

2005

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 29 Issue 2
January 7, 2005
Pages 765-1001

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>

Printed on recycled paper

TABLE OF CONTENTS

January 07, 2005 Volume 29, Issue 2

ADOPTED RULES

CAPITAL DEVELOPMENT BOARD

Hearing Procedures

71 Ill. Adm. Code 100765

Capital Development Board Energy Code

71 Ill. Adm. Code 600777

EMPLOYMENT SECURITY, DEPARTMENT OF

Determination of Unemployment Contributions

56 Ill. Adm. Code 2770788

HUMAN RIGHTS, DEPARTMENT OF

Americans With Disabilities Act Grievance Procedure

4 Ill. Adm. Code 1150797

Procedures of the Department of Human Rights

56 Ill. Adm. Code 2520804

PROCUREMENT POLICY BOARD

General Policies (Required)

2 Ill. Adm. Code 3002.....812

PUBLIC AID, ILLINOIS DEPARTMENT OF

Medical Assistance Programs

89 Ill. Adm. Code 120820

Medical Payment

89 Ill. Adm. Code 140831

Specialized Health Care Delivery Systems

89 Ill. Adm. Code 146852

Hospital Services

89 Ill. Adm. Code 148861

PUBLIC HEALTH, ILLINOIS DEPARTMENT OF

Skilled Nursing and Intermediate Care Facilities Code

77 Ill. Adm. Code 300876

SECRETARY OF STATE, OFFICE OF THE

Literacy Grant Program

23 Ill. Adm. Code 3040914

Issuance of Licenses

92 Ill. Adm. Code 1030920

JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

January Agenda.....943

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....951

REGULATORY AGENDA

STATE UNIVERSITIES RETIREMENT SYSTEM OF THE

STATE OF ILLINOIS
 Concurrent Service Adjustments
 80 Ill. Adm. Code 1600953
ENVIRONMENTAL PROTECTION AGENCY
 Procedures for collection of Asbestos Fees
 35 Ill. Adm. Code 269963
NATURAL RESOURCES, DEPARTMENT OF
 Rulemaking and Organization
 2 Ill. Adm. Code 825977

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hearing Procedures
- 2) Code Citation: 71 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
100.110	Amendment
100.111	New
100.113	New
100.120	Amendment
100.130	Amendment
100.150	Amendment
100.160	Amendment
100.170	Amendment
100.180	Amendment
100.190	Amendment
100.200	Amendment
100.210	Amendment
100.220	Amendment
100.230	Amendment
100.240	Amendment
100.260	Amendment
100.261	New
100.262	New
100.270	Amendment
100.272	New
100.280	Repealed
100.290	Repealed
- 4) Statutory Authority: Implementing the Capital Development Board Act (20 ILCS 3105) and Article 10 of the Illinois Administrative Procedure Act (5 ILCS 100/Art.10) and authorized by Section 1A-11 of the Capital Development Board Act (20 ILCS 3105/Art.10)
- 5) Effective Date of Rulemaking: January 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 28 Ill. Reg. 13138; October 1, 2004
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: CDB has made non-substantive technical corrections.
- 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
- 15) Summary and Purpose of Rulemaking: The Board adopted amendments for "Hearing Procedures" 71 Ill Adm Code 100) to substantially revise the Board's hearing rules. The rulemaking specifies that contested cases may include prequalification suspensions, defines terms used throughout the Part, and revises filing procedures. The amendments also cover transcript availability and records retention. In addition, an administrative law judge (ALJ), rather than a hearing officer, will be appointed as soon as possible after CDB grants a petition for hearing. The powers and duties of the ALJ are provided, including regulating the course of the hearing. The rules of evidence and privilege as applied in civil cases in Illinois circuit courts will apply. Individuals and sole proprietors are allowed to represent themselves before the hearing; other businesses are required to be represented by an attorney. Within 15 days after the ALJ is appointed, the Board must file a response to the hearing petition and, within 10 days after receiving the Board's response, the ALJ must notify all parties that a conference will be scheduled within another 10 days. The ALJ will render a written proposal for decision within 30 days (previously 15 days) after the hearing unless, based on the volume of evidence to be considered, more time is required. The ALJ will respond to petitions for reconsideration (rather than the CDB executive director) by filing a final recommendation with the parties and the director. If no petition for reconsideration is filed, the executive director will issue a final and binding decision within 30 days after receiving the ALJ's proposal. Small businesses that request a hearing before the Board are affected by this rulemaking.
- 16) Information and questions regarding these adopted amendments shall be directed to:

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

Mr. Jerry B. Crabtree
Rules Coordinator
Capital Development Board
300 Stratton Office Building
Springfield IL 62706
217/557-7907 (phone)
217/557-7913 (fax)
jcrabtre@cdb.state.il.us

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
 CHAPTER I: CAPITAL DEVELOPMENT BOARD
 SUBCHAPTER a: RULES

PART 100
 HEARING PROCEDURES

Section

100.110	Applicability
<u>100.111</u>	<u>Definitions</u>
<u>100.113</u>	<u>Filing</u>
100.120	<u>Petition Request for Hearing and Response</u>
100.130	Waiver
100.140	Settlement
100.150	Representation
100.160	<u>Administrative Law Judge Hearing Officer</u>
100.170	<u>Answer Submittal of Documents</u>
100.180	Conference
100.190	Notice of Hearing
100.200	Costs of Hearing
100.210	Disqualification of <u>Administrative Law Judge Officer</u>
100.220	Hearings
100.230	Board Documents
100.240	Powers of the <u>Administrative Law Judge Hearing Officer</u>
100.250	Burden of Proof
100.260	Duties of the <u>Administrative Law Judge Hearing Officer</u>
<u>100.261</u>	<u>Petition for Reconsideration</u>
<u>100.262</u>	<u>Transcripts</u>
100.270	Executive Director's Decision
<u>100.272</u>	<u>Record</u>
100.280	Petition for Reconsideration <u>(Repealed)</u>
100.290	Final Consideration <u>(Repealed)</u>

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06].

SOURCE: Adopted at 8 Ill. Reg. 20269, effective October 1, 1984; amended at 9 Ill. Reg. 17306, effective October 29, 1985; Part repealed, new Part adopted at 20 Ill. Reg. 15236,

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

effective November 15, 1996; amended at 22 Ill. Reg. 20022, effective November 9, 1998; amended at 29 Ill. Reg. 765, effective January 1, 2005.

Section 100.110 Applicability

These rules, in addition to Article 10 of the Illinois Administrative ~~Procedure~~Procedures Act [5 ILCS 100/Art. 10], shall apply to contested cases of final Board actions, including but not limited to suspensions of prequalification, when the Board determines that a hearing is required by law. ~~At its sole discretion, the Board may grant a hearing when not required by law, but such grant shall not set any precedent, nor shall it act as a waiver of any portion of this Part.~~

(Source: Amended at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.111 Definitions

As used in this Part, the following terms shall be defined as follows:

"Act" means the Capital Development Board Act [20 ILCS 3105], unless otherwise specified.

"Administrative Law Judge" or "ALJ" means a person appointed to conduct procedures pursuant to Article 10 of the Illinois Administrative Procedure Act and this Part.

"Board" means the Capital Development Board and may include its office and staff.

"Board Member" means an individual member of the Capital Development Board, appointed by the Governor by and with the consent of the Senate.

"Complainant" means a person or business organization that petitions for an administrative hearing.

"Executive Director" means the Executive Director of the Capital Development Board.

"Suspension" means any action taken by the Board with respect to prequalification pursuant to 44 Ill. Adm. Code 950.200 and 980.300, and as authorized by Section 16 of the Capital Development Board Act [20 ILCS 3105/16] and Section 30-20 of the Illinois Procurement Code [30 ILCS 500/30-

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

20].

(Source: Added at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.113 Filing

Any documents that are required to be filed with the Board shall be addressed and mailed to, or hand delivered to, the Executive Director, Stratton Building, 3rd Floor, 401 S. Spring St., Springfield, Illinois 62706. Once an administrative law judge has been appointed, all such documents shall also be copied to the ALJ and sent by mail or hand delivery.

(Source: Added at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.120 ~~Petition~~ Request for Hearing and Response

~~Petitions~~Requests for hearing shall include a petition for specific relief sought and shall be submitted to the Executive Director in writing within 30 days after the final ~~Board~~agency action at issue, and shall clearly state the ~~Board~~agency action being complained of and the reasons for the complaint, and ~~may~~shall include supporting documentation. ~~The Board will respond~~A request shall be granted or denied within 30 days after receipt and either grant or deny a hearing. A hearing will be denied if the petition is not in compliance with this Section.

(Source: Amended at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.130 Waiver

Compliance with any provisions of this Part may be waived or altered by agreement of all parties by written stipulation or a stipulation on the record taken by a court reporterof all parties. The parties shall, to the greatest extent possible, exercise good faith efforts to agree to utilize informal procedures to promote speedy, economical resolution.

(Source: Amended at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.150 Representation

Natural persons (including a natural person doing business as a sole proprietorship) may represent themselves or be represented by an attorney. Other business~~Businesses or other~~ organizations, including corporations and others required to be licensed or registered by the Illinois Secretary of State, shall ~~may~~ be represented by a duly appointed officer, owner or employee, or by an attorney. Attorneys shall be licensed in Illinois and shall file a notice of

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

appearance with the Executive Director or, if one has been appointed, with the ALJ hearing officer.

(Source: Amended at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.160 Administrative Law Judge Hearing Officer

The Board shall appoint an administrative law judge as soon as possible ~~a hearing officer within 10 days~~ after granting a petition for hearing. The ALJ officer shall be an attorney licensed in Illinois who is not an employee of the Board CDB, nor currently under contract with the Board, CDB except as an ALJ hearing officer in another case.

(Source: Amended at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.170 Answer Submittal of Documents

Within 15 days after the appointment of the ALJ, the Board shall file an answer responsive to the Petition for Hearing. ~~Once a hearing officer is appointed, all documents submitted by the parties in the matter shall be submitted to him/her until the Executive Director renders a decision.~~

(Source: Amended at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.180 Conference

Within 10 days after receipt of the Board's answer to the petition for hearing ~~his/her appointment as the hearing officer~~, the ALJ officer shall send notice of a conference among all parties for the purpose of discussing the proceedings and promoting settlement ~~by other methods, which may include mediation~~. Such conference shall be scheduled as soon as reasonably practical, and not less than 10 days after notice, ~~nor more than 30 days after notice~~.

(Source: Amended at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.190 Notice of Hearing

When the ALJ officer determines that further settlement efforts are not reasonably expected to be productive ~~fruitful~~, he/she shall send the parties a notice of hearing by United States registered or certified mail, stating the date, time, and place the hearing will commence. The hearing shall be set no sooner than 30 days after notice, nor more than 60 days after notice. Hearings shall be held in the Board's CDB's Springfield office.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.200 Costs of Hearing

Fees and expenses of the ~~ALJhearing officer~~ and court reporter (or other method of recording) shall be shared equally among ~~the Board~~CDB and the complainants. All shall pay the same amounts as they become due, regardless of the number of complainants involved. If transcripts (or other types of copies) are desired, each party shall pay for its own.

