Funded Basis (Repealed)
1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.255	Pick-up Option for Optional Service Contributions
1540.260	Contributions and Service Credit During Nonwork Periods
1540.270	Written Appeals and Hearings

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1540.280	Availability for Public Inspection (Recodified)
1540.290	Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300	Organization of the State Employees' Retirement System (Recodified)
1540.310	Amendments
1540.320	Optional Forms of Benefits – Basis of Computation
1540.330	Board Elections
1540.340	Excess Benefit Arrangement
1540.350	Qualified Illinois Domestic Relations Orders (QILDRO)
1540.TABLE A	Optional Forms of Benefits – Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5/Art. 14].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 22, 1997; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective September 1, 1999; amended at 24 Ill. Reg. 6975, effective April 20, 2000; amended at 24 Ill. Reg. 18090, effective December 1, 2000; amended at 25 Ill. Reg. 5632, effective April 4, 2001; emergency amendment at 26 Ill. Reg. 11133, effective June 28, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16575, effective October 22, 2002; emergency amendment at 28 Ill. Reg. 8775,

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effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15628, effective November 18, 2004.

Section 1540.80 Disability Claims

- a) Nonoccupational Disability and Temporary Disability
 - 1) Any member of the Retirement System claiming benefits for nonoccupational disability or temporary disability shall file at the Springfield Office of the System a written application on forms prescribed by the Board.
 - 2) If a member makes a payment of contributions to the System in order to establish sufficient credit to qualify for a nonoccupational disability benefit, payment of the benefit shall accrue as of the ~~latter~~ later of the 31st ~~the thirty first~~ day of absence from work (including any periods of such absence for which sick pay was received), the day after the member is last entitled to receive compensation (including any sick pay), or the date of payment to the System. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220(a) (Period for Payment~~period for payment~~).
 - 3) If a member makes a payment of contributions to the System in order to establish sufficient credit to qualify for a temporary disability benefit, payment of the benefit shall accrue as of the ~~latter~~ later of the 31st day after the member is last entitled to receive compensation or the date of payment to the System. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220(a) (Period for Payment).
 - 4) If a member who is receiving a nonoccupational or temporary disability benefit wishes to make a payment of contributions to extend the period of eligibility for receipt of the benefit, the request to make such payment must be received at the Springfield Office of the System before the period of eligibility terminates and the date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220(a) (Period for Payment).
- b) Occupational Disability
Any member of the Retirement System claiming benefits for occupational

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disability shall file at the Springfield Office of the System a written application on forms prescribed by the Board.

- c) Licensed Physicians
- 1) Before an occupational, nonoccupational or temporary disability benefit can be approved, one statement must be received from a licensed physician attesting to the disability. An additional statement from a second licensed physician may be required by the disability examiner assigned to the case, depending on the nature of the disabling condition.
 - 2) The term "licensed physician" shall mean any individual who has obtained a license through the Department of Professional Regulation as described in Section 11(A) of the Medical Practice Act of 1987 [225 ILCS 60/11(A)]. All licensed physicians must submit their registration number on all reports submitted to the Retirement System.
- d) Report of Physicians
- 1) All physician's reports shall contain, among other things, the date and place of the first examination, the cause and nature of the disability, information regarding surgical work or laboratory tests, the date of last examination, prognosis regarding the member's disability, and an estimate of the probable length of disability.
 - 2) All physician's reports shall be signed by a licensed practicing physician or by medical records personnel of a licensed clinic.
- e) Gainful Employment
- In the case of occupational, nonoccupational or temporary disability, an individual who is found to be gainfully employed shall have the benefit terminated as of the date such employment commenced. The term "gainfully employed" shall be construed to mean either of the following:
- 1) Any employment by or for the State of Illinois.
 - 2) Effective ~~July~~~~September~~ 1, ~~2004~~~~1999~~, any remuneration that exceeds ~~\$810~~~~\$700~~ in any month. The ~~\$810~~~~\$700~~ monthly gainful employment limit will be adjusted each July 1 thereafter to the nearest whole dollar amount, based on the change in the Consumer Price Index for Urban

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Consumers for the prior calendar year.

- A) For purpose of this Section, "remuneration" shall be defined to mean:
 - i) any compensation for personal services including fees, wages, salary, commissions, and similar items;
 - ii) any income derived from the participation in a business activity through the performance of physical and/or mental activities generally performed for the production of income.

 - B) For purposes of this Section, remuneration shall be computed on a gross rather than net basis (i.e., no deductions of any kind including but not limited to deductions for losses, expenses, taxes or withholding, will be considered in such computation). Remuneration shall also include the fair market value of goods or services received, which if received in money would otherwise constitute remuneration. Remuneration representing gain from the sale, exchange or other disposition of goods or other property shall be equal to, the sum of the amount of money and the fair market value of any property received on such sale, exchange, or disposition, less the amount representing the cost to the seller in acquiring the goods or other property which is sold, exchanged, or disposed of. In applying this Section, the System shall consider the date on which the remuneration was earned rather than when it was received. For purposes of this Section, remuneration may be earned through either self-employment or employment by others.
- f) Investigation of Claims
- 1) The Board of Trustees of the State Employees' Retirement System (SERS) recognizes its obligation to provide a systematic program for the continued investigation, control and supervision of disability claims.
 - 2) Each disability benefit recipient is required to provide a current medical examination report each 6 months to substantiate continued disability. In order to substantiate the member's continued eligibility for disability benefits, the Disability Claims Examiner may require that the member submit to independent medical examinations and may request additional

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medical statements; hospital records; activity inspection reports; Department of Employment Security Earning Statements; Social Security benefit payment information; income tax records; or other pertinent information, all as deemed reasonable and necessary by the Examiner. The System will pay for independent medical examinations, hospital records, and activity inspection reports that it requires.

- 3) Failure of a disability benefit recipient to submit to an independent medical examination, to cooperate with an activity inspection, or to provide the information required shall result in suspension of benefit payments.

- g) Definition of Phrase "The Duties of the Member's Position"
The phrase, "The duties of the member's position" shall mean the duties of the member's position as of the date the member's name is removed from the payroll without regard to subsequent changes in the duties of the position, availability of the position, or the member's right to return to the position.

(Source: Amended at 28 Ill. Reg. 15628, effective November 18, 2004)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Motor Carrier Safety Regulations: General
- 2) Code Citation: 92 Ill. Adm. Code 390
- 3) Section Number: 390.1020 Adopted Action: Amendment
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) Effective Date of Amendment: November 19, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the Department's Office of Chief Counsel and Division of Traffic Safety and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 10, 2004; 28 Ill. Reg. 12566
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Various grammatical and non-substantive technical changes were made in agreement with JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This adopted amendment is identical to the emergency amendment that was published in the September 3, 2004, issue of the *Illinois Register* at 28 Ill. Reg. 12479, effective August 18, 2004. This adopted amendment replaces the emergency amendment. Therefore, by this rulemaking, the department has added a new category of vehicle to the definition of Commercial Motor Vehicle (CMV), at Section 390.1020, in accordance with P.A. 93-860, effective August 4, 2004. The new

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category includes vehicles used or designed to transport between 9 and 15 passengers, including the driver, for direct compensation, if the vehicle is being operated beyond a radius of 75 air miles (86.3 statute miles or 138.9 kilometers) from the driver's normal work reporting location. The Public Act also authorizes the department to amend an existing category in the definition of CMV to include those vehicles that will be "used" to transport more than 15 passengers, including the driver. Finally, the Department has added two new definitions – "air mile" and "direct compensation" – at Section 390.1020 to clarify the change to the definition of CMV and for consistency with the Public Act.

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

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

(217) 785-1181

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

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

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

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

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section	
390.2000	Incorporation by Reference

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] (see P.A. 93-0860, effective August 4, 2004).

SOURCE: Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 13171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective September 8, 1992; amended at 18 Ill. Reg. 754, effective January 11, 1994; amended at 18 Ill. Reg. 10362, effective June 15, 1994; amended at 19 Ill. Reg. 13050, effective August 30, 1995; amended at 20 Ill. Reg. 15344, effective November 18, 1996; amended at 23 Ill. Reg. 5105, effective March 31, 1999; amended at 24 Ill. Reg. 1954, effective January 19, 2000; amended at 25 Ill. Reg. 2100, effective January 17, 2001; amended at 26 Ill. Reg. 8978, effective June 5, 2002; amended at 26 Ill. Reg. 12749, effective August 12, 2002; amended at 27 Ill. Reg. 9218, effective June 2, 2003; amended at 28 Ill. Reg. 1152, effective January 4, 2004; emergency amendment at 28 Ill. Reg. 12479, effective August 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15636, effective November 19, 2004.

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section 390.1020 Definitions

The following definitions apply to all Parts in the IMCSR unless a specific Part expressly defines

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a term different than what is used below:

"Accident" means:

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

A fatality;

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

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

The term accident does not include:

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

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

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

"Air mile" means a nautical mile, which is equivalent to 6,076 feet or 1,852 meters. Accordingly, 100 air miles are equivalent to 115.08 statute miles or 185.2 kilometers. (Section 18b-101 of the Law (see P.A. 93-0860, effective August 4, 2004))

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

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

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

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

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

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

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

"Commercial motor vehicle (CMV)" means:

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

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

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

The vehicle is used or designed to transport between 9 and 15 passengers,

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including the driver, for direct compensation, if the vehicle is being operated beyond a radius of 75 air miles (86.3 statute miles or 138.9 kilometers) from the driver's normal work reporting location; or

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

This definition shall not include farm machinery, fertilizer spreaders, and other special agricultural movement equipment described in Section 3-809 of the Code nor implements of husbandry as defined in Section 1-130 of the Code. (Section 18b-101 of the Law (see P.A. 93-0860, effective August 4, 2004))

"Commercial Vehicle Inspections" means:

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

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

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

Level 3 – Driver Only Inspection: A roadside examination of the driver's

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license, medical certification and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, and vehicle inspection report.

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

Level 5 – Vehicle-Only Inspection: An inspection that includes each of the vehicle inspection items specified under the North American Standard Inspection (Level 1), without a driver present, conducted at any location.

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

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

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

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

"Direct assistance" means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel). It

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does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. (49 CFR 390.5, October 1, 2002)

"Direct compensation" means payment made to the motor carrier by the passengers or a person acting on behalf of the passengers for the transportation services provided, and not included in a total package charge or other assessment for highway transportation services. (Section 18b-101 of the Law (see P.A. 93-0860, effective August 4, 2004))

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

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

Exclusions:

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

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

Headlamp or taillight damage.