(Source: Amended at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.210 Disqualification of ~~Administrative Law Judge~~Officer

Any party may file a petition, with an affidavit alleging personal bias or ~~conflict of interest prejudice~~ of the ~~ALJhearing officer~~, with the Executive Director. The Executive Director may request additional evidence from any party or the ~~ALJofficer~~. The Executive Director shall disqualify the ~~ALJofficer~~ only upon presentation of sufficient credible evidence that it is more likely than not the allegations are true. Rulings by the ~~ALJofficer~~ against the complainant shall not in themselves constitute sufficient evidence. Within 10 days after disqualification, a new ~~ALJofficer~~ shall be appointed.

(Source: Amended at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.220 Hearings

Hearings shall be conducted in a fair and orderly manner. ~~In general, the rules of evidence and privilege as applied in civil cases in the circuit courts of the State of Illinois shall apply. However, neither~~Neither the Board nor the ~~ALJhearing officer~~ shall be bound by the technical rules of evidence or civil procedure, and no informality in any proceeding or in the manner of taking testimony shall invalidate any order or decision rendered. ~~Official notice may be taken pursuant to Section 10-40(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-40(c)].~~

(Source: Amended at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.230 Board Documents

Any relevant documents, including but not limited to books, correspondence, memoranda, and photographs, may be provided by the Board by a reproduced copy thereof ~~under the certificate of the Executive Director,~~ and shall, without further proof, be admitted into evidence.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.240 Powers of the ~~Administrative Law Judge~~Hearing Officer

The appointed ~~ALJ~~hearing officer shall have the power to:

- a) Preside over hearings and other procedures.
- b) Reset hearings upon good cause shown.
- c) Grant or deny requests for discovery.
- d) Issue, or authorize issuance of, subpoenas to compel attendance of a witness at a hearing pursuant to 20 ILCS 3105/9.08b.
- e) Take evidence, hear testimony, and question parties and witnesses.
- f) Administer oaths and affirmations.
- g) Hear and decide motions.
- h) Grant reasonable time extensions.
- j) Take judicial notice pursuant to Section 10-40(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-40(c)].

(Source: Amended at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.260 Duties of the ~~Administrative Law Judge~~Hearing Officer

The ~~ALJ~~hearing officer shall:

- a) Regulate the course of the hearing.
- b)a) Record and keep all relevant documents as the official record, which shall be turned over to the Board~~CDB~~ at the conclusion of the proceedings.
- c)b) Exclude irrelevant, immaterial or unduly repetitious evidence. However, admission of such evidence shall not preclude a finding that the evidence was irrelevant, immaterial or unduly repetitious.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- d)e) Deny or limit frivolous motions, discovery, or other methods reasonably interpreted to be for the purpose of causing delay or unnecessarily burdening other parties.
- e)d) Assess costs against any party for conduct addressed in subsections (b) and (c) of this Section.
- f)e) Utilize whatever methods are required to bring about the hearing at the earliest possible date.
- g)f) Deny requests to depose ~~the~~CDB's Executive Director or Board Members unless the complainant presents sufficient credible evidence to show a reasonable person would believe that such person has relevant, material, first-hand knowledge that is not merely repetitious of knowledge possessed by others.
- h)g) Enter a default upon failure to appear with advance reasonable notice.
- i)h) Render a written ~~proposal for decision~~~~recommendation~~ containing findings of fact and conclusions ~~of law~~, based on the evidence presented, to the ~~parties~~Executive Director within ~~30~~45 days after the hearing. This time shall be extended on motion and order of the ALJ as needed when necessitated by a large volume of evidence to be considered.

(Source: Amended at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.261 Petition for Reconsideration

Within 15 days after receipt of the ALJ's proposal for decision, any party may file a written request for reconsideration explaining in detail the perceived errors and reasons for those errors, and may include a brief. The ALJ shall respond by filing a final recommendation with the parties and the Executive Director.

(Source: Added at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.262 Transcripts

Any and all hearing testimony and communications at the hearing shall be stenographically recorded by a certified court reporter. Upon request by any party or the ALJ, proceedings other than the hearing shall be similarly recorded.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.270 Executive Director's Decision

Within 15 days after receipt of the ALJ's final hearing officer's recommendation, or, if no petition for reconsideration was filed, within 30 days after receipt of the ALJ's proposal for decision, the Executive Director shall issue a decision by United States registered or certified mail. This decision shall be final and shall state that it is final and subject to the Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.272 Record

Following submittal of the written recommendation, the ALJ shall forward the entire record of the case to the Executive Director. The record shall include documents indicated in Section 10-35 of the Illinois Administrative Procedure Act [5 ILCS 100/10-35].

(Source: Added at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.280 Petition for Reconsideration (Repealed)

~~Within 15 days after receipt of the Executive Director's decision, a complainant may file with the Director a written request for reconsideration, explaining in detail the perceived errors and reasons for those errors. The Executive Director shall respond within 10 days after receipt.~~

(Source: Repealed at 29 Ill. Reg. 765, effective January 1, 2005)

Section 100.290 Final Consideration (Repealed)

~~Following completion of all other administrative procedures provided herein, a complainant may petition the Capital Development Board for final consideration by the Board of the Executive Director's decision. The petition shall be filed within 10 days after receipt of the Director's decision on the request for reconsideration. The petition shall state the perceived errors and reasons for those errors. The petition shall be heard at the Board's next regularly scheduled meeting, provided the meeting is at least 20 days after the date CDB received the petition. Petitions the Board deems frivolous or patently without merit may be rejected without further hearing. The complainant shall appear at the meeting and present its case in an informal manner to the Board. The individual Board Members may ask questions as appropriate. The Board shall~~

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

~~issue its final decision within 30 days.~~

(Source: Repealed at 29 Ill. Reg. 765, effective January 1, 2005)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

- 2) Heading of the Part: Captial Development Board Energy Code
- 2) Code Citation: 71 Ill. Adm. Code 600
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
600.100	New
600.110	New
600.120	New
600.130	New
600.140	New
600.150	New
600.160	New
- 4) Statutory Authority: Implementing and authorized by the Captial Development Board Act (20 ILCS 3105)
- 5) Effective Date of Rulemaking: January 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 28 Ill. Reg. 10857; August 6, 2004
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: The original proposal included a Section designated as Section 600.170 CDB Decisions. In response to questions raised with the identical emergency rules and further statutory clarification, it was determined that this Section was not needed. The Section was omitted with the Second Notice filing to JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

- 13) Will this rulemaking replace any emergency rules currently in effect? No. Emergency rules adopted at 28 Ill. Reg. 11355 in the August 6, 2004 *Illinois Register* expired on 12/22/04.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Implements a statewide energy code for the construction or repair of State facilities, incorporating standards of the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE), to provide minimum requirements for energy-efficient design.
- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. Jerry B. Crabtree
Rules Coordinator
Capital Development Board
300 Stratton Office Building
Springfield IL 62706

217/557-7907 (phone)
217/557-7913 (fax)
jcrabtre@cdb.state.il.us

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
CHAPTER I: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER d: ENERGY CODESPART 600
CAPITAL DEVELOPMENT BOARD ENERGY CODE

Section	
600.100	Purpose and Applicability
600.110	Definitions
600.120	Advisory Council
600.130	Applicable Standards
600.140	Revisions to Code
600.150	Compliance
600.160	Request for Variance Procedures

AUTHORITY: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 11355, effective July 26, 2004, for a maximum of 150 days; emergency rules expired December 22, 2004; adopted at 29 Ill. Reg. 777, effective January 1, 2005.

Section 600.100 Purpose and Applicability

- a) Purpose
 - 1) The purpose of the Capital Development Board Energy Code is to implement Section 10.09-5 of the Capital Development Board Act [20 ILCS 3105/10.09-5], which requires CDB *to adopt rules implementing a statewide Energy Code for the construction or repair of State facilities described in Section 4.01. The Energy Code adopted by the Board shall incorporate standards promulgated by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE). In proposing rules, the Board shall consult with the Department of Commerce and Economic Opportunity.*
 - 2) This Code is intended to provide minimum requirements for the energy-efficient design of buildings described in Section 4.01 of the Act, e.g., State funded *housing, hospitals, penitentiaries, laboratories, educational*

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

facilities, administrative facilities, recreational facilities, environmental equipment, parking facilities.

- 3) This Code, together with the standards incorporated by reference in Section 600.130, has the force of a building code and is administrative law applicable in the State of Illinois.
- b) Applicability
- 1) This Code applies to all State facilities described in Section 4.01 of the Act.
 - 2) This Code is applicable when work involving new construction, alterations, or additions in whole or in part begins after the effective date of this Code.

Section 600.110 Definitions

"Act" means the Capital Development Board Act [20 ILCS 3105].

"ASHRAE 90.1" means the standards incorporated in Section 600.130, including the cited addenda.

"CDB" means the Illinois Capital Development Board.

"Code" means this Part (71 Ill. Adm. Code 600), the Capital Development Board Energy Code.

"Council" means the CDB Energy Code Advisory Council created by Section 600.120.

"Professional Services Agreement" means the contract for services entered into by CDB and design professionals.

"Using agency" means the State agency using facilities described in Section 4.01 of the Act.

Section 600.120 Advisory Council

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

- a) The Executive Director of the Capital Development Board shall appoint a CDB Energy Code Advisory Council. The Council shall be composed of the Executive Director or his or her authorized representative, who shall serve as chairman ex-officio, and 6 additional members appointed by the Executive Director. The appointed members shall consist of 2 licensed architects; 1 licensed mechanical engineer; 1 licensed electrical engineer; and 2 persons representing the construction contracting industry. Members of the Council shall be appointed for 4 year terms. The members appointed by the Executive Director shall serve for the term of their appointments and may be reappointed upon expiration of the term. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of the term.
- b) The Council shall meet as frequently as the Chairman deems necessary, but at least once each year. Additional meetings may be called by the Chairman or by 3 members of the Council upon delivery of 10 days' written notice to the mailing address of each member of the Council. Four members of the Council shall constitute a quorum.
- c) The purpose of the Council shall be to consider future modifications to the CDB Energy Code.

Section 600.130 Applicable Standards

- a) ANSI/ASHRAE/IESNA Standard 90.1, Energy Standard for Buildings Except Low-Rise Residential Buildings (2001), available from ASHRAE at 1791 Tullie Circle, N.E., Atlanta GA 30329, is hereby incorporated into the CDB Energy Code, with the modifications outlined in subsection (d).
- b) This incorporation includes the following addenda to ASHRAE 90.1:

ADDENDUM	DATE
90.1a	4/3/03
90.1b	7/30/02
90.1c	7/30/02
90.1d	7/30/02
90.1e	3/31/04
90.1h	2/25/04
90.1i	8/6/03
90.1j	8/6/03

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

90.1k	12/17/02
90.1m	4/3/03
90.1n	9/25/03
90.1o	2/25/04
90.1p	2/25/04
90.1r	2/25/04
90.1s	2/25/04

- c) All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions, additions or amendments.
- d) Modifications to ASHRAE 90.1
ASHRAE 90.1 is incorporated by this Section, but with the following modifications:
- 1) ASHRAE 90.1 Section 3

Paragraph 3.2: the terms "adopting authority" and "authority having jurisdiction" shall both be read to mean the Capital Development Board.
 - 2) ASHRAE 90.1 Section 6
 - A) Add the following sentence to the end of paragraph 6.2.5.3.3:

Final trimming of the pump impellers shall be the responsibility of the using agency.
 - B) Table 6.3.3.1:

Increase all horsepowers shown in the table by .5.
 - 3) ASHRAE 90.1 Section 9
 - A) Replace Exception to 9.2.1.1 with the following:

Exceptions to 9.2.1.1:
 - i) Lighting intended for 24-hour operation.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

- ii) Lighting in patient care areas.
 - iii) Lighting required for safety or security reasons.
- B) Replace Exception to 9.2.1.2 with the following:

Exceptions to 9.2.1.2:

- i) Remote location shall be permitted for reasons of safety or security when the remote control device has an indicator pilot light as part of or next to the control device and it shall be clearly labeled to identify the controlled lighting.
- ii) Spaces not subject to partial occupancy, such as gymnasiums, cafeterias, lecture halls, etc., shall not be required to have more than one control device.