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

"Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or more of the following acts in a CMV: driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by state law; or refusal to undergo such testing as is required by any state or jurisdiction in the enforcement of Table 1 to "Commercial Driver's License Standards; Requirements and Penalties" (49 CFR 383.51) or "Driving of Motor Vehicles" (49 CFR 392.5(a)(2)). (49 CFR 390.5, October 1, 2002)

"Driveaway-towaway operation" means any operation in which a motor vehicle constitutes the commodity being transported and one or more sets of wheels of the

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vehicle being transported are on the surface of the roadway during transportation. (49 CFR 390.5, October 1, 2002)

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

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

A declaration of an emergency by the President of the United States, the Governor of a state, or their authorized representatives having authority to declare emergencies; by the FMCSA Field Administrator for the geographical area in which the occurrence happens; or by other Federal, State or local government officials having authority to declare emergencies, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee; or

A request by a police officer for tow trucks to move wrecked or disabled motor vehicles. (49 CFR 390.5, October 1, 2002)

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

"Employee" means:

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

A mechanic;

A freight handler; and

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

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

"Exempt intracity zone" means the geographic area of a municipality or the commercial zone of that municipality described by the Federal Motor Carrier Safety Administration (FMCSA) in 49 CFR 372, subpart B. The descriptions are printed in Appendix F to the Federal Motor Carrier Safety Regulations. A driver may be considered to operate a commercial motor vehicle wholly within an exempt intracity zone notwithstanding any common control, management, or arrangement for a continuous carriage or shipment to or from a point without such zone. (49 CFR 390.5, October 1, 2002)

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

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

"Farm machinery" – see definition of "Special Agricultural Movement"

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Equipment" in this Section.

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

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

Being used to transport either –

Agricultural products, or

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

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

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

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

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

Are owned by that person; or

Are under the direct control of that person. (49 CFR 390.5, October 1, 2002)

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

"Federal Motor Carrier Safety Administrator" means the chief executive of the Federal Motor Carrier Safety Administration, an agency within the United States Department of Transportation. (49 CFR 390.5, October 1, 2002)

"FMCSA Field Administrator" means the Field Administrator, Federal Motor Carrier Safety Administration, for a given geographical area of the United States.

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(49 CFR 390.5, October 1, 2002)

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

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

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

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

"Hazardous material" means a substance or material which has been determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. (49 CFR 390.5, October 1, 2002)

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

"Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the EPA specified in "Standards Applicable to Generators of Hazardous Waste" (40 CFR 262) or would be subject to these

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requirements absent an interim authorization to a state under "State Program Requirements" (40 CFR 123), Subpart F. (49 CFR 390.5, October 1, 2002)

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

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

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

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

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

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

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

"Medical Examiner" means a person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical examinations. In Illinois, the term includes doctors of medicine, doctors of osteopathy, doctors of chiropractic, physician assistants who have been delegated the performance of medical examinations by his/her supervising physician, and

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advanced practice nurses who have a written collaborative agreement with a collaborating physician that authorizes him/her to perform physical examinations.

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

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

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

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

"Operator" – see driver.

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

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

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

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

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

"Private motor carrier" means a person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier. (49 CFR 390.5, October 1, 2002)

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

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

"Radar detector" means any device or mechanism to detect the emission of radio

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

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

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

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

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

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

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

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

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

"Special agricultural movement equipment" means a vehicle of the second

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

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

"Trailer" includes:

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

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

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

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

"Truck tractor" means a self-propelled commercial motor vehicle designed and/or

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used primarily for drawing other vehicles. (49 CFR 390.5, October 1, 2002)

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

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

(Source: Amended at 28 Ill. Reg. 15636, effective November 19, 2004)

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- 1) Heading of the Part: Oversize and Overweight Permit Movements on State Highways
- 2) Code Citation: 92 Ill. Adm. Code 554
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
554.103	Amend
554.201	Amend
554.202	Amend
554.204	Amend
554.209	Amend
554.211	Amend
554.301	Amend
504.304	Repeal
554.306	Amend
554.307	Amend
554.310	Amend
554.312	Amend
554.315	Amend
554.402	Amend
554.403	Amend
554.407	Amend
554.418	Amend
554.425	Amend
554.504	Amend
554.505	Amend
554.508	Amend
504.607	Amend
554.609	Amend
554.705	Amend
554.706	Amend
554.710	Amend
554.801	Amend
554.901	Amend
554.907	Amend
554.911	Amend
- 4) Statutory Authority: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III]
- 5) Effective Date of Amendments: November 19, 2004

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- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the Department's Office of Chief Counsel and in the Division of Highways and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 20, 2004; 28 Ill. Reg. 11998
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Various grammatical and nonsubstantive technical changes were made throughout the Part.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes. At Section 554.211(b), the word "supplemental" has been changed to "revised".
- 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:

Following is a summary of the major changes to this Part.

At Section 554.103, the Department has inserted an email address for correspondence purposes.

At Section 554.201, the Department made a minor clarification regarding holiday moves.

At Section 554.202, the Department eliminated language regarding round trip movements in conformance with current practice and to facilitate movements.

At Section 554.204, the Department added more objects that can be moved under a Limited Continuous Operation permit.

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At Section 554.209, the Department clarified that the permittee must contact the permit office concerning corrections to a permit.

At Section 554.211, the Department clarified that no revisions will be made to a permit to alter the description of the load including the make, model and serial number; or, to add to scale designation; or, to change the type of permit.

At Section 554.301, the Department clarified which types of permits can be applied for by which method – telephone, Internet, fax, or in person.

At Section 554.304, the Department repealed this Section to eliminate redundancy.

At Section 554.306, the Department added language that states the internet is available when applying for a permit.

At Section 554.307, the Department renamed this Section to more accurately reflect the fact that forms (worksheets) are available to assist the applicant in completing a permit application.

At Section 554.310, the Department made a minor change that clarified that the route must reflect what is on the original application. Also, the Department removed the provision that allows for movement either one day before the effective date or one day after the expiration date of the permit.

At Section 554.312, the Department provided additional information about permit moves over toll highways.

At Section 554.315, the Department eliminated the grace period for permits at the request of the Illinois State Police.

At Section 554.402, the Department made minor non substantive clarifications of language.

At Section 554.403, the Department made minor non substantive clarifications of language.

At Section 554.407, the Department updated language to reflect the current practice of always requiring a State Police escort for overweight moves of 230,000 pounds or more.

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At Section 554.418, the Department added a provision concerning lighting when a load blocks visibility.

At Section 554.425, the Department clarified that some permits are “no routes”.

At Section 554.504, the Department made minor clarifications.

At Section 554.505, the Department clarified that any move of vehicles or objects over 16 feet in width will always require an investigation rather than “normally” requiring one.

At Section 554.508, the Department clarified that any move over 17 feet high will always require an investigation rather than normally requiring one.

At Section 554.607, the Department expanded the distance by which permittees may access a scale.

At Section 554.609, the Department added a provision that states that if any single axle exceeds 30,000 pounds, then no structures may be crossed.

At Section 554.705, the Department made minor clarifications.

At Section 554.706, the Department added a reference concerning what is needed for overwidth loads of implements of husbandry and also added a statutory reference concerning the definition of implements of husbandry.

At Section 554.710, the Department clarified that military convoy movements will be issued permits for overweight loads.

At Section 554.801, the Department made minor clarifications and added language regarding the use of a credit card for payment for emergency moves.

At Section 554.901, the Department clarified that permit fees may be paid by Visa or MasterCard.

At Section 554.907, the Department made minor clarifications.

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At Section 554.911, the Department added a provision that states the permittee must notify all Illinois State Police districts listed on the permit at least 24 hours in advance of a move.

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

Mr. David Johnson, Maintenance Operations Engineer
Illinois Department of Transportation
Bureau of Operations
2300 South Dirksen Parkway, Room 009
Springfield, Illinois 62764

(217) 782-2984

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

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYSPART 554
OVERSIZE AND OVERWEIGHT PERMIT MOVEMENTS ON STATE HIGHWAYSSUBPART A: GENERAL ~~REGULATIONS~~REGULATION

Section	
554.101	Legal Authority
554.102	Partial Invalidity
554.103	Scope
554.104	When a Permit is Required
554.105	To Whom Permits are Issued
554.106	A Permit is a Legal Document
554.107	Penalties
554.108	Insurance
554.109	For-Hire Moves
554.110	Illinois Motor Vehicle Laws
554.111	General IDT Information
554.112	IDT Registration

SUBPART B: TYPES OF PERMITS

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554.201	Permits for Single Trip Movements
554.202	Permits for Round Trips
554.203	Permits for Repeated Moves of Like Objects
554.204	Permits for Limited Continuous Operation
554.205	Permits for Repeated Moves Directly Across a Highway
554.206	Permits for the Movement of Overweight 2-Axle Truck Loaded With Sweet Corn, Soybeans, Corn, Wheat, Milo, or Other Small Grains and Ensilage
554.207	Permits for the Movement of Construction Equipment within a Construction Zone
554.208	Supplemental Permits
554.209	Scope: Duty of Permittee to Read Permit Upon Receipt
554.210	Extension of Permits
554.211	Revision of Permits
554.212	Fraudulent Permit

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SUBPART C: ISSUANCE OF PERMITS

Section

- 554.301 Transmission Media
- 554.302 Original Transmission Only is Valid as Permit (Repealed)
- 554.303 When Permits Are Issued
- 554.304 Permit Office ([Repealed](#))
- 554.305 District Offices
- 554.306 Method of Application
- 554.307 [Forms to Assist in the Preparation of a Permit Application](#)~~Data Needed on Application~~
- 554.308 Responsibilities of the Department in Analysis of Applications
- 554.309 Preliminary Application for Estimating Purposes for Proposed Moves
- 554.310 Procedure Following Arrest for Violation
- 554.311 Subsequent Permits Following a Violation
- 554.312 Permits for Moves Over Toll Highways
- 554.313 Permits for Moves Over Local Roads
- 554.314 Moves Upon Structures Located on a Local Street or Highway Spanning an Interstate or Controlled Access Highway
- 554.315 Definition of Violation of Permit

SUBPART D: GENERAL CONDITIONS AND PROVISIONS

Section

- 554.401 Conditions and Restrictions
- 554.402 Short Form Permits
- 554.403 Form [OPERBT](#) 993
- 554.404 When Flagmen are Required (Repealed)
- 554.405 Qualifications for Flagmen (Repealed)
- 554.406 Duty of Flagmen (Repealed)
- 554.407 When Escort Vehicles Are Required
- 554.408 Requirements for Civilian Escorts
- 554.409 Manufactured Homes
- 554.410 Overdimension
- 554.411 Overweight Moves
- 554.412 Axle Suspension for Legal Weight Moves
- 554.413 Axle Suspension for Overweight Moves
- 554.414 Buildings
- 554.415 Farm Tractors Prohibited as Towing Vehicle
- 554.416 Double-Bottom Units

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554.417	Flags
554.418	Rotating or Flashing Amber Lights
554.419	Oversize Load Signs
554.420	General Speed Limits for Permit Movements
554.421	Moves in Convoys Prohibited
554.422	When Moves May be Made
554.423	Moves Over Posted Load Roads and Bridges
554.424	Time Limits
554.425	Deviation from Authorized Routes
554.426	Permit Must be Carried with the Move
554.427	Closure of Highway for Permit Movement
554.428	Right-of-Way During Movement
554.429	Legal Height Movements
554.430	Assigned Permitted Route

SUBPART E: ~~OVERSIZE~~OVERDIMENSION VEHICLES AND LOADS

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554.501	Scope
554.502	Legal Dimensions
554.503	Exceptions to Legal Limitations
554.504	Overwidth up to 14 Feet 6 Inches Wide
554.505	Width Exceeding 14 Feet 6 Inches
554.506	Horizontal Clearances
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554.509	Maximum Size Manufactured Home, Modular Home, or Oversize Storage Building
554.510	Manufactured Home Frames
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554.513	Distances Buildings may be Moved
554.514	When Work is Required on Highway
554.515	Overhead Clearances
554.516	Routes upon Which Buildings may be Moved
554.517	Conditions Applicable to Building Moves
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SUBPART F: OVERWEIGHT VEHICLES AND LOADS

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554.602	Legal Weights
554.603	Exceptions to Legal Weights
554.604	Practical Maximum Weights
554.605	Moves in Excess of Practical Maximums
554.606	Maximum Weight on Chicago Expressways
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554.609	Movement of Off-Road Overweight Equipment
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554.701	Scope
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554.901	Remittance
554.902	Exemptions to the Requirement of Payment of Fees
554.903	Bonded Charge Accounts
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554.905	Security Requirements
554.906	Basis for Fees
554.907	Supplemental Permit Fees
554.908	Service Charge for Special Handling
554.909	Fees for Buildings and Special Moves
554.910	Fee for Engineering Inspections and Investigations
554.911	Fees for Illinois State Police Escorts
554.912	Special Categories of Fees (Repealed)
554.913	Other Overweight Fees (Repealed)
554.914	Fees for Round Trip and Repeat Move of Like Object Permits (Repealed)
554.915	Fee Schedules (Tables 1, 2, and 3) (Repealed)

554.APPENDIX A	Data Relative to Vehicles Authorized to Operate on Illinois Highways (Repealed)
554.APPENDIX B	Legal Gross Weights of Vehicles and Combinations of Vehicles Authorized by Section 15-111, Illinois Vehicle Code (Repealed)
554.APPENDIX C	Application Form BT 1928 (Repealed)
554.APPENDIX D	Special Vehicle Movement Permit – Form BT 993 (Repealed)
554.APPENDIX E	Form BT 750 (Repealed)
554.APPENDIX F	Form BT 751 (Repealed)
554.APPENDIX G	Application for Establishment of an Open Account with the Permit Section, Bureau of Traffic (Form BT 1932) (Repealed)
554.APPENDIX H	Bond for Payment of Special Permit Fees and Charges to Illinois Department of Transportation for Movement of Vehicles of Excess Dimensions or Weight Over Illinois Highways (Form BT 1931) (Repealed)

AUTHORITY: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 2, p. 256, effective January 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 24, p. 586, effective May 29, 1980; codified at 7 Ill. Reg. 9672; amended at 11 Ill. Reg. 3248, effective February 3, 1987; amended at 12 Ill. Reg. 13232, effective July 29, 1988; amended at 20 Ill. Reg. 2565, effective January 25, 1996; amended at 21 Ill. Reg. 2682, effective February 10, 1997; amended at 23 Ill. Reg. 706, effective

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December 30, 1998; amended at 24 Ill. Reg. 18765, effective December 8, 2000; amended at 28 Ill. Reg. 15654, effective November 19, 2004.

SUBPART A: GENERAL ~~REGULATIONS~~REGULATION**Section 554.103 Scope**

- a) All applications for permits are given full consideration. Permits for proposed moves may be issued
 - 1) when the highways and bridges will not be unduly damaged; and
 - 2) when the safety of the traveling public will be adequately protected.
- b) A permit may also be issued when substantial benefits will be realized by a large segment of the public; and ~~the~~ potential damage and safety problems can be resolved.
- c) This ~~Part~~publication is the official detailed policy ~~reflecting these guidelines. It is~~ written to provide a uniform system for issuing ~~oversize~~excess size and ~~overweight~~weight permits. This ~~Part~~policy is authorized by ~~the~~The Illinois Vehicle Code and, in addition to the statutes, governs the issuance of special permits. All ~~of~~ the terms, conditions, and informational requirements contained in this Part ~~554~~, constitute the Department's official ~~policies for this permit program~~policy.
- d) Questions regarding permits or permit ~~policies~~policy should be directed to the Illinois Department of Transportation, Bureau of OperationsTraffic, Permit Office, 2300 South Dirksen Parkway, Springfield, Illinois 62764, ~~hereafter referred to as the Permit Office (Telephone number (217-782-6271) or by email at: permitoffice@dot.il.gov.~~

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

SUBPART B: TYPES OF PERMITS

Section 554.201 Permits for Single Trip Movements

- a) Permits for single trip movements are issued for one-way movement. These permits are valid for 5 working days.

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- b) Unless stated otherwise on the permit:
- 1) permit movements may be made only from a half hour before sunrise to a half hour after sunset on weekdays and from a half hour before sunrise to noon on Saturday;
 - 2) permit movements are prohibited on Sunday and on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day
 - 3) permit movements will not be allowed later than noon on the day preceding [a holiday or](#) a holiday weekend; and
 - 4) categorical permit moves (See Sections 554.504, 554.507, 554.508 and 554.604 for limitations pertaining to categorical moves) that are overweight only shall be allowed to move with no time restrictions.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.202 Permits for Round Trips

- a) Permits for round trip moves may be issued provided:
- 1) the same or "like" object is to be moved in both directions,
 - 2) the same vehicle is to be utilized, except that another vehicle bearing the same IDT Class A or B may be substituted for the return trip, and
 - 3) the same route is to be traveled in the reverse direction.
- b) A description, including make and model, of the equipment being transported must be furnished to the Permit Office.
- c) Applications for round trip moves will be the same as for a single trip move, except the words "and return" may be added. Round trip permits over a circular or roundabout route will not routinely be issued. For example, when a routing on a divided highway is adequate for the size or weight in one direction, but due to a lower clearance or a deficiency in a structure in the opposite direction, it is necessary to route the movement over different highways on the return trip. A

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single trip permit will not be revised to include "round trip" after the permit has been issued. Round trip permits are subject to the restrictions contained in Section 554.201 except such permits are valid for a period of 10 working days and one round trip move. ~~The Department will not issue round trip permits when the dimensions and/or weight of the object to be moved are above categorical (routine) limitations (See 625 ILCS 5/15-307(g)).~~

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.204 Permits for Limited Continuous Operation

Permits for limited continuous operation are available for the movement of ~~oversize/overdimension~~ legal weight pieces of construction equipment, manufactured homes, ~~modular sections~~, storage buildings, ~~or~~ trusses, ~~or other homogenous oversize items~~. These permits are valid for a period of three months or one year except as otherwise indicated on the permit. The following items are pertinent:

- a) Limited Continuous Operation Permits may be issued for the movement of ~~oversize/overdimension~~ construction equipment or vehicles, provided:
 - 1) The movement will consist of a specific vehicle, a ~~designated~~ piece of construction equipment, or a "like" load. The vehicle or load may be moved on a specific vehicle, under its own power, or on a tractor/semitrailer~~an IDT-registered~~ vehicle combination. A "like" load must be the same as the load described in the permit, ~~including make and model~~. In order to minimize trips and conserve fuel, a permittee may haul, along with the designated object or "like" load, an additional legal size object, provided it is loaded within the legal width, height, and length dimensions and the axle and gross weights are legal;
 - 2) The vehicle or combination of vehicles is properly licensed if plates are required; and
 - 3) The overall width does not exceed 12 feet.
- b) A permit may be obtained to move an ~~oversize and/or overweight/overdimension~~ empty vehicle that is normally used to haul oversize and/or overweight permit loads. Such permits are needed when returning empty after having delivered an oversize or overweight piece of equipment. In order to minimize trips and conserve fuel, the permittee may, instead of returning empty, haul a legal size

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object with this permit, provided the axle and gross weights are legal and the object is loaded to conform to the legal width, height, and length limits.

- c) Limited Continuous Operation Permits for the movement of manufactured homes or modular sections or oversized storage buildings may be issued, provided:
- 1) The overall width does not exceed 16 feet and height of 15 feet;
 - 2) The overall length of manufactured home and towing vehicle does not exceed 115 feet;
 - 3) The applicant is a dealer licensed by the Secretary of State of Illinois or by another state to do business as a manufactured home dealer; a hauler having an Illinois Commerce Commission permit; a hauler having an Interstate Commerce Commission permit; a manufactured home manufacturer; or a Federal, State, or local governmental agency.
- d) Limited Continuous Operation Permits may be issued for highway construction, transportation, utility, and maintenance equipment owned and operated by a local governmental authority for a period of one year.
- e) Limited Continuous Operation Permits may be issued for trusses up to 14 feet wide and 115 feet long.
- f) Limited Continuous Operation Permits may be issued for homogenous oversized items of any nature provided:
- 1) The overall width does not exceed 12 feet.
 - 2) The overall length does not exceed 115 feet.
 - 3) The overall height does not exceed 14 feet 6 inches.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.209 Scope: Duty of Permittee to Read Permit Upon Receipt

Permits are issued insofar as practical in conformance with data contained in an application. Errors in the application, in the permit, or in the transmission of a permit must be corrected before the move. The permittee ~~Permittee~~ must check the permit upon receipt or before starting a

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move. If, upon checking a permit, the permittee finds that the permit does not cover the move, that it is incorrect, or that it is otherwise in error, the permittee must contact the Permit Office for a revision for correction. ~~The issuance of any supplemental permits will be held to a minimum.~~

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.211 Revision of Permits

A permit shall not be altered or revised except by the Permit Office.

- a) The Permit Office may issue revisions to permits:
- 1) to correct ~~errors~~an error attributed to the issuing office;
 - 2) at the request of the permittee~~applicant~~ before the move has been started:
 - ~~A)~~ A) ~~to correct an applicant error;~~
 - ~~B)~~ B) to alter routes or destinations;
 - ~~C)~~ C) to correct or increase sizes or weights;
 - ~~D)~~ D) to substitute a vehicle used to transport a load;
 - ~~3)~~ 3) to adjust weights as outlined in Section 554.608; or
 - 34) due to emergency or exceptional conditions beyond the control of or outside the normal scope of knowledge of the permittee~~applicant~~.
- b) It is the responsibility of the permittee~~applicant~~ to ensure accuracy of the application. The issuance of a second revised permit will be held to a minimum. ~~Second revisions will not normally be issued.~~
- c) Consistent with the provisions of this Section, revisions will not be issued:
- 1) For Permits for Repeated Moves of Like Objects because applications for such moves have been given considerable advance planning;
 - 2) For Limited Continuous Operation Permits;

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- 3) To change the name of the permittee;
- 4) To change the origin or first route of the move except when entering from the same State line;
- 5) To alter the description of the load, including the make, model, or serial number or change the serial number of a mobile home; or
- 6) To revise a permit that has been violated;-
- 7) To add to scale designation (weigh station) within route; or
- 8) To change the type of permit.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

SUBPART C: ISSUANCE OF PERMITS

Section 554.301 Transmission Media

Permits may be applied for and issued by any of the following means:

- a) By telephone or Internet – permits not exceeding practical maximums as shown in Sections 554.504, 554.507, 554.508, and 554.604, Single Trip Movement permits, Round Trip Movement permits, Repeated Moves of Like Objects permits, Limited Continuous Operations permits;
- b) By fax – superload permits that exceed practical maximums;
- c) By mail or in person – all permits.