Section 600.140 Revisions to Code

This Code may be revised from time to time by the Capital Development Board as recommended by the Advisory Council and in accordance with the Illinois Administrative Procedure Act [5 ILCS 100].

Section 600.150 Compliance

- a) Compliance with the CDB Energy Code can be attained through either of 2 options, the Prescriptive Option or the Energy Cost Budget Option. Both options require compliance with the Mandatory Provisions outlined in ASHRAE 90.1. Compliance shall be demonstrated by submission of the compliance forms published in the ASHRAE 90.1 Handbook or Compliance Certificates generated by the U.S. Department of Energy's COMCheck computer simulation program.
- b) **Prescriptive Option**
Forms shall be completed for building envelope, HVAC systems, service water heating and lighting. Compliance forms shall be completed by the licensed professional responsible for the design of the respective system.
- c) **Energy Cost Budget Option**
Compliance forms shall be completed by the licensed professional responsible for the overall design of the building.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

- 1) Compliance calculations shall use a computer program sufficiently sophisticated to handle the complex simulations required to determine a building's energy consumption. Examples of such programs are COMCheck, DOE-2 and BLAST.
 - 2) Simulations for the energy cost budget and the design energy cost shall use the same simulation program, the same climate data, the same purchased energy rates and the same schedules of operation.
 - 3) Commercially available climate data sets will be acceptable if they provide all the hourly values for all the relevant parameters needed by the simulation program. The climate data shall represent both average and design conditions.
 - 4) Purchased energy rates shall reflect the actual rates incurred by the facility being improved. For new facilities, estimated rates shall be developed based on consultation with the utility providers.
- d) Final compliance forms shall be submitted to CDB with the 100% design review package required by the Professional Services Agreement. An in-progress set of compliance forms shall be submitted at the 50% submittal.

Section 600.160 Request for Variance Procedures

- a) Who May File a Request for Variance
 - 1) Any architect or engineer under contract with CDB to provide professional services for the proposed project.
 - 2) The using agency's chief executive officer or his or her designated representative.
 - 3) The Chairman of the CDB Energy Code Advisory Council.
- b) Consideration of Request for Variance

A variance from any requirement of this Part will be granted by CDB for one or more of the following reasons only:

 - 1) Compliance would not be technically feasible.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

- 2) Compliance would compromise the health, welfare or safety of the building occupants.
 - 3) Compliance would prevent the building from serving its intended purpose.
 - 4) Compliance would violate another State or federal law or code.
 - 5) Compliance would increase the energy consumption of the building.
 - 6) Compliance would require the use of inferior products or materials.
- c) Submitting the Request for Variance
- 1) The request shall be submitted to the CDB Project Manager.
 - 2) Requests should be submitted as early in the project as there is cause, but no later than 75 days prior to the anticipated bid date. Approval or denial of a variance shall be no cause for delay in the project unless the request for variance was filed by CDB or the using agency for which the project is being constructed.
 - 3) The following shall be submitted when requesting a variance:
 - A) A letter from the petitioner stating the specific provisions of the Code from which the variance is requested and a detailed explanation of how compliance with the Code would result in one or more of the conditions described in subsection (b).
 - B) The request shall include supporting data, calculations, analysis, etc.
- d) CDB Action
- 1) Upon receipt of the Request for Variance, the CDB Project Manager will review the request and make a recommendation to CDB's Professional Services Unit within 7 calendar days.
 - 2) Professional Services Unit will evaluate the Request for Variance within 30 days after CDB's receipt of the Request and make a determination.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

- 3) If it is determined that the Request for Variance would cause one of the conditions stated in subsection (b), the variance shall be approved by CDB.
- 4) If it is determined that the Request for Variance would not cause one of the conditions stated in subsection (b), the Agency may:
 - A) Deny the Request for Variance.
 - B) Approve the Request for Variance subject to specific conditions determined by CDB.
- e) **Modifications and Revisions**
The petitioner may, in writing, request that the original Request for Variance be modified and resubmit the Request for Variance.
- f) **Revocation**
CDB may revoke any variance if:
 - 1) it is determined that the variance was obtained through fraud or deceit;
 - 2) the petitioner has violated the specific conditions on which the variance was approved; or
 - 3) the variance was issued in error.
- g) **Appeals**
 - 1) Any person whose Request for Variance is denied or approved with conditions may appeal CDB's initial determination. The appeal shall be submitted in writing and must be received within 10 days after the initial CDB action is received by the requestor. The request shall be submitted to the Chairman of the Advisory Council.
 - 2) The Chairman of the Advisory Council will review the request with the Advisory Council, as deemed necessary by the Chairman, within 14 days after receipt and take one of the following actions:
 - A) Uphold CDB's initial determination.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

- B) Reverse CDB's initial determination and issue the variance.
- C) Change the conditions applied to the variance granted by CDB.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2770.110	Amendment
2770.111	Amendment
- 4) Statutory Authority: 820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701.
- 5) Effective Date of the Amendments: January 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation 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: October 22, 2004; 28 Ill. Reg. 13883
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these adopted amendments replace any emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of the amendments: The amendments to Part 2770 announce the 2005 average contribution rates for each economic sector within the North American Industry Classification System (NAICS). A new employer's contribution rate will be based on the average contribution rate for the sector to which the employer belongs if the average rate exceeds the standard new employer rate and the employer is not required to pay at a higher experience-based rate. In keeping with our commitment to the Joint

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

Committee on Administrative Rules, we are also repealing the subsection with the rates for 1999, as it is no longer needed.

- 16) Information and questions regarding these adopted amendments may be addressed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 937
Chicago, Illinois 60603

(312) 793-2333

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART A: INDUSTRIAL CLASSIFICATIONS

Section

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

SUBPART B: ALTERNATIVE BENEFIT WAGE RATIO ~~(Repealed)~~

Section

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

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

Section

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

SUBPART D: BENEFIT WAGE CANCELLATIONS

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

Section

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

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

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

SOURCE: Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days; expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. 18280, effective October 30, 1990; amended at 15 Ill. Reg. 172, effective December 28, 1990; amended at 15 Ill. Reg. 8553, effective May 24, 1991; amended at 16 Ill. Reg. 118, effective December 20, 1991; amended at 17 Ill. Reg. 295, effective December 28, 1992; amended at 18 Ill. Reg. 250, effective January 1, 1994; amended at 18 Ill. Reg. 17473, effective January 1, 1995; amended at 20 Ill. Reg. 350, effective January 1, 1996; amended at 21 Ill. Reg. 561, effective January 1, 1997; amended at 21 Ill. Reg. 15496, effective January 1, 1998; amended at 23 Ill. Reg. 155, effective January 1, 1999; amended at 23 Ill. Reg. 14299, effective January 1, 2000; amended at 24 Ill. Reg. 19125, effective January 1, 2001; amended at 26 Ill. Reg. 393, effective January 1, 2002; amended at 27 Ill. Reg. 2598, effective February 1, 2003; amended at 28 Ill. Reg. 1071, effective January 1, 2004; amended at 29 Ill. Reg. 788, effective January 1, 2005.

SUBPART A: INDUSTRIAL CLASSIFICATIONS

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

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

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

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

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.0%
10-14	B. Mining	3.1%
15-17	C. Construction	3.2%
20-39	D. Manufacturing	1.8%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.8%
50-51	F. Wholesale Trade	1.3%
52-59	G. Retail Trade	1.0%
60-67	H. Finance, Insurance, Real Estate	1.0%
70-89	I. Services	1.1%
91-97	J. Public Administration	1.0%

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

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

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

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.7%
10-14	B. Mining	3.1%
15-17	C. Construction	2.8%
20-39	D. Manufacturing	1.5%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.5%
50-51	F. Wholesale Trade	1.1%
52-59	G. Retail Trade	0.8%
60-67	H. Finance, Insurance, Real Estate	0.9%
70-89	I. Services	0.9%
91-97	J. Public Administration	0.8%

(Source: Amended at 29 Ill. Reg. 788, effective January 1, 2005)

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

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

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

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

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	1.7%
21	Mining	2.9%
22	Utilities	1.5%
23	Construction	3.0%
31-33	Manufacturing	2.4%

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

42	Wholesale Trade	1.7%
44-45	Retail Trade	1.2%
48-49	Transportation and Warehousing	2.2%
51	Information	1.9%
52	Finance and Insurance	1.2%
53	Real Estate and Rental and Leasing	1.2%
54	Professional, Scientific and Technical Services	1.4%
55	Management of Companies and Enterprises	1.7%
56	Administrative and Support and Waste Management	2.5%
61	Educational Services	1.0%
62	Health Care and Social Assistance	0.9%
71	Arts, Entertainment and Recreation	1.7%
72	Accommodation and Food Services	1.0%
81	Other Services (except Public Administration)	1.1%
92	Public Administration	0.9%
99	Unclassified	1.2%

c) [The average contribution rate for each Economic Sector in the North American Industry Classification System \(NAICS\), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2005, as determined by the application of Section 2770.106\(a\)\(4\) of this Part, shall be:](#)

<u>Digits</u>	<u>Economic Sector</u>	<u>Rate</u>
<u>11</u>	<u>Agriculture, Forestry, Fishing and Hunting</u>	<u>2.1%</u>
<u>21</u>	<u>Mining</u>	<u>3.2%</u>
<u>22</u>	<u>Utilities</u>	<u>1.9%</u>
<u>23</u>	<u>Construction</u>	<u>3.8%</u>
<u>31-33</u>	<u>Manufacturing</u>	<u>3.2%</u>
<u>42</u>	<u>Wholesale Trade</u>	<u>2.3%</u>
<u>44-45</u>	<u>Retail Trade</u>	<u>1.6%</u>
<u>48-49</u>	<u>Transportation and Warehousing</u>	<u>2.8%</u>
<u>51</u>	<u>Information</u>	<u>2.4%</u>
<u>52</u>	<u>Finance and Insurance</u>	<u>1.5%</u>
<u>53</u>	<u>Real Estate and Rental and Leasing</u>	<u>1.6%</u>
<u>54</u>	<u>Professional, Scientific and Technical Services</u>	<u>1.8%</u>
<u>55</u>	<u>Management of Companies and Enterprises</u>	<u>2.2%</u>
<u>56</u>	<u>Administrative and Support and Waste Management</u>	<u>3.2%</u>
<u>61</u>	<u>Educational Services</u>	<u>1.4%</u>
<u>62</u>	<u>Health Care and Social Assistance</u>	<u>1.2%</u>

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

<u>71</u>	<u>Arts, Entertainment and Recreation</u>	<u>2.1%</u>
<u>72</u>	<u>Accommodation and Food Services</u>	<u>1.3%</u>
<u>81</u>	<u>Other Services (except Public Administration)</u>	<u>1.4%</u>
<u>92</u>	<u>Public Administration</u>	<u>1.2%</u>
<u>99</u>	<u>Unclassified</u>	<u>1.7%</u>

(Source: Amended at 29 Ill. Reg. 788, effective January 1, 2005)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Americans with Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Admin. Code 1150
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1150.10	New Section
1150.20	New Section
1150.30	New Section
1150.40	New Section
1150.50	New Section
1150.60	New Section
1150.70	New Section
- 4) Statutory Authority: Section 7-101 of the Illinois Human Rights Act [775 ILCS 5/7-101]
- 5) Effective Date of Rules: December 28, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Published in the Illinois Register: October 8, 2004; 28 Ill. Reg. 13309
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued.
- 13) Will these rules replace any emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: These proposed rules implement grievance procedures required under the federal Americans with Disabilities Act.