Loads that do not exceed practical maximums may also be applied for via Internet 24 hours a day, 7 days a week. Permits may be issued and applied for by telephone, via mail, by various electronic communications, or in person. All costs of transmission are borne by the applicant.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.304 Permit Office (Repealed)

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~~All types of special permits are issued by the Permit Office of the Department of Transportation, Bureau of Traffic, 2300 South Dirksen Parkway, Springfield, Illinois 62764 (Telephone number 217/785-1477 or 800/252-8636, within Illinois)~~

(Source: Repealed at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.306 Method of Application

~~Applications~~ Depending upon the type of permit needed, application may be made by telephone or in writing. ~~Written applications~~ may be submitted in person or, by mail at: Illinois Department of Transportation, Permit Office, Room 017, 2300 South Dirksen Parkway, Springfield, Illinois 62764, or on the Internet at <http://permits.dot.il.gov>. ~~Permit applications may also be made by telephoning 217-785-1477 or 1-800-252-8636 within Illinois. Permit applications may be faxed to 217-782-3572, or by any of the various types of electronic communications equipment maintained in the Permit Office.~~ In compliance with Illinois Statutes, the Department has installed an automatic device for recording applications received and permits issued by telephone. In making application by telephone, the Department and the applicant waive all objections to the recording of the conversation. The following conditions apply to applications for various types of permits.

- a) Permits for single trip and round trip.
 - 1) ~~Permits~~Applications may be applied for on the Internet, by telephone or in writing by submitting Form OPER 1928 for permits within the practical maximum size and weight limits as shown in Sections 554.504, 554.507, 554.508, and 554.604.
 - 2) Applications for permits exceeding the practical maximum size and weight limits must be submitted by fax, by mail, or by walk-in and shall be submitted on Form OPER 2270~~in writing~~.
- b) Permits for repeated moves of like objects (minimum of five applications).
 - 1) Applications must all be submitted at one time to the Permit Office.
 - 2) ~~The applicant~~Applicant may telephone the Permit Office to activate permits that were applied for without an effective date.
- c) Permits for limited continuous operation may be applied for on the Internet, by fax, telephone or in writing.

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- d) Permits for the repeated moves directly across a highway or for the movement of an overweight 2-axle truck loaded with sweet corn, soybeans, corn, wheat, milo or other small grains and ensilage may be applied for by fax at 217-782-3573 or must be in writing on current Department Form BT 1163 or BT 757, respectively.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.307 Forms to Assist in the Preparation of a Permit Application~~Data Needed on Application~~

Much of the data required on an application is specified by law. Forms are available for use as a worksheet to assist in preparing permit applications. These forms may be obtained through the Department's Internet address found in Section 554.306 or by contacting the Permit Office at 217-782-6271. Forms have been developed to aid in applying for all types of permits but are not necessary for written applications for single trip, round trip, limited continuous operation, or repeated moves of like object permits. Any necessary forms may be obtained from the Permit Office.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.310 Procedure Following Arrest for Violation

- a) Following an arrest for violation of a permit, if the load can be shifted to comply with the provisions of the permit, the driver or owner may make the shift and then proceed. If the load cannot be shifted or otherwise adjusted to comply with the permit, a new permit must be secured following the same procedures as for an original permit.
- b) If the permit designates and includes a routing to a certified scale that was requested on the original application as outlined in Section 554.607, the permittee, while enroute to the designated scale, shall be deemed in compliance with the weight provisions of the permit provided the axle or gross weights do not exceed any of the permitted limits by more than 2000 pounds on a single axle, 3000 pounds on a tandem axle, and 5000 pounds on the gross weight. Before leaving the designated scale area, the permittee must either:
- 1) shift the load to comply with the permitted weights,
 - 2) obtain a revision from the Permit Office if the final weights exceed the

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permit limits but are within the tolerances, or

- 3) obtain a new permit if the weight tolerances are exceeded.
- c) Once a permit is violated for weights above tolerance limits, a revision will not be issued even though weights can be adjusted to be within tolerance limits.
- d) The fact that a new permit may be issued to continue the move carries no assumption of intent, error, mistake, or mitigating circumstances concerning the limitations, conditions, or provisions contained in the original permit that may affect its status subsequent to arrest.
- e) In the event that a permit load is found moving ~~either one day~~ before the effective date or ~~one day~~ after the expiration date of the permit, ~~the incident will be considered a violation of permit; however, the permit remains valid. (See 625 ILCS 5/15-301(h).) Outside of these limitations (two or more days before or after the effective date or expiration date),~~ the officer shall proceed with violations of 625 ILCS 5/15-111 as no valid permit exists.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.312 Permits for Moves Over Toll Highways

- a) Permits for ~~oversize and overweight and overdimension~~ movements over the Illinois Toll Highway System are not issued by the Department ~~of Transportation~~ but are required when legal dimensions or weights are exceeded. A maximum width of 10 feet, ~~height of 14 feet 6 inches, and gross weight of 120,000 pounds~~ is allowed on most toll roads due to physical limitations. A maximum width of 12 feet is allowed on the sections of the toll ~~highway road~~ system that carry Interstate Route 80 and U.S. Route 51.
- b) ~~Both oversize and overweight~~ These permits may be obtained from the Illinois State Toll Highway Authority, Downers Grove, Illinois 60515 (~~630-telephone, 708/241-6800, ext. 3822~~). ~~Oversize and overweight~~ Overdimension permits may also be purchased at a Toll Plaza. A permit is required from the ~~Department's~~ Permit Office for movement on State highways leading to and from the toll road ~~prior to purchase of a toll road permit~~.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

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Section 554.315 Definition of Violation of Permit

- a) When operating under authority of an oversize/overweight permit issued by the Illinois Department of Transportation, the following list ~~includes but is not limited to~~ offenses ~~that~~ shall be considered a violation of permit but will not render the entire permit null and void:
- 1) Incorrect license number or state;
 - 2) Incorrect make, model, description or serial number;
 - 3) Incorrect number of axles;
 - 4) Gross, tandem or single axle weights that are in excess of those permitted. In this case, the violator may be fined for the excess weight in addition to the violation of permit;
 - 5) Incorrect width, length, and/or height of the permit load;
 - 6) Failure to comply with the general conditions, specific provisions, and notes listed on the permit;
 - 7) ~~Movement of the permit load within one day before or one day after the effective or expiration dates.~~
- b) This list is not comprehensive, but reflects the most prevalent instances of violation of permit. Under a violation of permit, the permittee must either bring the permit load into conformance with the conditions of the permit or purchase a new permit before continuing.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

SUBPART D: GENERAL CONDITIONS AND PROVISIONS

Section 554.402 Short Form Permits

- a) Permits issued in writing ~~or by fax, by telegram, or other electronic transmission~~ have been shortened to reduce the cost of the messages. Applicable conditions and restrictions are indicated by code letter and number ~~and, which~~ are contained in Form ~~OPERBT~~ 993. A copy of Form ~~OPERBT~~ 993 must accompany the

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permit or the permittee is subject to arrest in accordance with Section 15-301(j) of ~~the~~The Illinois Size and Weight Law.

- b) Permits issued by telephone shall be written in ink or typed by the permittee on Form ~~OPERBT~~ 1928. The permittee must complete the applicable portions of this form as directed by the Permit Office prior to starting the move. The record of the permit as maintained by the Permit Office shall be presumed correct in any questions or dispute. These forms contain general provisions on the reverse side. The permittee need not have a Form ~~OPERBT~~ 993 in his possession when obtaining a permit by telephone and using the Form ~~OPERBT~~ 1928. The Permit Office may require that a copy of the form completed by the permittee for any permit issued by telephone ~~to~~ be submitted to the Permit Office to verify that the information has been correctly recorded. It is anticipated this will only be done on forms the Department has reason to believe have been inaccurately completed or if the company is suspected of abusing the self issue permit system. If a company has abused the system by, for example, attempting to use the same permit for more than one move or knowingly completing the form inaccurately, the company will not be allowed to obtain permits by telephone.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.403 Form ~~OPERBT~~ 993

- a) ~~Form OPER 993~~This form contains provisions, restrictions, and conditions that may apply to an ~~oversize~~excess-size or ~~overweight~~weight move. These forms are available from the Permit Office, State Police District Headquarters, weigh stations, and some truck stops, and must accompany all short form written permits. A form may be capsulated or placed in a plastic binding for use with subsequent permits.
- b) The conditions and restrictions will be referred to as "provisions" in the permit. In case of conflict, the order of priority shall be
- 1) conditions stated in permit,
 - 2) special provisions (referred to by code letter "C" and number) then
 - 3) general provisions (referred to by code letters "A" or "B").

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

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Section 554.407 When Escort Vehicles Are Required

- a) One civilian escort vehicle is required:
 - 1) For all moves that exceed 14 feet 6 inches in width;
 - 2) For all moves that exceed 110 feet in length;
 - 3) For all moves that exceed 14 feet 6 inches in height;
 - 4) For any move either across, upon, or along a highway when additional warning is required to alert the traveling public. For instance, if a movement is required to travel during darkness or on a weekend to respond to an emergency situation, a civilian escort will be required.

- b) Two civilian escort vehicles are required:
 - 1) For all moves that exceed 16 feet in height;
 - 2) For all moves that exceed both 14 feet 6 inches in width and 14 feet 6 inches in height;
 - 3) For all moves that exceed both 14 feet 6 inches in height and 110 feet in length;
 - 4) For all moves that exceed both 14 feet 6 inches in width and 110 feet in length.

- c) Three civilian escorts are required:
 - 1) For all moves that exceed 16 feet in width;
 - 2) For all moves that exceed 145 feet in length;
 - 3) For all towed special haul rigs more than 150 feet in length.

- d) Illinois State Police Escorts
 - 1) Illinois State Police escorts are required:

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- A) For moves greater than 18 feet wide;
 - B) For moves of greater than 175 feet in length;
 - C) For moves over 18 feet high;
 - D) For overweight moves where bridge restrictions require that all traffic be kept off of a structure while the permitted vehicle crosses; ~~or~~
 - E) For overweight moves of 230,000 pounds or more; or
 - ~~E~~) For any move of an unusual nature where additional traffic control is necessary to alert the motoring public to the permit movement.
- 2) Moves requiring Illinois State Police escorts~~These moves~~ will normally be made partially or entirely outside a municipality. The permittee must make all arrangements with the designated State Police Headquarters at least 24 hours prior to the move. The Permit Office may determine a State Police escort is not necessary in some instances including but not limited to the following:
- A) on moves made within a municipality if local police are utilized as specified in Section 554.407(d);
 - B) on movements where the object will only cross a State highway and minimal disruption of traffic is anticipated; or
 - C) on moves over 18 feet high if a field investigation reveals there are not any overhead obstructions.
- e) Local police escorts may be required in lieu of State Police escorts when the move is made entirely within the limits of a city or county. It is the responsibility of the permittee to make all arrangements with the local police when the permit specifies such an escort as a condition of the permit.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.418 Rotating or Flashing Amber Lights

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- a) Rotating or flashing amber lights mounted on top of the vehicle, and on the rear of the load, if necessary, shall be in operation during the movement of all oversize and/or overweight permit loads and shall have sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight. The lights may augment, but not supersede, flagmen or escorts. The rotating or flashing amber lights must be clearly visible to traffic approaching from the front and the rear of the transport vehicles for at least 500 feet. If the load on the vehicle blocks the visibility of the amber lighting from the rear of the vehicle, the vehicle must also be equipped with rotating or flashing amber lights on the rear of the load. Emergency moves at night, if authorized, shall also display rotating or flashing amber lights. (See 625 ILCS 5/12-215(b)(5).)
- b) Vehicles transporting objects over 80 feet in length shall be equipped with two rotating or flashing amber lights: one over the cab of the vehicle; the other within 10 feet of the rear of the object, mounted as high as practical over it.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.425 Deviation from Authorized Routes

Permit movements must be made over the routes listed in the permit. If the permittee is traveling on State maintained routes other than those specified in the permit, ~~the permittee~~ is subject to arrest in accordance with Section 15-301(j) of The Illinois Size and Weight Law. Regardless of the reason for being off route, the arresting officer should not allow the movement to proceed until the Department has had an opportunity to determine whether any damages have resulted from travel on unauthorized routes and until the Department provides a new routing to return the driver to the routing authorized in the permit. If a routing is not prescribed, the permittee is expected ~~to follow the route indicated on his application or~~ to follow a direct route on State maintained highways between the specified origin and destination. However, drivers are authorized to deviate from the assigned route in observance of construction restrictions and/or official signs directing trucks to a weigh station. Upon instructions from a police officer, the driver may also be directed off of the assigned route to a scale. When the permittee is found to be within the size and weight limits of his permit, it is the responsibility of the police officer to assist the driver in returning to the prescribed route. If the officer is unsure of the capacity of any portion of the State routes between the point where the load is stopped and the scale, the officer may contact the Permit Office for routing assistance.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

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SUBPART E: ~~OVERSIZE~~~~OVERDIMENSION~~ VEHICLES AND LOADS**Section 554.504 Overwidth up to 14 Feet 6 Inches Wide**

- a) Permits may be issued for widths up to the practical maximum of 14 feet 6 inches, except for toll highways and certain expressways in the Chicago area.
- b) The maximum width for which permits may be obtained is 10 feet on controlled access highways in Cook County, except Interstate Route 80, Interstate Route 57 from U.S. Route 6 (159th Street) south, Illinois Route 394 from Interstate Route 80 south and Interstate Route 290, north of ~~Interstate 294~~~~St. Charles Road~~ and Illinois Route 53.
- c) Separate permits must be obtained from the Illinois State Toll Highway ~~Authority~~~~authority~~ (telephone, ~~312/654-2200 or 708/630-~~241-6800) for travel on Illinois toll highways. The maximum width permitted on these highways is 10 feet, except a width of 12 feet is allowed on the sections of the tollroad system that carry Interstate Route 80 and U.S. Route 51.
- d) Loads exceeding 14 feet 6 inches in width will generally be routed over multilane highways whenever possible even though additional travel distance may result. An alternate routing could be approved if, for example, the traffic volumes on the proposed two-lane routing were low and the highway geometrics were sufficient to allow the unit to move without disrupting traffic flow.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.505 Width Exceeding 14 Feet 6 Inches

- a) In the interest of safety, the movement of vehicles or objects exceeding this width is restricted. Construction activity or other highway conditions may result in lengthy delays in the issuance of a permit or may preclude issuance altogether.
- b) Movement of vehicles or objects exceeding 18 feet wide will generally only be authorized on Interstate and other multilane controlled access highways. All the movements on these highways must be able to maintain any minimum posted speeds, except at locations where the permit requires reduced speeds.
- c) Permits may be issued to move a vehicle or load over 14 feet 6 inches wide, provided:

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- 1) Roadway data maintained by the Permit Office disclosed that the movement can be made without seriously jeopardizing other traffic or highway facilities. If these data are inadequate, a field investigation shall be conducted.
 - 2) The movement will not delay emergency vehicles that may need to travel on the proposed routing.
 - 3) The move is not one of many to be made in the course of regular operations.
- d) Movements shall be confined to a single traffic lane and shall be made in such a manner that the rest of the roadway will be open at all times so the flow of other traffic will not unnecessarily be obstructed. Whenever the width of the object or the roadway conditions require the use of more than a single traffic lane, other traffic will be given the right-of-way over this movement. The driver shall remove the vehicle from the roadway when necessary to allow an accumulation of traffic to pass or when so directed by a police officer.
- e) Moves of vehicles or objects over 16 feet wide normally require an engineering investigation. A field investigation will not be required, for each of several identical moves, provided they are all completed within 30 days of the initial investigation. If a field investigation is required and the applicant does not request issuance of the permit within 30 days after he is notified the movement is feasible, it will be necessary that the Permit Office verify the movement is still acceptable with the District Office.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.508 Overheight

- a) The maximum overheight for which a permit may be issued is governed by overhead clearances. The height of the move should be measured from the uppermost point of the object, after it is loaded, to the ground. The practical maximum height is 15 feet.
- b) The maximum height authorized on Chicago area controlled access highways is 13 feet 6 inches.

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- c) On all highways, a 3-inch clearance generally is specified to allow for bounce. Overheight movements that are extremely long may require additional clearance at underpasses where the approach pavement dips abruptly at the structure.
- d) The Permit Office does not check the vertical clearance of a route when the applicant indicates the height of the vehicle and load is "legal". If the applicant indicates the height is 13 feet 6 inches, which is the legal height, no additional clearance is provided when the vertical clearance of the route is checked.
- e) For movements at 16 feet or greater in height, the applicant shall perform a route survey, listing all overhead obstructions, to ensure the clearances will enable the object to pass under without difficulty.
- f) For movements ~~at in excess of~~ 17 feet in height, or greater, it is the responsibility of the applicant to contact all companies with overhead utility facilities and to indicate on the application the company, name of person ~~contacted~~~~contracted~~ and telephone number. An engineering investigation, consisting of a route survey by District personnel, will ~~normally~~ be required.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

SUBPART F: OVERWEIGHT VEHICLES AND LOADS

Section 554.607 Movement to a Designated Scale

Sections 15-301(b) and (f) of the Illinois Size and Weight Law allow the permittee to travel to a certified scale to verify the axle and gross weights of an overweight load when ~~the permittee~~ is uncertain of the correct weights. The following conditions apply:-

- a) The permittee must, on his original application, request that he be routed to a certified scale, the location of which he has designated on the application.
- b) For loads that exceed practical maximums, theThe scale must be the nearest scale to the permittee's origin that has been certified by the Illinois Department of Agriculture (State weigh stations included). "Nearest scale" for permit loads with weights not exceeding practical maximums is defined as a scale within 25 miles of the permitted load's origin. The scale must be certified by the Illinois Department of Agriculture (State weigh stations included). However, if size and/or weight limits preclude the use of the requested scale, the permittee shall be routed to the first scale located within the route assigned by the Permit Office

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provided such scale is located within 25 miles of the permittee's origin or no more than 1/3 of the total distance of the permitted route, whichever distance is less.

~~"Nearest scale" for permit loads with weights not exceeding practical maximums is defined as a scale within 25 miles of the permitted load's origin.~~

- c) The permittee must indicate the requested routing.
- d) If any routes under the jurisdiction of local agencies are included in the routing, the permittee must provide evidence that he has secured approval from the local authority having jurisdiction.
- e) Due to the volume of permits handled, the Permit Office cannot assist the permittee in determining the closest certified scale. By approving the routing to the scale as requested by the applicant and indicating the weight of the load is to be checked at a designated scale, the Permit Office in no way implies that it is the closest certified scale to the permittee's origin. If a police officer finds there is a closer certified scale, he may require the driver to travel to that scale; however, it is that officer's responsibility to verify the routes can accommodate the load.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.609 Movement of Off-Road Overweight Equipment

The distance that can be traveled on Illinois highways under a permit by overweight equipment such as a scraper or end loader that is not designed for highway travel, under its own power or towed, will generally be limited to a maximum distance of 25 miles. Axle limitations will be based upon an analysis of the pavement utilizing the tire sizes specified on the application. If any single axle exceeds 30,000 pounds, no structures may be crossed.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

SUBPART G: SPECIFIC POLICIES INDUSTRIAL HIGHWAY CROSSING

Section 554.705 Disabled Vehicles

A combination of vehicles, including a tow truck and a disabled vehicle or disabled combination of vehicles, which exceeds the legal length and/or weight limits may be operated on a highway under the following conditions. (See Sections 15-107 and 15-111 of the Illinois Size and Weight Law):

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- a) Prior to towing, neither the disabled vehicle, disabled combination of vehicles, nor the tow truck shall individually exceed the legal length or weight limits.
- 1) When overlength, the towing shall not exceed a distance of 50 miles from the initial point of wreck or disablement.
 - 2) When overweight the towing shall not exceed a distance of 2015 miles from the initial point of wreck or disablement provided neither the tow truck nor the vehicle being towed shall exceed the following axle weight limits:

Single rear axle – 24,000 pounds

Tandem rear axle – 44,000 pounds.

- b) Any additional movement of ~~the disabled~~such vehicles shall be under normal permit procedures (Section 554.306). Requests for the emergency movement of equipment when the Permit Office is closed ~~will~~would be considered under the provisions of Section 554.801.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.706 Implements of Husbandry

Sections 1-130, 11-1418, 15-101, and 15-102 of ~~the~~The Illinois Vehicle Code provide information and exemptions for the movement of implements of husbandry. (Form OPER 2279 provides transport rules (see 625 ILCS 5/15-102(b)(2)(A)-(H)) for width exempt loads.)

However, implements of husbandry may be barred from operation on controlled access highways when official signs prohibiting such operation are posted. An implement of husbandry by definition (see 625 ILCS 5/1-130) is a vehicle; ~~therefore, for, and for~~ a farm tractor to be exempt, it must be used as an implement of husbandry in connection with farming operations.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.710 Military Moves by Service Personnel

- a) All movements by the Armed Forces and the National Guard must be in compliance with the size and weight limits contained in Sections 15-102, 15-103, 15-107, and 15-111 of the Illinois Vehicle Code, unless an authorization has been

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issued by the Permit Office or an emergency has been officially declared by the President or Governor. In the event an official emergency is declared, telephone contact should be made with the Permit Office (217-~~782-6271~~) during regular office hours, or the Communications Center (217-~~782-2937~~) at other times, for assistance with the routing.