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED RULES

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

Brent A. Harzman
Staff Attorney
Illinois Department of Human Rights – Legal Division
100 W. Randolph St., Ste. 10-100
Chicago IL 60601

(312) 814-1906 or (312) 263-1579 (TTY)

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

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED RULES

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER XLIII: DEPARTMENT OF HUMAN RIGHTSPART 1150
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
1150.10	Purposes
1150.20	Definitions
1150.30	Procedure
1150.40	ADA Coordinator Review
1150.50	Final Review
1150.60	Accessibility
1150.70	Case-By-Case Resolution

AUTHORITY: Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A)].

SOURCE: Adopted at 29 Ill. Reg. 797, effective December 28, 2004.

Section 1150.10 Purposes

- a) This grievance procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) (ADA) and specifically Section 35.107 of the Title II regulations, 28 CFR 35.107, requiring the adoption of a procedure to resolve grievances asserted by qualified individuals with disabilities. Interested parties may contact the ADA Coordinator to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it.
- b) In general, the ADA requires that each program, service and activity offered by the Department of Human Rights (Department), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Department to foster open communication with all individuals requesting readily accessible programs, services and activities. The Department encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 1150.20 Definitions

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED RULES

"ADA" means the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

"ADA Coordinator" means the person appointed by the Director of the Department to coordinate the Department's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of grievances filed by Complainants. The ADA Coordinator may be contacted at Department of Human Rights, ADA Coordinator, 222 South College, Room 101A, Springfield IL 62704. (See 28 CFR 35.107.)

"Complainant" means a qualified individual with a disability who files a Grievance Form provided by the Department.

"Department" means the Illinois Department of Human Rights.

"Director" means the Director of the Department or a duly authorized designee.

"Disability" shall have the same meaning as set forth in the ADA.

"Grievance" means any written complaint under the ADA by an individual with a disability who meets the eligibility requirements for participation in, or receipt of, the benefits of a program, activity or service offered by the Department and who believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the Department, or who has been subject to discrimination by the Department.

"Grievance Form" means the form prescribed for the purpose of filing a grievance under this Part and includes information such as name, address, telephone number, nature of the grievance, with specificity, including date of incident, time, place and witnesses if applicable.

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Department.

Section 1150.30 Procedure

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED RULES

- a) Grievances must be submitted in accordance with procedures established in Sections 1150.40 and 1150.50 of this Part. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer, at the ADA Coordinator and/or the Final Reviews described in Sections 1150.40 and 1150.50.
- b) A Complainant's failure to submit a Grievance Form, or to submit or appeal it to the next level of review within the specified time limits, shall mean that the Complainant has withdrawn the grievance or has accepted the Department's last response as given in the grievance procedure.
- c) A Complainant must exhaust the remedies provided under this Part as a prerequisite for filing any action before a court or other administrative body.
- d) The Department shall, upon being informed of an individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.

Section 1150.40 ADA Coordinator Review

- a) If an individual desires to file a grievance, the individual shall promptly, but no later than 180 days after the date of the alleged discrimination, submit a grievance to the ADA Coordinator on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the ADA Coordinator.
- b) Upon request, the Department shall assist an individual in completing the Grievance Form.
- c) The ADA Coordinator, or his/her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The ADA Coordinator shall provide a written response to the Complainant and Director within 15 business days after receipt of the Grievance Form.

Section 1150.50 Final Review

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED RULES

- a) If the grievance is not resolved pursuant to Section 1150.40 of this Part to the satisfaction of the Complainant, the Complainant may submit a copy of the Grievance Form and ADA Coordinator's response to the Director for final review. The Complainant shall submit these documents to the Director, together with a short written statement explaining the reasons for dissatisfaction with the ADA Coordinator's written response, within 10 business days after service of the ADA Coordinator's response. Service is deemed complete 5 business days after mailing.
- b) Within 15 business days after receipt of the Complainant's request to the Director for final review, the Director shall appoint a three-member panel to evaluate the grievance. The Director shall designate one panel member as chairman. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last panel member is appointed.
- c) Complainant shall be afforded an opportunity to appear before the panel. Complainant shall have the right to appoint a representative to appear on his or her behalf. The panel shall review the Complainant's Grievance Form and the ADA Coordinator's written response, and may conduct interviews and seek advice as it deems appropriate.
- d) Upon agreement of at least two of the panel members, but not later than 15 business days after the review described in subsection (b), the panel shall make written recommendations to the Director regarding the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall sign his or her recommendation.
- e) Within 15 business days after receipt of the panel's recommendations, the Director shall approve, disapprove or modify the panel recommendations; shall render a decision on those recommendations in writing; shall state the basis for his or her decision; and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the panel's recommendations, the Director shall include written reasons for such disapproval or modification.
- f) The Grievance Form, the ADA Coordinator's response, the Complainant's statement of the reasons for dissatisfaction, the panel's recommendations, and the

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED RULES

Director's decision shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

Section 1150.60 Accessibility

The Department shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

Section 1150.70 Case-By-Case Resolution

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity, or cause undue hardship for the Department. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other Complainants should rely.

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures of the Department of Human Rights
- 2) Code Citation: 56 Ill. Admin. Code 2520
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2520.30	Amendment
2520.40	Amendment
2520.330	Amendment
2520.587	Amendment
- 4) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].
- 5) Effective Date of Amendments: December 28, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted 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 the Illinois Register: October 8, 2004; 28 Ill. Reg. 13316
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments codify changes to the request for review procedures. Amendments to Sections 2520.30 and 2520.40 add surreplies to be consistent with the request-for-review procedures in Subpart F of this

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

Part. Section 2520.330 provides that real estate transaction charges under Article 3 of the Illinois Human Rights Act [775 ILCS 5/Art. 3] are to be verified rather than notarized. Section 2520.587 provides that the Department shall publish orders of the chief legal counsel on the Department's web-site, consistent with *Cooper v. Salazar*, 98C2930, Federal District Court, N.D. Illinois, Eastern Division.

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

Brent A. Harzman
Staff Attorney
Illinois Department of Human Rights – Legal Division
100 W. Randolph St., Ste. 10-100
Chicago, IL 60601

(312) 814-1906 or (312) 263-1579 (TTY)

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

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER II: DEPARTMENT OF HUMAN RIGHTS

PART 2520

PROCEDURES OF THE DEPARTMENT OF HUMAN RIGHTS

SUBPART A: INTERPRETATIONS

Section

2520.10	Definition of Terms
2520.20	Computation of Time
2520.30	Service of Documents
2520.40	Filing with the Department
2520.50	Separability
2520.110	Preservation of Records by Employers, Labor Organizations, Employment Agencies and Respondents

SUBPART B: CHARGE

Section

2520.310	Time of Filing (Repealed)
2520.320	Form (Repealed)
2520.330	Contents
2520.340	Requirements for Charge (Repealed)
2520.350	Unperfected Charge
2520.360	Amendment
2520.370	Substitution and Addition of Parties (Repealed)
2520.380	Withdrawal of Charge

SUBPART C: PROCEDURE UPON CHARGE

Section

2520.410	Docketing and Service of Charge (Repealed)
2520.420	Maintenance of Records (Repealed)
2520.430	Investigation
2520.440	Fact-Finding Conference
2520.450	Administrative Closure (Repealed)
2520.460	Determination After Investigation (Repealed)
2520.470	Conciliation (Repealed)
2520.480	Complaint (Repealed)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: SETTLEMENTS

Section

2520.510	Settlement
2520.520	Non-Disclosure (Repealed)
2520.530	Dismissal for Refusal to Accept Settlement Offer (Repealed)
2520.540	Non-Compliance with Settlement Terms (Repealed)

SUBPART E: ADMINISTRATIVE CLOSURE, DISMISSAL AND DEFAULT

Section

2520.550	Administrative Closure
2520.560	Dismissal
2520.570	Default

SUBPART F: REQUESTS FOR REVIEW

Section

2520.573	Filing with Chief Legal Counsel
2520.575	Contents of Request for Review
2520.577	Notice by the Chief Legal Counsel
2520.580	Extensions of Time
2520.583	Reply to Request for Review and Surreply
2520.585	Additional Investigation
2520.587	Decision

SUBPART G: RELATIONS WITH LOCAL HUMAN RIGHTS AGENCIES

Section

2520.610	Scope and Purpose (Repealed)
2520.620	Definitions (Repealed)
2520.630	Cooperative Agreements
2520.640	Nature of Cooperative Agreements
2520.650	Training and Technical Assistance
2520.660	Promotion of Communication and Goodwill

SUBPART H: EQUAL EMPLOYMENT OPPORTUNITY AND
AFFIRMATIVE ACTION BY STATE EXECUTIVE AGENCIES

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

Section

2520.700	Definitions
2520.710	Scope and Purpose
2520.720	Affirmative Action Groups
2520.730	Consideration of Additional Groups
2520.740	Definitions (Renumbered)
2520.750	Nondiscrimination (Repealed)
2520.760	Plans
2520.770	Reporting and Record-Keeping
2520.780	Equal Employment Opportunity Officers
2520.790	Complaint Process
2520.795	Compliance Reviews
2520.797	Sanctions for Noncompliance

2520.APPENDIX A Contents of Affirmative Action Plans

2520.APPENDIX B Value Weight Assignment Chart

AUTHORITY: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; amended at 6 Ill. Reg. 2125, effective February 8, 1982; amended at 6 Ill. Reg. 3076, effective March 15, 1982; amended at 6 Ill. Reg. 8090, effective July 1, 1982; codified at 8 Ill. Reg. 17884; amended at 17 Ill. Reg. 15556, effective September 13, 1993; amended at 18 Ill. Reg. 16829, effective November 4, 1994; emergency amendment at 20 Ill. Reg. 445, effective January 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 5084, effective March 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6291, effective April 18, 1996; amended at 20 Ill. Reg. 10631, effective July 24, 1996; amended at 21 Ill. Reg. 14081, effective October 10, 1997; amended at 26 Ill. Reg. 17217, effective November 18, 2002; amended at 29 Ill. Reg., effective December 28, 2004.

SUBPART A: INTERPRETATIONS

Section 2520.30 Service of Documents

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

- a) Manner of Service. Unless otherwise provided, all documents required to be served under the Act or this Part shall be served personally, by telefax, by U.S. mail or by private delivery service. However, requests for review, replies to requests for review, ~~such pleadings requests for review~~ surreplies to replies, and requests for ~~extension~~ extension of time to file ~~such pleadings requests for review~~ may be served upon the Chief Legal Counsel only by personal service, by U.S. mail or by private delivery service.
- b) Proof of Service. Where service on the Department is required, proof of service shall be filed with the Department consisting of the verified statement of the individual making service, specifying the title of the document, manner and date of such service.
- c) Effective Date of Service by Mail. Service by mail shall be deemed complete five days after mailing of the document, properly addressed and posted for delivery to the person to be served.

(Source: Amended at 29 Ill. Reg. 804, effective December 28, 2004)

Section 2520.40 Filing with the Department

Documents required to be filed with the Department shall be deemed filed when received, if hand-delivered or telefaxed, except that requests for review filed pursuant to Section 2520.573 of this Part, replies to requests for review and surreplies to replies filed pursuant to Section 2520.583 of this Part, and requests for extensions of time to file ~~such pleadings requests for review filed~~ pursuant to Section 2520.580 of this Part may not be telefaxed. An item delivered by the U.S. Postal Service shall be deemed to have been filed when postmarked, properly addressed and posted for delivery. An item delivered by a private delivery service shall be deemed to have been filed on the date sent as indicated on the label, or in the absence of such a date on the label, shall be deemed filed on the date received.

(Source: Amended at 29 Ill. Reg. 804, effective December 28, 2004)

SUBPART C: PROCEDURE UPON CHARGE

Section 2520.330 Contents

A charge shall be in such detail as to substantially apprise parties of the time, place and facts with respect to the alleged civil rights violation. It should contain the following:

- a) the full name and address of the complainant; however, upon request of

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

complainant or respondent and with agreement of the Department, the name of complainant will not be released to the public;

- b) the full name and address of each respondent;
- c) a statement of the facts alleged to constitute a prima facie case of a civil rights violation, including the date, time, and place thereof;
- d) a statement of each specific harm the complainant has suffered as a consequence of the alleged civil rights violation; and
- e) complainant's ~~notarized~~ signature in the following format: ~~under oath or affirmation:~~
 - 1) for a charge filed pursuant to Article 7A of the Act, notarized under oath or affirmation [775 ILCS 5/Art. 7A]; and
 - 2) for a charge filed pursuant to Article 7B of the Act [775 ILCS 5/Art. 7B], verified by certification in the following form: Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109], the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

(Source: Amended at 29 Ill. Reg. 804, effective December 28, 2004)

SUBPART F: REQUESTS FOR REVIEW

Section 2520.587 Decision

If, after a de novo review of the Director's decision to dismiss a charge or issue a Notice of Default, the Chief Legal Counsel determines that the Director's decision should be sustained, he/she shall enter an order stating the findings and reasons for that determination. Otherwise, the Chief Legal Counsel shall order that the dismissal or default be vacated and either the charge be returned to the Charge Processing Division of the Department for additional work or a substantial evidence finding be entered. The Chief Legal Counsel shall ~~immediately~~ cause the order to be served on the Director and all parties to the charge and to be timely published on the Department's website. In the case of a default that is sustained, a copy of the order shall also be served on the Human Rights Commission, so that it may conduct further proceedings pursuant to

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

Section 7-101.1(C) of the Act.

(Source: Amended at 29 Ill. Reg. 804, effective December 28, 2004)

PROCUREMENT POLICY BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Policies
- 2) Code Citation: 2 Ill. Adm. Code 3002
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3002.200	Amended
3002.900	Amended
3002.1000	Amended
3002.1100	Amended
3002.1300	Added
- 4) Statutory Authority: Illinois Procurement Code [30 ILCS 500]
- 5) Effective Date of Rulemaking: January 1, 2005
- 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: None Published. This is an adopted filing for a required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Act 93-0839 created a requirement that certain contracts issued by the State be provided to the Procurement Policy Board for review 30 days prior to their execution. Relative to this contract review, the Board has

PROCUREMENT POLICY BOARD

NOTICE OF ADOPTED AMENDMENTS

developed procedures for transfer and handling of information so that interested parties may access the informational flow. Other action consists of the removal of language regarding construction contract review for the Capitol complex. That function is no longer required by the Code as repealed by PA 93-0632.

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

Matt Brown
Executive Director
Illinois Procurement Policy Board
511 West Capital, Suite 102
Springfield IL 62704

Telephone: 217/785-3988
Facsimile: 217/557-9927

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

PROCUREMENT POLICY BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LX: PROCUREMENT POLICY BOARDPART 3002
GENERAL POLICIES

Section

3002.100	Authority and Purpose
3002.200	Definitions
3002.300	Agenda
3002.400	Meetings of the Board
3002.500	Board Review
3002.600	Publication of Notices, Proposals and Action by the Board
3002.700	Comments from the Public
3002.800	Petition to the Board by Public
3002.900	Submission of Complaints
3002.1000	Obtaining Other Information
3002.1100	Coordination with State Agencies and the General Assembly
3002.1200	Coordination with the Joint Committee, Administrative Code Division and CPOs
<u>3002.1300</u>	<u>Proposed Contract Review</u>

AUTHORITY: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 23 Ill. Reg. 6895, effective June 1, 1999; amended at 25 Ill. Reg. 14390, effective October 24, 2001; amended at 29 Ill. Reg. 812, effective January 1, 2005.

Section 3002.200 Definitions

"Act" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Administrative Code Division" means the unit of the Office of the Secretary of State Index Department that publishes the Illinois Administrative Code and the Illinois Register and with which rules are filed.

"Board" means the Procurement Policy Board.

"Certificate of Action" means a certificate issued by the Board that states any action taken by the Board that creates or changes procurement policy.

PROCUREMENT POLICY BOARD

NOTICE OF ADOPTED AMENDMENTS

"Code" means the Illinois Procurement Code [30 ILCS 500].

"Joint Committee" means the Joint Committee on Administrative Rules created by Section 5-90(a) of the Act.

"Policy" means a statement of general applicability regarding procurement, which affects (1) an existing procurement guideline, course of conduct, or best practice established by statute or administrative rule, (2) a proposal for a procurement rule or statute, or (3) any other established procurement guideline, course of conduct, or best practice or a proposal to establish a procurement guideline, course of conduct, or best practice.

"Rule" means *each agency statement of general applicability that implements, applies, interprets or prescribes law or policy, and that affects the private rights of or procedures available to persons or entities outside the agency, but does not include statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the agency, informal advisory rulings issued under Section 5-150 of the Act, intra-agency memoranda or the prescription of standardized forms* [5 ILCS 100/1-70].

"Illinois Procurement Bulletin" or "Procurement Bulletin" means that publication enumerated in Article 15 of the Code.

"State Agency" means each type of entity enumerated in Section 1-15.100 of the Code.

(Source: Amended at 29 Ill. Reg. 812, effective January 1, 2005)

Section 3002.900 Submission of Complaints

Interested persons or groups may submit complaints to the Board. Complaints should be addressed to Board members or the Executive Director, Procurement Policy Board, 511 West Capitol, Suite 102, Springfield, Illinois 62704~~108 Statehouse, Springfield, Illinois 62706~~. Each complaint must include at a minimum:

- a) The names and addresses of the persons or groups presenting the complaint;
- b) The specific issue of the complaint;
- c) The specific reasons the complainant believes that the Board should take action;

PROCUREMENT POLICY BOARD

NOTICE OF ADOPTED AMENDMENTS

and

- d) Any additional facts or documentation necessary to explain and support the complaint.

(Source: Amended at 29 Ill. Reg. 812, effective January 1, 2005)

Section 3002.1000 Obtaining Other Information

Other information about the operation and programs of the Procurement Policy Board may be obtained by addressing specific questions to the Executive Director, Procurement Policy Board, 511 West Capitol, Suite 102, Springfield, Illinois 62704.~~108 Statehouse, Springfield, Illinois 62706.~~

(Source: Amended at 29 Ill. Reg. 812, effective January 1, 2005)

Section 3002.1100 Coordination with State Agencies and the General Assembly

- a) ~~For the purposes of this Section, a "construction agency" means the Capital Development Board and the Secretary of State.~~

b) State Agencies and the General Assembly are invited to address the Board with comments, concerns or suggestions about procurement policy. Written submission will be required for the Board to conduct an official review for the requestor. The Board will review the submission and respond within the timeframe established in Section 500 of this Part.

- e) ~~As required by the Code, the Board will approve or disapprove contracts based on the following for construction and construction related services involving or affecting portions of State buildings within the Capitol Complex that are used or occupied by the legislative branch and determined by the construction agency to be a sole source procurement, small purchase or emergency purchase:~~
 - 1) ~~For sole source procurements, the construction agency shall submit to the Board, in writing, justification for the procurement, including a description of the supply or service along with all associated costs, written verification of the means used to determine that there is only one economically feasible source for the supply or service, and a description of the procurement's relationship to the construction project for which it is procured. This description shall include the size of the procurement in relation to the entire project and any positive or negative impact on the~~

PROCUREMENT POLICY BOARD

NOTICE OF ADOPTED AMENDMENTS

~~related project associated with the procurement.~~

- 2) ~~For small purchases, the construction agency shall submit to the Board, in writing, justification for the procurement, including a description of the supply or service along with all associated costs, written verification of any quotes sought to determine market price and availability, and a description of the procurement's relationship to the construction project for which it is procured. This description shall include the size of the procurement in relation to the entire project and any positive or negative impact on the related project associated with the procurement.~~
- 3) ~~For emergency purchases, the construction agency shall submit to the Board, in writing, justification for the procurement, including a description of the supply or service along with all associated costs, written verification of the circumstances requiring emergency procurement, and a description of the procurement's relationship to the construction project for which it is procured. This description shall include the size of the procurement in relation to the entire project and any positive or negative impact on the related project associated with the procurement.~~

~~As provided for in the Code, limited emergency procurements can be conducted in situations requiring immediate action prior to Board review. In this event the Board will require a post-procurement submission for review of the procurement.~~

- d) ~~Upon review of the procurement the Board will issue a written determination of approval or disapproval to the construction agency.~~

(Source: Amended at 29 Ill. Reg. 812, effective January 1, 2005)

Section 3002.1300 Proposed Contract Review

As required by Section 5-30 of the Code, unless the Board waives such review, certain proposed State issued contracts shall not be entered into until the Board's review of the contract during a 30-day contract review period beginning the date the notice of award or letting of the contract is published in the Illinois Procurement Bulletin. For the purposes of this Section, the letting of the contract or the notice of award is deemed to occur on the date of publication in the Illinois Procurement Bulletin. The Board shall use the following guidelines for conducting a review.