- b) If it is necessary to move a vehicle or load that cannot be reasonably dismantled or disassembled and transported within the legal size and weight limits, an application for authorization to make the movement must be submitted to the Permit Office. Application may be on ~~form~~ Form OPERBT 1928, Department of Defense standard forms, by letter, by ~~fax~~ electronic communications, by Internet or by phone. If the Permit Office determines the move can be made in safety without damaging the highway system, a no-cost authorization will be issued [625 ILCS 5/15-301].
- c) The Permit Office will review requests for routine military convoy movements; ~~that which~~ are submitted on standard military forms; and will issue permits to overweight vehicles and loads that are included ~~issue a blanket no-cost authorization for all approved oversize and overweight vehicles and loads that are included~~. These authorizations do not relieve the Armed Forces or National Guard from overall responsibility for the convoy movement.
- d) The branch of the Armed Forces or National Guard authorizing oversize or overweight moves without the approval of the Permit Office assumes full liability for accidents or damages that may be caused directly or indirectly by reason of the movements. While the driver is not subject to arrest, any unauthorized shipment found to be in violation of the legal size and weight limits shall not be allowed to proceed until the excess load is shifted or removed, or the Permit Office approves the movement.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

SUBPART H: EMERGENCIES AND HAZARDOUS MATERIALS

Section 554.801 General

- a) The Engineer of ~~Operations~~ Traffic through the Permit Office or the District Engineer in the District in which the event occurs may authorize emergency moves of vehicles, vehicle combinations, or loads that exceed the maximum legal dimension and weight limitations in a disaster area without a standard permit.

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Authorization may also be issued for the movement of State, local agency, or leased equipment for snow and ice removal without permit. However, normal permit requirements should be generally observed where practicable. During regular office hours, the Permit Office (~~217-782-6271~~)(217/785-1477) should be contacted for assistance in permit routing and coordinating the movement. When the Permit Office is closed, the Communications Section of the Department (217-~~782-2937~~) will contact permit officials as needed and coordinate the movement.

- b) For ~~purposes~~the purpose of this ~~Part~~section, "disaster" includes flood, tornado, fire, or any other disaster that causes or threatens loss of life or destruction or damage to property of such a magnitude as to seriously endanger the public health, safety, and welfare or that causes or threatens to cause destruction or major damage to the highway or other transportation system. Emergency moves may be authorized:
- 1) when disaster is apparent,
 - 2) during the disaster period, and
 - 3) in the initial stages of recovery.
- c) Following the emergency, such vehicles, vehicle combinations, or loads must be moved from the disaster area under permit authority.
- d) The Permit Office may also allow the movement of equipment that is needed to make emergency repairs to industrial installations and other facilities where delays would cause severe economic hardship. The Department considers a severe economic hardship to be whenever the company will have to lay off one or more shifts of employees or there is a potential loss of contracts or equipment worth several thousands of~~thousand~~ dollars.
- e) Companies moving at least once a month on an emergency basis, and providing emergency services as a portion of their regular business, must have ~~its~~ escort and lighting approval~~approved~~. The escort vehicles must comply with the requirements in Section 554.408 and the extremities of the load must be illuminated. An illuminated or reflectorized "Oversize Load" sign must be displayed on the front and rear of each load and escort vehicle. They must also establish an account with the Permit Office or use a credit card for the payment of fees.

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(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

SUBPART I: FEES

Section 554.901 Remittance

- a) Payment for permit fees may be in the form of a certified, cashier's, traveler's, company or personal check, a Visa or MasterCard credit card, or postal or telegraphic money order made payable to the "Treasurer, State of Illinois." Payments in currency must be made in person at the Permit Office, address noted in Section 554.306. Permit fees must be paid in advance unless the applicant has an approved account with the Permit Office or has made other satisfactory arrangements for payment.
- b) The Permit Office will charge a service fee of \$3 for a check returned for any reason.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.907 Supplemental Permit Fees

The Permit Office shall collect a fee of ~~\$5.00~~ for each supplemental permit (revisions or extensions). In addition, if the supplemental permit provides for an increase in size, weight, or mileage, those additional fees will be charged. However, no credit can be given for fees paid if dimensions, weights, or mileages are reduced. A handling fee of ~~\$50.00~~ is added for supplements outside of practical maximums.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

Section 554.911 Fees for Illinois State Police Escorts

The following fees for the use of Illinois State Police escorts shall be paid by the applicant to the Permit Office: \$40 per hour per vehicle, based upon preestimated time of movement to be agreed upon between the Department and applicant. Adjustments in the fee may be made for any overcharges after all aspects of the move are completed. Minimum fee, \$80 per vehicle. Minimum fee, \$160 per vehicle Chicago District only. The permittee must notify all Illinois State Police districts listed on the permit at least 24 hours in advance of a move.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Acquisition, Management and Disposal of Real Property
- 2) Code Citation: 44 Ill. Adm. Code 5000
- 3) Section Number: 5000.950 Emergency Action: Amendment
- 4) Statutory Authority: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605/7.1], implementing and authorized by Sections 5-675, 405-215, 405-300, 405-305, 405-310 and 405-315 of the Civil Administrative Code of Illinois [20 ILCS 5/5-675 and 20 ILCS 405/405-215, 405-300, 405-305, 405-310, 405-315] and authorized by Section 6 of the State Property Control Act [30 ILCS 605/6] and the Illinois Procurement Code [30 ILCS 500].
- 5) Effective Date of Rules: November 17, 2004
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking has no earlier effective date.
- 7) Date Filed with the Index Department: November 17, 2004
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: It was recently discovered that the rule as written must be amended to bring it into compliance with Constitutional requirements.
- 10) A complete Description of the Subjects and Issues Involved: Language relating to Special Events and Exhibits in buildings is being amended to remove a prohibition on the promotion of religious or political philosophies, in order to bring this Section into compliance with Constitutional requirements.
- 11) Are there any proposed amendment to this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create a State mandate for units of local government.
- 13) Information and questions regarding this rulemaking shall be directed to:

Gina Wilson

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706
217/785-1793

OR

Jeff Schuck
Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706
217/782-5578

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT

SUBTITLE D: PROPERTY MANAGEMENT

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5000

ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY

SUBPART A: GENERAL

Section

- 5000.100 Authority
- 5000.110 Policy
- 5000.120 Applicability

SUBPART B: LEASED SPACE ACQUISITION POLICY

Section

- 5000.200 General Policy and Responsibility
- 5000.210 Requests for Space/Agency Responsibilities
- 5000.220 Acquisition Authority
- 5000.230 General Acquisition Procedures
- 5000.231 Acquisition of Leases by RFI
- 5000.232 Leases Acquired by Other Methods
- 5000.233 Renewal or Extension of Lease in Effect Prior to July 1, 1998
- 5000.234 Renewal of Leases Entered into After July 1, 1998
- 5000.235 Purchase Options
- 5000.240 Lease Administration
- 5000.250 Emergency Lease Procurement

SUBPART C: BUILDING STANDARDS

Section

- 5000.300 Scope
- 5000.310 Area Measurement
- 5000.320 Space Planning Assistance
- 5000.330 Open Space
- 5000.340 Space Allowance and Standards
- 5000.350 Office Furnishing
- 5000.360 Handicapped Accessibility

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- 5000.370 Vending Facilities/Blind Operators
- 5000.380 Improvements

SUBPART D: ASSIGNMENT AND MANAGEMENT OF SPACE

Section

- 5000.400 Assignment and Management by DCMS
- 5000.410 Assignment by Agencies
- 5000.420 Reviews and Appeal of Space Assignment Actions
- 5000.430 Services Provided
- 5000.440 Alterations
- 5000.450 Local Requirements

SUBPART E: UTILIZATION OF SPACE
(STATE-OWNED AND LEASED PROPERTIES)

Section

- 5000.500 Space Inspections and Surveys
- 5000.510 Responsibility of Agencies
- 5000.520 Release of Space Not Fully Utilized
- 5000.530 Notice to DCMS of Relinquishment or Termination of Space

SUBPART F: EXCESS REAL PROPERTY

Section

- 5000.600 Excess Real Property Defined
- 5000.610 Reports of Excess Real Property
- 5000.620 Utilization of Excess Real Property
- 5000.630 Charges for Use of Excess Property
- 5000.640 Temporary Occupancy
- 5000.650 Disputes
- 5000.660 Non-State Use

SUBPART G: SURPLUS REAL PROPERTY

Section

- 5000.700 Surplus Real Property Defined
- 5000.710 Declaration of Surplus
- 5000.720 Reporting Surplus Real Property
- 5000.730 Notice of Availability to State Agencies

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

5000.740	State Agency Requests for Surplus Real Property
5000.750	Transfer Decisions
5000.760	Transfer Procedures
5000.770	Transfer to Department of Central Management Services
5000.780	Subsequent Disposal
5000.790	Sale of Surplus
5000.800	Notice of Sale to Local Governments
5000.810	Local Government Offer to Purchase
5000.820	Public Sale
5000.830	Public Sale Procedures
5000.840	Non-State Interim Use

SUBPART H: USE OF OFFICE BUILDING

Section

5000.900	Applicability
5000.901	Building Access and Security
5000.902	Security
5000.910	Definitions
5000.920	Business Hours and Public Access
5000.930	Prohibited Activities
5000.940	Demonstrations
5000.950	Exhibits and Special Events
<u>EMERGENCY</u>	
5000.960	Distribution of Leaflets and Solicitations of Funds, Voter Registration and Signatures
5000.970	Severability
5000.APPENDIX A	Space Standards
5000.APPENDIX B	Rental Fees

AUTHORITY: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605/7.1], implementing and authorized by Sections 5-675, 405-215, 405-300, 405-305, 405-310 and 405-315 of the Civil Administrative Code of Illinois [20 ILCS 5/5-675 and 20 ILCS 405/405-215, 405-300, 405-305, 405-310, 405-315] and authorized by Section 6 of the State Property Control Act [30 ILCS 605/6] and the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 6 Ill. Reg. 12984, effective October 13, 1982; emergency amendment at 7 Ill. Reg. 3743, effective March 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 7825, effective June 22, 1983; emergency amendment at 8 Ill. Reg. 13444, effective July 17,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

1984, for a maximum of 150 days; codified at 8 Ill. Reg. 19345; amended at 10 Ill. Reg. 636, effective December 31, 1985; amended at 17 Ill. Reg. 1006, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 2361, effective February 5, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10753, effective July 1, 1993; amended at 18 Ill. Reg. 1886, effective January 21, 1994; emergency amendment at 17 Ill. Reg. 15653, effective September 9, 1993, for a maximum of 150 days; amended at 19 Ill. Reg. 585, effective January 9, 1995; amended at 20 Ill. Reg. 15002, effective November 7, 1996; emergency amendment at 22 Ill. Reg. 12569, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20545, effective November 16, 1998; emergency amendment at 25 Ill. Reg. 15438, effective November 16, 2001, for a maximum of 150 days; emergency expired April 14, 2002; 26 Ill. Reg. 8083, effective May 17, 2002; amended at 27 Ill. Reg. 2105, effective January 27, 2003; emergency amendment at 28 Ill. Reg. 15686, effective November 17, 2004, for a maximum of 150 days.

SUBPART H: USE OF OFFICE BUILDING

Section 5000.950 Exhibits and Special Events**EMERGENCY**

- a) All organizations that are permitted to use the buildings specified in Section 5000.900 of this Subpart shall be required to execute an agreement to indemnify the State from any injury or damage caused by their members' or participants' negligence or willful misconduct. The members or participants who cause the damage or injury are primarily responsible. Such organization shall also restore the used areas to their pre-use appearance and condition, less reasonable wear and tear, and the Building Manager shall be the final decision-maker on the clean-up of the used area. This subsection only applies to those organizations receiving permission from the Department to use the specified buildings for meetings or parties.
- b) Special Events and exhibits at the buildings may be requested up to two years in advance of the date for the special event or exhibits. Requests must be in writing and submitted to the Special Events Office or Building Manager. All requests for special events and exhibits will be filled on a first-come first-served basis. A letter of confirmation or rejection will be issued within 10 working days.
- c) The areas available for Special Events at the JRTC are the concourse level, atrium level, assembly hall, outdoor plaza and covered arcade, conference/hearing rooms and agency office areas with permission of the agency. Exhibits are allowed only in the atrium lobby level of the JRTC unless permission is granted to use another part of the building by the Department. **Exhibits may not promote religious**

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~~philosophies or political candidates or philosophies.~~

- d) Organizations wishing to use the buildings should contact the Special Events Office or Building Manager for the applicable fee for the space they intend to use at a building. Minimum and maximum rental fee ranges and conditions for the James R. Thompson Center and all other Department facilities are in Appendix B of this Part. An increase/reduction from the minimum/maximum rental rate may be required or granted, based on the following factors: whether the scheduled event is conducted during government business hours or with another event; relative anticipated safety considerations of the scheduled activity; and market prices for competing facilities in the nearby metropolitan area(s). The Building Manager or office will maintain a fee schedule for the building. All payments are due prior to the event or exhibit, with the exception of clean-up fees which are due within 10 working days after billing, unless prior permission is granted by the Special Events Office of Building Manager. All requests for delayed payment must be submitted in writing on the requesting organization's or company's letterhead. All payments shall be made to the Office of the Building or Special Events Office within 10 days after the event. If payment for services is not received within 10 days after the event, or within the specified time as outlined in the lease agreement, a reminder notice will be sent to the event sponsor and the client will lose reservation privileges until full payment is received. If after the reminder notice, payment has not been received, the CMS Legal Department will be notified and legal action may be taken to secure full payment for services.
- e) Film crews and photographers for commercial purposes are permitted at the JRTC with permission of the Special Events Office.
- f) Any non-State user group sponsoring an event after building hours must provide an insurance binder or assurance on the letterhead of the issuing company of coverage for the scheduled event and anticipated attendance of \$1,000,000 to the Department. Failure to provide proof is cause for termination of the lease. Further information on any insurance requirement is available from the Special Events Office or Building Manager.
- g) A signed copy of the lease agreement at the JRTC with the base rental fee is due prior to the event. All leasing arrangements shall be confirmed by the JRTC Office. Confirmation shall be by letter, fax or telephone call, a copy of which will be maintained by the Office.
- h) A minimum of one planning meeting, either by phone or in person, must be held

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with the Building Manager or the Manager's representative at least one week prior to the event.

- i) All food and beverage services for JRTC special events must be provided in accordance with the terms of the Department's commercial space master lease. Further information is available from the Office of the Building. Food and beverage service at other buildings must be coordinated with the Building Manager.
- j) Displays may not exceed 8 feet in height or block entrances, fire exits and hallways and must comply with all fire code and regulations. They may not obscure the view of Atrium Mall shops at the JRTC during business hours.
- k) The State does provide some audio/visual equipment. This service is available on a first-come, first-served basis. Rental fee will vary. Limited set-up assistance is provided. The State accepts no responsibility for loss or damage to any part of an exhibit.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 15686, effective November 17, 2004, for a maximum of 150 days)

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NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
125.260	Amend
125.380	Amend
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 69 FR 58799
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]
- 6) Effective Date: November 30, 2004
- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection rules.

The Food Safety and Inspection Service (FSIS) is amending its nutrition labeling regulations to change the definition of "meal-type-products to allow for nutrient content claims on multiple-serve food containers, to adopt the definition of "main dish" used by the Food and Drug Administration (FDA), and to define how meal-type products and main dishes should be nutrition labeled. The change in the definition of meal-type products will allow nutrient content claims on qualifying products to be based on 100 grams of product rather than on the serving size, which is based on the Reference Amounts Customarily Consumed (RACCs) for the food components. These actions are in response to a petition filed by ConAgra, Inc. The changes will help to ensure that FSIS' nutrition labeling regulations are parallel, to the maximum extent possible, to the nutrition labeling regulations of FDA, which were promulgated under the nutrition Labeling and Education Act (NLEA) of 1990.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: November 18, 2004
- 10) A copy of the peremptory amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

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- 11) These peremptory amendments are in compliance with Section 5-150 of the Illinois Administrative Procedure Act.
- 12) Are there any other proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objectives: These peremptory amendments do not affect units of local government.
- 14) Information and questions regarding these Peremptory Amendments shall be directed to:

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

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125
MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations
125.145	Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products
125.146	Consumer Protection Standards: Raw Products

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation (Repealed)
125.190	Ante-Mortem Inspection

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125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; preemptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; preemptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective

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July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992;

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peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; peremptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; peremptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; peremptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; peremptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; peremptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; peremptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; peremptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; peremptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; peremptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; peremptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; peremptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; peremptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; peremptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; peremptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; peremptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; peremptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; peremptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; peremptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; peremptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; peremptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; peremptory amendment at 27 Ill. Reg.

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13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; peremptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; peremptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; peremptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; peremptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; peremptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; peremptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004.

SUBPART B: MEAT INSPECTION

Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(f)(2), 317.6, 317.8, 317.10 through 317.13, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.343, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.363, 317.369, 317.380, 317.400 (1997; 62 FR 45016, effective September 24, 1997; 63 FR 7279, effective February 13, 1998; 64 FR 732, effective March 8, 1999; 64 FR 53186, effective November 30, 1999; 64 FR 72168, effective January 24, 2000; 64 FR 72150, effective February 22, 2000; 65 FR 34381, effective August 28, 2000; 66 FR 40843, effective September 5, 2001; 66 FR 52484, effective November 15, 2001; 66 FR 54912, effective December 31, 2001; 68 FR 44859, effective October 22, 2003; 69 FR 34913, effective July 31, 2004; 69 FR 48799, effective November 30, 2004).
- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.

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- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600).
- f) Any Type I establishment is authorized to use generically approved labeling for meat and poultry products as defined in subsection (h) of this Section without the labeling being submitted for approval to the Department, provided the labeling is in accordance with this Section and shows all mandatory features in a prominent manner as required in 9 CFR 317.2 and 381 and is not otherwise false or misleading.
- g) The Department shall select samples of generically approved labeling from the records maintained by official establishments to determine compliance with labeling requirements. Any finding of false or misleading labeling shall institute the proceedings prescribed in 225 ILCS 650/13.
- h) Generically approved labeling is labeling that complies with the following:
 - 1) Labeling for a product that has a product standard as specified in 9 CFR 319 and 381 or the Standards and Labeling Policy Book and does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees, or is not a domestic product labeled in a foreign language;
 - 2) Labeling for single-ingredient products, such as beef steak or lamb chops, that does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees or is not a domestic product labeled with a foreign language;
 - 3) Labeling for containers of products sold under contract specifications to federal government agencies that the product is not offered for sale to the general public, provided that the contract specifications include specific requirements with respect to labeling and are made available to the inspector-in-charge;
 - 4) Labeling for shipping containers that contain fully labeled immediate containers, provided that the labeling complies with 9 CFR 316.13 and 381.127;

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- 5) Labeling for products not intended for human food, provided it complies with 9 CFR 325, 381.152(c) and 381.193;
- 6) Meat inspection legends;
- 7) Inserts, tags, liners, pasters and similar devices containing printed or graphic matter and for use or to be placed within containers and coverings of products, provided the devices contain no reference to product and bear no misleading feature;
- 8) Labeling for consumer test products not intended for sale;
- 9) Labeling that was previously approved by the Department as sketch labeling, and the final labeling was prepared without modification or with the following modifications:
 - A) All features of the labeling are proportionately enlarged or reduced provided that all minimum size requirements specified in applicable regulations are met and the labeling is legible;
 - B) The substitution of any unit of measurement with its abbreviation or the substitution of any abbreviation with its unit of measurement, e.g., "lb." for "pound" or "oz." for "ounce" or of the word "pound" for "lb." or "ounce" for "oz.";
 - C) A master or stock label has been approved where the name and address of the distributor are omitted and the name and address are applied before being used (in that case, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when the labels are offered for approval);
 - D) Wrappers or other covers bearing pictorial designs, emblematic designs or illustrations, e.g., floral arrangements, illustrations of animals, fireworks, etc., are used with approved labeling (The use of the designs will not make necessary the application of labeling not otherwise required.);

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- E) A change in the language or the arrangement of directions pertaining to the opening of containers or the serving of the product;
- F) The addition, deletion or amendment of a dated or undated coupon, a cents-off statement, cooking instructions, packer product code information or the UPC product code information;
- G) Any change in the name or address of the packer, manufacturer or distributor that appears in the signature line;
- H) Any change in the net weight, provided the size of the net weight statement complies with CFR 317.2 and 318.121;
- I) The addition, deletion or amendment of recipe suggestions for the product;
- J) Any change in punctuation;
- K) Newly assigned or revised establishment numbers for a particular establishment that has been approved by the Department;
- L) The addition or deletion of open dating information;
- M) A change in the type of packaging material on which label is printed;
- N) Brand name changes, provided that there are no design changes, the brand name does not use a term that connotes quality or other product characteristics, the brand name has no geographic significance, and the brand name does not affect the name of the product;
- O) The deletion of the word "new" on new product labeling;
- P) The addition, deletion or amendment of special handling statements, provided that the change is consistent with CFR 317.2(k) and 318.125(a);

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- Q) The addition of safe handling instructions as required by CFR 317.2(1) and 381.125(b);
 - R) Changes reflecting a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label, provided that the change in quantity of ingredients complies with any minimum or maximum limits for the use of the ingredients prescribed in CFR 318, 319 and 381.147;
 - S) Changes in the color of the labeling, provided that sufficient contrast and legibility remain;
 - T) A change in the product vignette, provided that the change does not affect mandatory labeling information or misrepresent the content of the package;
 - U) A change in the establishment number by a corporation or parent company for an establishment under its ownership;
 - V) Changes in nutrition labeling that only involve quantitative adjustments to the nutrition labeling information, except for serving sizes, provided the nutrition labeling information maintains its accuracy and consistency;
 - W) Deletion of any claim, and the deletion of non-mandatory features or non-mandatory information; and
 - X) The addition or deletion of a direct translation of the English language into a foreign language for products marked "for export only".
- i) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
 - j) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).
 - k) Labels to be used for the relabeling of inspected and passed product shall be

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permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

- l) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- m) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- n) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Amended by peremptory rulemaking at 28 Ill. Reg. 15694, effective November 30, 2004)

SUBPART C: POULTRY INSPECTION

Section 125.380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(f), 381.134, 381.136 through 381.140, 381.144(a) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443; 381.444; 381.445; 381.454; 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (1997; 62 FR 45016, effective September 24, 1997; 63 FR 7279, effective February 13, 1998; 63 FR 11359, effective May 8, 1998; 64 FR 732, effective March 8, 1999; 64 FR 53186, effective November 30, 1999; 64 FR 72168, effective January 24, 2000; 64 FR 72150, effective February 22, 2000; 65 FR 34381, effective August 28, 2000; 66 FR 40843, effective September 5, 2001; 66 FR 52484, effective November 15, 2001; 66 FR 54912, effective December 31, 2001; 68 FR 44859, effective October 22, 2003; 69 FR 28042, effective July 31, 2004; [69 FR 57899, effective November 30, 2004](#)).
- b) Each shipping container and each immediate container containing inspected and

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passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.