PROCUREMENT POLICY BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) For each contract award the Board wishes to review, it shall state its policy concern or objective in writing and whether such concern or objective relates to the particular proposed contract or another issue under its procurement review authority.
- b) The Board shall complete conflict of interest disclosures for all matters that it identifies for review.
- c) The Board may request the Agency to provide existing documents from its records relevant to the proposed contract and any policy determinations that guided the Agency's decision to enter into that contract.
- d) In developing policy recommendations as part of its review, the Board may request information from industry experts. Requests may include, but are not limited to market information, demonstration materials, analytical research, operational guidelines, and performance data. Until such time as the procurement process is complete and contract with the vendor signed, the Board shall obtain the written approval of the chief procurement officer before requesting information from vendors participating in the procurement process for the subject contract. After the contract with a vendor is signed, no approval from the chief procurement officer is required for the Board to request information from the vendors participating in that procurement. The Board shall notify the Agency of such requests, allow the Agency to provide additional information and provide the Agency with copies of any records collected in this research.
- e) As part of its review, the Board may conduct interviews, meetings, polling, or hearings to determine facts relevant to the review. No person participating in the Board's review shall publicly disclose confidential information regarding the procurement process or contract subject to review. The chief procurement officer may provide such confidential information to the Board upon the Board establishing appropriate procedures to safeguard the confidentiality of the information. If the Board wishes to interview any person involved in preparing or analyzing the bid or solicitation or any person responding to such bid or solicitation, it shall first obtain written approval from the chief procurement officer. The Board will accept written documentation provided by participants of these events and reduce to writing all other information that is provided.
- f) The Board shall make the Agency aware of its findings prior to publication in the Procurement Bulletin. The Agency shall be given the opportunity to respond prior to the Board's final determination and publishing.

PROCUREMENT POLICY BOARD

NOTICE OF ADOPTED AMENDMENTS

- g) The Board shall publish its final determination in an edition of the Procurement Bulletin upon conclusion of its review.

(Source: Added at 29 Ill. Reg. 812, effective January 1, 2005)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.32 Adopted Action: Amendment
Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendment: January 1, 2005
- 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: September 17, 2004; 28 Ill. Reg. 12776
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences Between Proposal and Final Version: No changes have been made to the proposed rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? Yes, at 28 Ill. Reg. 12921.
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.378	New Section	April 2, 2004; 28 Ill. Reg. 5606
120.379	Amendment	April 2, 2004; 28 Ill. Reg. 5606
120.387	Amendment	April 2, 2004; 28 Ill. Reg. 5606
- 15) Summary and Purpose of Amendment: This amendment provides eligibility expansion for the KidCare Parent Coverage Waiver program (FamilyCare) by increasing the income

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

eligibility standard from 90 percent to 133 percent of the Federal Poverty Level (FPL). The Department received federal approval in 2002 to increase the standard for parents up to 185 percent of the FPL. This program eligibility expansion will allow access for more families to necessary medical services.

- 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 b: ASSISTANCE PROGRAMSPART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.14 Presumptive Eligibility for Children
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD –
MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings
120.64 MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community – Integrated Living Arrangements

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

SUBPART D: MEDICARE PREMIUMS

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

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

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

SUBPART G: AID TO THE MEDICALLY INDIGENT

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

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

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

	Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard – MANG(C)
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Provisions for the Prevention of Spousal Impoverishment
120.380	Assets
120.381	Exempt Assets
120.382	Asset Disregard
120.383	Deferral of Consideration of Assets
120.384	Spend-down of Assets (AABD MANG)
120.385	Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

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

SUBPART I: SPECIAL PROGRAMS

Section

- 120.500 Health Benefits for Persons with Breast or Cervical Cancer
120.510 Health Benefits for Workers with Disabilities
120.520 SeniorCare
120.530 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
120.540 Illinois Healthy Women Program
120.TABLE A Value of a Life Estate and Remainder Interest
120.TABLE B Life Expectancy

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

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005.

SUBPART B: ASSISTANCE STANDARDS

Section 120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard

- a) A caretaker relative (see Section 120.390) who is 19 years of age or older qualifies for medical assistance when countable income is at or below the appropriate income standard and all MANG(C) eligibility requirements in this Part, with the exception of Sections 120.320 through 120.323, are met.
- b) The appropriate income standard is 13390 per cent of the Federal Poverty Income Guidelines, as published annually in the Federal Register, for the appropriate family size.
- c) If income is greater than this amount, it is compared to the MANG(C) Income Standard in Section 120.30 to determine the spenddown amount.

(Source: Amended at 29 Ill. Reg. 820, effective January 1, 2005)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.523 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: January 1, 2005
- 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: August 27, 2004; 28 Ill. Reg. 12066
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences Between Proposal and Final Version: No changes have been made to the proposed rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? Yes, at 28 Ill. Reg. 12198.
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.13	Amendment	January 3, 2005; 29 Ill. Reg. 617
140.24	Amendment	January 3, 2005; 29 Ill. Reg. 617
- 15) Summary and Purpose of Amendment: Payable bed reserves for nursing facilities are being reinstated pursuant to Public Act 93-841. Payments for temporary hospitalizations will be made at 75 percent of the resident's current Medicaid per diem for up to ten days

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

per hospitalization. Nursing facilities eligible for these bed reserve payments are those having a 93 percent or higher total occupancy level with 90 percent or more of the total occupancy level comprised of Medicaid eligible residents.

- 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 d: MEDICAL PROGRAMSPART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

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)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

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

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Services
- 140.453 Definitions
- 140.454 Types of Mental Health Services
- 140.455 Payment for Mental Health Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Hospital-Based and Encounter Rate Clinic Payments
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Home Health Services
- 140.471 Home Health Covered Services
- 140.472 Types of Home Health Services
- 140.473 Prior Approval for Home Health Services
- 140.474 Payment for Home Health Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services
- 140.483 Limitations on Family Planning Services
- 140.484 Payment for Family Planning Services
- 140.485 Healthy Kids Program
- 140.486 Illinois Healthy Women
- 140.487 Healthy Kids Program Timeliness Standards
- 140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

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

SUBPART E: GROUP CARE

Section	
140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Informal Hearing Process for Denial of Payment for New ICF/MR
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered By Department Payment
140.512	Utilization Control
140.513	Notification of Change in Resident Status
140.514	Certifications and Recertifications of Care (Repealed)
140.515	Management of Recipient Funds – Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds – Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports – Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs Updates
140.552	Nursing and Program Costs
140.553	General Administrative Costs Updates
140.554	Component Inflation Index (Repealed)
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
140.646	Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND
LOCAL GOVERNMENTAL ENTITIES

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

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

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section	
140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

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

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

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; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

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; amended at 29 Ill. Reg. 831, effective January 1, 2005.

SUBPART E: GROUP CARE

Section 140.523 Bed Reserves

- a) Nursing Facilities
 - 1) All payable bed reserves must:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- A) be authorized by a physician;
 - B) have post payment approval from Bureau of Long Term Care staff based on satisfying the requirements of this Section;
 - C) be limited to residents who desire to return to the same facility; and
 - D) be limited to facilities having a 93 percent or higher occupancy level and, of that occupancy level, 90 percent or higher shall be Medicaid eligible. The occupancy level shall be calculated including both payable and non-payable (non-payable defined as those residents that have transitioned from the maximum days allowed for payable bed reserve to non-payable bed reserve status) bed reserve~~bedhold~~ days as occupied beds.
- 2) The Department shall ~~not~~ make payment for resident absences due to hospitalization. In such instances, bed reserve is limited to ten days per hospital stay. In accordance with the Nursing Home Care Act [210 ILCS 45/3-401.1], a recipient or applicant shall be considered a resident in the nursing facility during any hospital stay totaling ten days or less following a hospital admission. The day the resident is transferred to the hospital is the first day of the ~~nonpayable~~ reserve bed period.
 - 3) Payment may be approved for home visits which have been indicated by a physician as therapeutically beneficial. In such instances, bed reserve is limited to seven consecutive days in a billing month or ten non-consecutive days in a billing month. The day after the resident leaves the facility for a therapeutic home visit is the first day of the payable or nonpayable reserve bed period. Home visits may be extended with the approval of the Department.
 - 4) Bureau of Long Term Care staff will approve ongoing therapeutic home visits based on the physician's standing orders for the individual. Standing orders for therapeutic home visits limited to ten days per month are valid for a period not exceeding six months.
 - 5) Payment for approved bed reserves is a daily rate at 75 percent of an individual's current Medicaid per diem.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 6) In no facility may the number of vacant beds be less than the number of beds identified for residents having an approved bed reserve. The number of vacant beds in the facility must be equal to or greater than the number of residents allowed bed reserve.
- b) ICF/MR Facilities (including ICF/DD and SNF/Ped licenses)
- 1) All bed reserves must:
 - A) be authorized by the interdisciplinary team (IDT); and
 - B) be limited to residents who desire to return to the same facility.
 - 2) There is no minimum occupancy level ICF/MR facilities must meet for receiving bed reserve payments.
 - 3) In no facility may the number of vacant beds be less than the number of beds identified for residents having an approved bed reserve. The number of vacant beds in the facility must be equal to or greater than the number of residents allowed bed reserve.
 - 4) Payment may be approved for hospitalization for a period not to exceed 45 consecutive days. The day the resident is transferred to the hospital is the first day of the reserve bed period. Payment for approved bed reserves for hospitalization is a daily rate at:
 - A) 100 percent of a facility's current Medicaid per diem for the first ten days of an admission to a hospital;
 - B) 75 percent of a facility's current Medicaid per diem for days 11 through 30 of the admission;
 - C) 50 percent of a facility's current Medicaid per diem for days 31 to 45 of the admission.
 - 5) Payment may be approved for therapeutic visits which have been indicated by the IDT as therapeutically beneficial. There is no limitation on the bed reserve days for such approved therapeutic visits. The day after the resident leaves the facility is the first day of the bed reserve period. Payment for approved bed reserves for therapeutic visits is a daily rate at:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- A) 100 percent of a facility's current Medicaid per diem for a period not to exceed ten days per State fiscal year;
- B) 75 percent of a facility's current Medicaid per diem for a period which exceeds ten days per State fiscal year.

(Source: Amended at 29 Ill. Reg. 831, effective January 1, 2005)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3) Section Numbers: Adopted Action:
 146.225 Amendment
 146.255 Amendment
- Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: January 1, 2005
- 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: August 27, 2004; 28 Ill. Reg. 12069
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: The first sentence of Section 146.225(f) has been revised to read, "Payment shall be made by the Department for up to 30 days per State fiscal year during a Medicaid resident's temporary absence from the SLF when the absence is due to situations such as hospitalizations or vacations.".
- 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, at 28 Ill. Reg. 12218.
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
146.200	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.205	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.210	Amendment	October 29, 2004; 28 Ill. Reg. 14087

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

146.215	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.220	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.225	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.230	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.235	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.240	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.245	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.250	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.255	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.260	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.265	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.270	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.275	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.280	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.295	Amendment	October 29, 2004; 28 Ill. Reg. 14087
146.300	Amendment	October 29, 2004; 28 Ill. Reg. 14087

- 15) Summary and Purpose of Amendments: Payable temporary absence for supportive living facilities (SLFs), which was discontinued July 1, 2003, is being reinstated. The Department will make payment for up to 30 days per fiscal year during a Medicaid resident's temporary absence from a SLF under circumstances including hospitalizations and vacations. In a related rulemaking at 89 Ill. Adm. Code 140.523, payable bed reserves for nursing facilities are being re-established pursuant to Public Act 93-841. Temporary absence payments for SLFs will allow equitable reimbursements to be paid to long term care environments.
- 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 begin on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 146
SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section	General Description
146.100	General Description
146.105	Definitions
146.110	Participation Requirements
146.115	Records and Data Reporting Requirements
146.125	Covered Ambulatory Surgical Treatment Center Services
146.130	Reimbursement for Services

SUBPART B: SUPPORTIVE LIVING FACILITIES

146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLF Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
146.245	Assessment and Service Plan and Quarterly Evaluation
146.250	Resident Rights
146.255	Discharge
146.260	Grievance Procedure
146.265	Records Requirements
146.270	Quality Assurance Plan
146.275	Monitoring
146.280	Termination or Suspension of SLF Provider Agreement
146.285	Voluntary Surrender of Certification
146.290	Geographic Groups

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

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

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005.

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section 146.225 Reimbursement for Medicaid Residents

SLFs shall accept the reimbursement provided in this Section as payment in full for all services provided to Medicaid residents.

- a) The Department shall establish its portion of the reimbursement for Medicaid residents by calculating 60 percent of the weighted average (weighted by Medicaid patient days) nursing facility rates for the geographic grouping as defined in Section 146.290. Each SLF shall be paid 60 percent of the weighted average nursing facility geographic group rate, based upon the nursing facility geographic group in which it is located. The rates paid to SLFs shall be reviewed annually, and adjusted, if necessary, on October 1 to assure that the rates coincide with 60 percent of weighted average nursing facility geographic group rates. Effective October 1, 2002, SLF rates shall remain at a minimum of the rate in effect as of September 30, 2002.
- b) The payment rate received by the SLF from the Department for services, with the exception of meals, provided in accordance with Section 146.230 shall constitute the full and complete charge for services rendered. Additional payment, other than patient credits authorized by the Department, may not be accepted. Meals are included in the room and board amount paid by the resident.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- c) Single Occupancy: Each Medicaid resident of an SLF shall be allotted \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLF may charge each Medicaid resident no more than the current SSI rate for a single individual less \$90 for room and board charges. Any income remaining after deduction of the protected \$90 and room and board charges shall be applied first towards medical expenses not covered under the Department's Medical Assistance Program. Any income remaining after that shall be applied to the charges for SLF services paid by the Department.
- d) Double Occupancy: In the event a Medicaid eligible resident chooses to share an apartment, the Medicaid resident of an SLF shall be allotted \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLF may charge each Medicaid resident no more than the resident's share of the current SSI rate for a couple less \$90 for room and board charges. The room and board rate for two Medicaid eligible individuals sharing an apartment cannot exceed the SSI rate for a married couple even if the two individuals sharing an apartment are unrelated. Any income of an individual remaining after deduction of the protected \$90 and room and board charges shall be applied first towards that individual's medical expenses not covered under the Department's Medical Assistance Program. Any income of an individual remaining after that shall be applied to that individual's charges for SLF services paid by the Department. If one, or both, of the individuals sharing an apartment is not Medicaid eligible, the SLF may negotiate its own rate with the non-Medicaid individual or individuals.
- e) The room and board charge for Medicaid residents shall only be increased when the SSI amount is increased. Any room and board charge increase shall not exceed the amount of the SSI increase.
- f) Payment shall be made by the Department for up to 30 days per State fiscal year during a Medicaid resident's temporary absence from the SLF when the absence is due to situations such as hospitalizations or vacations. The resident shall continue to be responsible for room and board charges during any absence. Involuntary discharge criteria relating to temporary absence are found at Section 146.255(b) and (d)(7). Nursing facilities that have a distinct part certified as an SLF shall consider converted beds in the nursing facility's licensed capacity when calculating the 93 percent occupancy level for bed reserve payments pursuant to 89 Ill. Adm. Code 140.523.~~The Department shall not reimburse an SLF for services while a resident is temporarily absent from an SLF. An SLF continues to be responsible for notifying the Department of a resident's temporary absence~~

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

~~from the SLF. The resident remains responsible for room and board charges during any temporary absence.~~

(Source: Amended at 29 Ill. Reg. 852, effective January 1, 2005)

Section 146.255 Discharge

- a) If a resident does not meet the terms for occupancy as stated in the resident contract, the SLF shall not commence involuntary discharge until the SLF has discussed the reasons for involuntary discharge with the resident and his or her designated representative. Documentation of the discussion shall be placed in the resident's record.
- b) The SLF shall provide a resident with a 30-day written notice of proposed involuntary discharge unless such a delay might jeopardize the health, safety, and well-being of the resident or others. A copy of the notice required by this subsection (b) shall be placed in the resident's record and a copy shall be transmitted to the resident and the resident's designated representative. The notice shall be on a form prescribed by the Department and shall contain all of the following:
 - 1) The stated reason for the proposed discharge;
 - 2) The effective date of the proposed discharge;
 - 3) A statement in not less than 14-point type, that reads: "You have a right to appeal the SLF's decision to discharge you. You may file a request for a hearing with the Department within ten days after receiving this notice. If you request a hearing, you will not be discharged during that time unless you are unsafe to yourself or others. If the decision following the hearing is not in your favor, you will not be discharged prior to the tenth day after receipt of the Department's hearing decision unless you are unsafe to yourself or others. A form to appeal the SLF's decision and to request a hearing is attached. If you have any questions, call the Department at the telephone number listed below.";
 - 4) A hearing request form, together with a postage paid, preaddressed envelope to the Department; and
 - 5) The name, address, and telephone number of the person charged with the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

responsibility of supervising the discharge.

- c) The SLF shall prepare plans to ensure safe and orderly involuntary discharge and protect resident health, safety, welfare and rights.
- d) A resident may be involuntarily discharged only if one or more of the following occurs:
- 1) He or she poses an immediate threat to self or others.
 - 2) He or she needs mental health services to prevent harm to self or others.
 - 3) He or she has breached the conditions of the resident contract.
 - 4) The SLF has had its certification terminated, suspended, not renewed, or has voluntarily surrendered its certification.
 - 5) The SLF cannot meet the resident's needs with available support services.
 - 6) The resident has received proper notice of failure to pay from the SLF. The resident shall have the right to make payment up to the date that the discharge is to be made and then shall have the right to remain in the SLF. This subsection (d)(6) does not apply to Medicaid residents when the failure to pay relates to the Medicaid payment.
 - 7) The resident exceeds the SLF's policy for what constitutes a temporary absence from the SLF. A temporary absence shall not be considered a basis for an involuntary discharge of a Medicaid resident until the Department has stopped payment pursuant to Section 146.225(f).~~The resident exceeds the SLF's policy for what constitutes a temporary absence from the SLF.~~
- e) The notice required under subsection (b) of this Section shall not apply in any of the following instances:
- 1) When an emergency discharge is mandated by the resident's health care or mental health needs and is in accord with the written orders and medical justification of the attending physician.
 - 2) When the discharge is mandated to ensure the physical safety of the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

resident and other residents as documented in the resident record.

- f) If the resident submits a request for hearing under subsection (b) of this Section, the involuntary discharge shall be stayed pending a hearing or appeal of the decision, unless a condition which would have allowed discharge in less than 30 days as described under subsections (e)(1) and (2) of this Section develops in the interim.
- g) In determining whether an involuntary discharge is justified, the burden of proof in the hearing rests with the entity requesting the discharge.
- h) If the Department determines that an involuntary discharge is justified under subsection (d) of this Section, the resident shall not be required to leave the SLF before the tenth day after receipt of the Department's hearing decision unless a condition which would have allowed discharge as described under subsections (e)(1) and (2) of this Section develops in the interim.
- i) The SLF shall offer relocation assistance to residents involuntarily discharged under this Section, including information on available alternative placements. A resident or his or her designated representative shall be involved in planning the discharge and shall choose among the available alternative placements. Where an emergency makes prior resident involvement impossible, the SLF may arrange for a temporary placement until a final placement can be arranged. The SLF may offer assistance in relocating from a temporary to a final placement.
- j) When a resident discharges on a voluntary basis, he or she shall provide the SLF with 30 days written notice of intent to discharge, except where a delay would jeopardize the health, safety, and well-being of the resident or others.
- k) The Department may discharge any resident from an SLF when any of the following conditions exist:
 - 1) The Department has terminated or suspended the SLF certification.
 - 2) The SLF is closing or surrendering its certification and arrangement for relocation of the resident has not been made at least 30 days prior to closure or surrender.
 - 3) The Department determines that an emergency exists which requires immediate discharge of the resident.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) In cases of discharge under subsection (d) or (k) of this Section, the resident is no longer bound by the resident contract.

(Source: Amended at 29 Ill. Reg. 852, effective January 1, 2005)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.126 Adopted Action: Amendment
Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendment: January 1, 2005
- 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: October 8, 2004; 28 Ill. Reg. 13324
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: No changes were made to the proposed rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.40	Amendment	December 10, 2004; 28 Ill. Reg. 15719
- 15) Summary and Purpose of the Amendment: This amendment provides additional funding under Safety Net Adjustment Payments for hospital services. This change is necessary to provide necessary funding to a high volume Medicaid provider to ensure access to quality health care for the Department's medical assistance clients.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 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 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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

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.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

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; amended at 29 Ill. Reg. 861, effective January 1, 2005.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 148.126 Safety Net Adjustment Payments

- a) Qualifying criteria: Safety net adjustment payments shall be made to a qualifying hospital, as defined in this subsection (a). A hospital not otherwise excluded under subsection (b) of this Section shall qualify for payment if it meets one of the following criteria:
- 1) The hospital has, as provided in subsection (e)(6) of this Section, an MIUR equal to or greater than 40 percent.
 - 2) The hospital has the highest number of obstetrical care days in the safety net hospital base year.
 - 3) The hospital is, as of October 1, 2001, a sole community hospital, as defined by the United States Department of Health and Human Services (42 CFR 412.92).
 - 4) The hospital is, as of October 1, 2001, a rural hospital, as described in Section 148.25(g)(3), that meets all of the following criteria:
 - A) Has an MIUR greater than 33 percent.
 - B) Is designated a perinatal level two center by the Illinois Department of Public Health.
 - C) Has fewer than 125 licensed beds.
 - 5) The hospital is a rural hospital, as described in Section 148.25(g)(3).
 - 6) The hospital meets all of the following criteria:
 - A) Has an MIUR greater than 30 percent.
 - B) Had an occupancy rate greater than 80 percent in the safety net hospital base year.
 - C) Provided greater than 15,000 total days in the safety net hospital base year.
 - 7) The hospital meets all of the following criteria:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- A) Does not already qualify under subsections (a)(1) through (a)(6) of this Section.
- B) Has an MIUR greater than 25 percent.
- C) Had an occupancy rate greater than 68 percent in the safety net hospital base year.
- D) Provided greater than 12,000 total days in the safety net hospital base year.