- c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
- e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600).
- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act.
- h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.
- i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.
- k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).
- n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.
- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.
- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.
- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Amended by peremptory rulemaking 28 Ill. Reg. 15694, effective November 30, 2004)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 15, 2004 through November 22, 2004 and have been scheduled for review by the Committee at its December 14, 2004 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
12/29/04	<u>Secretary of State</u> , Literacy Grant Program (23 Ill. Adm. Code 3040)	9/24/04 28 Ill. Reg. 12979	12/14/04
12/30/04	<u>Department of Natural Resources</u> , North Point Marina Vendors (17 Ill. Adm. Code 230)	9/24/04 28 Ill. Reg. 12973	12/14/04
12/30/04	<u>Department of Natural Resources</u> , North Point Marina (17 Ill. Adm. Code 220)	9/24/04 28 Ill. Reg. 12957	12/14/04
12/30/04	<u>Capital Development Board</u> , Hearing Procedures (71 Ill. Adm. Code 100)	10/1/04 28 Ill. Reg. 13138	12/14/04
12/30/04	<u>Department of Transportation</u> , Procedures (92 Ill. Adm. Code 107)	10/1/04 28 Ill. Reg. 13151	12/14/04
12/30/04	<u>Department of Transportation</u> , Hazardous Materials Transportation: General Information, Regulations and Definitions (92 Ill. Adm. Code 171)	10/1/04 28 Ill. Reg. 13163	12/14/04
12/30/04	<u>Department of Transportation</u> , Hazardous Materials Table and Hazardous Materials	10/1/04 28 Ill. Reg.	12/14/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

	Communications (92 Ill. Adm. Code 172)	13173	
12/30/04	<u>Department of Transportation</u> , Shippers General Requirements for Shipments and Packagings (92 Ill. Adm. Code 173)	10/1/04 28 Ill. Reg. 13178	12/14/04
12/30/04	<u>Department of Transportation</u> , Carriage by Public Highway (92 Ill. Adm. Code 177)	10/1/04 28 Ill. Reg. 13184	12/14/04
12/30/04	<u>Department of Transportation</u> , Specifications for Packagings (92 Ill. Adm. Code 178)	10/1/04 28 Ill. Reg. 13189	12/14/04
12/30/04	<u>Department of Transportation</u> , Specifications for Tank Cars (92 Ill. Adm. Code 179)	10/1/04 28 Ill. Reg. 13201	12/14/04
12/30/04	<u>Department of Transportation</u> , Continuing Qualification and Maintenance of Packaging (92 Ill. Adm. Code 180)	10/1/04 28 Ill. Reg. 13207	12/14/04
1/2/05	<u>State Board of Education</u> , Certification (23 Ill. Adm. Code 25)	9/3/04 28 Ill. Reg. 12268	12/14/04
12/27/04	<u>Department of Public Health</u> , Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)	12/26/03 27 Ill. Reg. 19115	12/14/04
1/2/05	<u>Department of Agriculture</u> , Motor Fuel Standards Act (8 Ill. Adm. Code 850)	6/25/04 28 Ill. Reg. 8817	12/14/04
1/6/05	<u>Sex Offender Management Board</u> , Sex Offender Management Board Standards and Guidelines for the Evaluation, Treatment and Monitoring of Adult Sex Offenders (20 Ill. Adm. Code 1900)	6/11/04 28 Ill. Reg. 7898	12/14/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

EXECUTIVE ORDER

2004-12**EXECUTIVE ORDER AUTHORIZING THE IMPLEMENTATION OF THE
NATIONAL INCIDENT MANAGEMENT SYSTEM**

WHEREAS, emergency response to critical incidents, whether natural hazards like tornadoes and floods, or manmade disasters like accidents or acts of terrorism, requires a coordinated response and professional management; and

WHEREAS, Unified Command is the optimal emergency management model to provide the best possible response to a disaster, utilizing the expertise of all of the appropriate public safety disciplines; and

WHEREAS, the National Incident Management System (“NIMS”) has been identified by Homeland Security Presidential Directive-5 (“HSPD-5”) as being the requisite emergency management system for all levels of government and all political subdivisions in the United States; and

WHEREAS, all political subdivisions must be in compliance with NIMS as prescribed in HSPD-5 on or before October 1, 2005; and

WHEREAS, failure to adopt NIMS may preclude federal reimbursement for costs incurred during and after a declared emergency or disaster, or for training for such emergencies or disasters, and for Homeland Security funding;

THEREFORE, I hereby direct the following:

- I. All state agencies shall adopt NIMS as their model for emergency planning, Unified Command and response to emergencies and disasters.
- II. The Illinois Emergency Management Agency will direct state responses to emergencies and disasters under NIMS through (1) institutionalization of NIMS in state and local emergency operations plans; (2) utilizing NIMS in training and exercises, as well as actual emergency and disaster responses; and (3) delivering a report to the Office of the Governor demonstrating the status of NIMS compliance by all Illinois state agencies directly under the control of the Governor and all 102 county emergency management agencies on or before October 1, 2005.
- III. SAVINGS CLAUSE

Nothing in this Executive Order shall be construed to contravene any state or federal law.

- IV. SEVERABILITY

EXECUTIVE ORDER

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order that can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. EFFECTIVE DATE

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

Issued by Governor: November 17, 2004.

Filed with Secretary of State: November 17, 2004.

PROCLAMATIONS

2004-329**Giving Illinois Day**

WHEREAS, providing charitable support to those in need has always been an important part of the American tradition. Especially during the holiday seasons, many United States citizens come together in solidarity to assist underserved and underprivileged people; and

WHEREAS, those who need help often need it most during economic downturns. Although there are many affected by hard times, it is important that those who can spare time or money offer their help to those who are less fortunate; and

WHEREAS, there are many different ways for citizens to become involved in philanthropy during the holiday season, and throughout the year, including: donating money or time to local or national causes, working with a foundation to raise money, or serving on a non-profit board. These forms of giving back to the community demonstrate the true compassion that exists within our culture; and

WHEREAS, my administration sponsors various programs during the holidays that are designed to help less fortunate citizens, and urge Illinoisans to join in the efforts. For the second consecutive year, we have launched the Keep Our Kids Warm and Safe campaign, which seeks to provide winter clothing and car seats to children and families who need but cannot afford them; and

WHEREAS, helping those in need not only generates a wonderful sense of fulfillment, but it also brings communities closer together by uniting for a common cause. This year, as the holidays approach, it is important for the citizens of Illinois to remember the people who need our assistance, and make every attempt to lend a helping hand, in whatever manner they are able:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 26, 2004 as GIVING ILLINOIS DAY in Illinois, and urge citizens to join in making our communities better and stronger by engaging in philanthropy during this holiday season.

Issued by the Governor November 17, 2004.

Filed by the Secretary of State November 17, 2004.

2004-330**Martin Luther King, Jr. Day**

WHEREAS, Dr. Martin Luther King, Jr. devoted his life and career to the advancement of civil rights, equal treatment, and human decency for all people; and

WHEREAS, the efforts of Dr. King, and the many others involved in the Civil Rights Movement, have helped to break down the walls of injustice and allow African Americans and other minorities to succeed both as individuals and as members of society; and

WHEREAS, the goals and ideals of Dr. King have not yet been fully realized. With that in mind, it is our duty, as Americans, to continue his struggle and to work toward a more understanding and respectful society; and

PROCLAMATIONS

WHEREAS, Martin Luther King, Jr. Day serves to bring people together in remembrance of this true American Hero, and encourages citizens to engage in community service, which in turn serves to honor Dr. King's legacy, and advance the cause of justice and equality in America:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby join in commemorating January 17, 2005 as MARTIN LUTHER KING, JR. DAY in Illinois, and encourage all citizens to recognize the amazing impact that Dr. King has had on our society. Issued by the Governor November 17, 2004.

Filed by the Secretary of State November 17, 2004.

2004-331**Anne Frank Month in the Quad Cities**

WHEREAS, Anne Frank was a young Jewish girl living in Amsterdam during World War II, who along with her family was forced to hide from Nazi persecution. Although she was later captured, Anne kept a detailed account of her life while in hiding. This diary introduced the world to the harsh realities of prejudice and intolerance exhibited toward Jews and other minorities during the Nazi occupation of Europe; and

WHEREAS, Anne Frank and her family were not alone. During World War II, over six million Jewish people lost their lives, and over three million were displaced in its aftermath; and

WHEREAS, Illinois is home to over a quarter million Jewish people, with approximately 700 of those individuals residing in the Quad Cities. In an effort to promote the lessons learned from the atrocities of the Holocaust, the Jewish Federation of the Quad Cities, in conjunction with the Putnam Museum, will run the Anne Frank: A History for Today exhibit from April 29 – May 31, 2005. This exhibit consists of 56 panels that tell the story of the Frank family paralleling the rise of the Nazi party; and

WHEREAS, along with this exhibit, there will be several other events held to educate citizens about the Holocaust, and specifically, the Frank family. These events include a lecture series, a ceremony honoring local veterans who helped liberate concentration camps, and art and writing contests for young children; and

WHEREAS, the State of Illinois is constantly striving to achieve tolerance and understanding among its citizens, and the important lessons learned from the vivid accounts by Anne Frank can help in accomplishing those goals:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2005 as ANNE FRANK MONTH IN THE QUAD CITIES in Illinois, and encourage all citizens to be cognizant of the legacy that Anne Frank has left behind, and what that legacy means to us as Americans.

Issued by the Governor November 19, 2004.

Filed by the Secretary of State November 19, 2004.

2004-332**Elder Abuse Awareness Month**

PROCLAMATIONS

WHEREAS, according to the Illinois Department on Aging, between four and five percent of persons in the United States, aged sixty and older are subject to some form of mistreatment or abuse. This includes physical, emotional, and sexual abuse, as well as financial exploitation, neglect, and abandonment; and

WHEREAS, Illinois has approximately two million citizens over the age of sixty. This means that there could be as many as 98,000 Illinois seniors currently suffering from some form of abuse; and

WHEREAS, it is important that we, as a state and as a country, work to create greater awareness of the prevalence and severity of elder abuse, in hopes of eradicating it from our society. Here in Illinois, there are several groups and organizations, such as the Illinois Department on Aging, the Illinois Elder Abuse Task Force, B*SAFE, and the Guardianship Reform Project, who work diligently each day toward that goal; and

WHEREAS, elder abuse is as problematic in society as abuse inflicted upon children and seniors. If we work together, it is also just as preventable:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 2005 as ELDER ABUSE AWARENESS MONTH in Illinois, and encourage all citizens to recognize this problem and join in working toward its solution.

Issued by the Governor November 19, 2004.

Filed by the Secretary of State November 19, 2004.

ILLINOIS ADMINISTRATIVE CODE

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