- b) The following five classes of hospitals are ineligible for safety net adjustment payments associated with the qualifying criteria listed in subsections (a)(1) through (a)(4) and subsections (a)(6) through (a)(7) of this Section:
- 1) Hospitals located outside of Illinois.
 - 2) County-owned hospitals, as described in Section 148.25(b)(1)(A).
 - 3) Hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B).
 - 4) Psychiatric hospitals, as described in 89 Ill. Adm. Code 149.50(c)(1).
 - 5) Long term stay hospitals, as described in 89 Ill. Adm. Code 149.50(c)(4).
- c) Safety Net Adjustment Rates
- 1) For a hospital qualifying under subsection (a)(1) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
 - A) A qualifying hospital – \$15.00.
 - B) A rehabilitation hospital, as described in 89 Ill. Adm. Code 149.50(c)(2) – \$20.00.
 - C) A children's hospital, as described in 89 Ill. Adm. Code 149.50(c)(3) – \$20.00.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- D) A children's hospital that has an MIUR greater than or equal to 80 per centum that is:
- i) Located within HSA 6 or HSA 7 – \$80.00.
 - ii) Located outside HSA 6 or HSA 7 – \$35.00.
- E) A children's hospital that has an MIUR less than 80 per centum, but greater than or equal to 60 per centum, that is:
- i) Located within HSA 6 or HSA 7 – \$35.00.
 - ii) Located outside HSA 6 or HSA 7 – \$15.00.
- F) A children's hospital that has an MIUR less than 60 per centum, but greater than or equal to 45 per centum, that is:
- i) Located within HSA 6 or HSA 7 – \$12.00.
 - ii) Located outside HSA 6 or HSA 7 – \$5.00.
- G) A children's hospital with more than 25 graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory" – \$125.00.
- H) A children's hospital that is a rural hospital – \$145.00.
- I) A qualifying hospital, that is neither a rehabilitation hospital nor a children's hospital, that is located in HSA 6 and that:
- i) Provides obstetrical care – \$10.00.
 - ii) Has at least one graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.
 - iii) Has at least one obstetrical graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- iv) Provided more than 5,000 obstetrical days during the safety net hospital base year – \$35.00.
 - v) Provided fewer than 4,000 obstetrical days during the safety net hospital base year and its average length of stay is: less than or equal to 4.50 days – \$5.00; less than 4.00 days – \$5.00; less than 3.75 days – \$5.00.
- J) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital, that is located outside HSA 6, that has an MIUR greater than 50 per centum, and that:
- i) Provides obstetrical care – \$70.00.
 - ii) Does not provide obstetrical care – \$30.00.
- K) A qualifying hospital that provided greater than 35,000 total days in the safety net hospital base year – \$6.00.
- L) A qualifying hospital with two or more graduate medical education programs, as listed in the “2000-2001 Graduate Medical Education Directory”, with an average length of stay fewer than 4.00 days – \$48.00.
- 2) For a hospital qualifying under subsection (a)(2) of this Section, the rate shall be \$123.00.
- 3) For a hospital qualifying under subsection (a)(3) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
- A) A qualifying hospital – \$40.00.
 - B) A hospital that has an average length of stay of fewer than 4.00 days, and:
 - i) More than 150 licensed beds – \$20.00.
 - ii) Fewer than 150 licensed beds – \$40.00.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- C) A qualifying hospital with the lowest average length of stay – \$15.00.
 - D) A hospital that has a CMIUR greater than 65 per centum – \$35.00.
 - E) A hospital that has fewer than 25 total admissions in the safety net hospital base year – \$160.00.
- 4) For a hospital qualifying under subsection (a)(4) of this Section, the rate shall be \$55.00.
- 5) For a hospital qualifying under subsection (a)(5) of this Section, the rate is the sum of the amounts for each of the following for which it qualifies, divided by the hospital's total days:
- A) The hospital that has the highest number of obstetrical care admissions – \$30,840.00.
 - B) The greater of:
 - i) The product of \$115.00 multiplied by the number of obstetrical care admissions.
 - ii) The product of \$11.50 multiplied by the number of general care admissions.
- 6) For a hospital qualifying under subsection (a)(6) of this Section, the rate is \$30.00.
- 7) For a hospital qualifying under subsection (a)(7) of this Section, the rate is \$117.00.
- d) Payment to a Qualifying Hospital
- 1) The total annual payments to a qualifying hospital shall be the product of the hospital's rate multiplied by two multiplied by total days.
 - 2) For the safety net adjustment period occurring in State fiscal year 2003, total payments will equal the methodologies described in subsection (c) of

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

~~this Section. For the period January 1, 2003, through June 30, 2003, payment will equal the State fiscal year 2003 amount less the amount the hospital received under the safety net adjustment period for the quarters ending September 30, 2002, and December 31, 2002.~~

~~2)3)~~ For safety net adjustment periods occurring after State fiscal year 2003, total payments will equal the methodologies described in subsection (c) of this Section and shall be paid to the hospital during the safety net adjustment period in installments on, at least, a quarterly basis.

e) Definitions

- 1) "Average length of stay" means, for a given hospital, a fraction in which the numerator is the number of total days and the denominator is the number of total admissions.
- 2) "CMIUR" means, for a given hospital, the sum of the MIUR plus the Medicaid obstetrical inpatient utilization rate, determined as of October 1, 2001, as defined in Section 148.120(k)(6).
- 3) "General care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department by June 30, 2001, excluding admissions for: obstetrical care, as defined in subsection (e)(7) of this Section; normal newborns; psychiatric care; physical rehabilitation; and those covered in whole or in part by Medicare (Medicaid/Medicare crossover admissions).
- 4) "HSA" means Health Service Area, as defined by the Illinois Department of Public Health.
- 5) "Licensed beds" means, for a given hospital, the number of licensed beds, excluding long term care and substance abuse beds, as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois."
- 6) "MIUR", for a given hospital, has the meaning as defined in Section

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

148.120(k)(5) and shall be determined in accordance with Section 148.120(c) and (f). For purposes of this Section, the MIUR determination that was used to determine a hospital's eligibility for Disproportionate Share Hospital Adjustment payments in rate year 2002 shall be the same determination used to determine a hospital's eligibility for safety net adjustment payments in the Safety Net Adjustment Period.

- 7) "Obstetrical care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data, for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001, and were assigned by the Department a diagnosis related grouping (DRG) code of 370 through 375.
- 8) "Obstetrical care days" means, for a given hospital, days of hospital inpatient service associated with the obstetrical care admissions described in subsection (e)(7) of this Section.
- 9) "Occupancy rate" means a fraction, the numerator of which is the hospital's total days, excluding long term care and substance abuse days, and the denominator of which is the hospital's total beds, excluding long term care and substance abuse beds, multiplied by 365 days. The data used for calculation of the hospital occupancy rate is as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois".
- 10) "Safety net hospital base year" means the 12-month period beginning on July 1, 1999, and ending on June 30, 2000.
- 11) "Safety net adjustment period" means, beginning July 1, 2002, the 12 month period beginning on July 1 of a year, and ending on June 30 of the following year.
- 12) "Total admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover admissions), as tabulated from the Department's claims data for

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

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

(Source: Amended at 29 Ill. Reg. 861, effective January 1, 2005)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
300.4000	Amendment
300.4010	Amendment
300.4090	Amendment
300.6010	Amendment
300.6090	Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rulemaking: December 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: 27 Ill. Reg. 19115; December 26, 2003
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The following changes were made in response to comments received during the First Notice or public comment period: None

The following changes were made in response to comments and suggestions of JCAR:
 1. In Section 300.6090(j)(1), line 3, after "provide" add "psychiatric rehabilitation services and to provide".In addition, various nonsubstantive typographical, grammatical, and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
300.340	Amendment	28 Ill. Reg. 10895; August 6, 2004
300.620	Amendment	28 Ill. Reg. 10895; August 6, 2004
300.661	Amendment	28 Ill. Reg. 10895; August 6, 2004
300.696	New Section	28 Ill. Reg. 10895; August 6, 2004
300.1020	Amendments	28 Ill. Reg. 10895; August 6, 2004
300.1060	New Section	28 Ill. Reg. 10895; August 6, 2004
300.1450	New Section	28 Ill. Reg. 10895; August 6, 2004

- 15) Summary and Purpose of Rulemaking: Section 300.4000 (Applicability of Subpart S) is being amended to allow facilities with 20 or fewer residents with serious mental illness to request an exemption from some subsections of Section 300.4000 by submitting a declaration to the Department. The declaration must meet the requirements of subsection (h)(1)-(3). Procedures for readmitting residents with serious mental illness are included, as well as admission on a case-by-case basis.

Sections 300.4010, 300.4090, 300.6010, and 300.6090 are being amended to add occupational therapists to the list of individuals who may perform psychosocial assessments and act as psychiatric rehabilitation services directors and psychiatric rehabilitation services coordinators. Sections 300.4090 and 300.6090 are being amended to allow facilities to employ persons who have successfully completed a psychiatric rehabilitation certificate program to provide psychiatric rehabilitation program services to residents.

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

Susan Meister	
Division of Legal Services	217/782-2043
Department of Public Health	e-mail: rules@idph.state.il.us
535 West Jefferson, 5 th Floor	
Springfield, Illinois 62761	

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.163	Alzheimer's Special Care Disclosure
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

300.290	Quarterly List of Violators (Repealed)
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
300.510	Administrator

SUBPART C: POLICIES

Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening
300.620	Admission and Discharge Policies
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.661	Health Care Worker Background Check
300.662	Resident Attendants
300.663	Registry of Certified Nursing Assistants
300.665	Student Interns
300.670	Disaster Preparedness
300.680	Restraints
300.682	Nonemergency Use of Physical Restraints
300.684	Emergency Use of Physical Restraints
300.686	Unnecessary, Psychotropic, and Antipsychotic Drugs
300.690	Serious Incidents and Accidents
300.695	Contacting Local Law Enforcement

SUBPART D: PERSONNEL

Section	
300.810	General

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 300.820 Categories of Personnel
- 300.830 Consultation Services
- 300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section

- 300.1010 Medical Care Policies
- 300.1020 Communicable Disease Policies
- 300.1025 Tuberculin Skin Test Procedures
- 300.1030 Medical Emergencies
- 300.1035 Life-Sustaining Treatments
- 300.1040 Behavior Emergencies (Repealed)
- 300.1050 Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

Section

- 300.1210 General Requirements for Nursing and Personal Care
- 300.1220 Supervision of Nursing Services
- 300.1230 Staffing
- 300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section

- 300.1410 Activity Program
- 300.1420 Specialized Rehabilitation Services
- 300.1430 Work Programs
- 300.1440 Volunteer Program

SUBPART H: MEDICATIONS

Section

- 300.1610 Medication Policies and Procedures
- 300.1620 Compliance with Licensed Prescriber's Orders
- 300.1630 Administration of Medication
- 300.1640 Labeling and Storage of Medications
- 300.1650 Control of Medications

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART I: RESIDENT AND FACILITY RECORDS

Section

- 300.1810 Resident Record Requirements
- 300.1820 Content of Medical Records
- 300.1830 Records Pertaining to Residents' Property
- 300.1840 Retention and Transfer of Resident Records
- 300.1850 Other Resident Record Requirements
- 300.1860 Staff Responsibility for Medical Records
- 300.1870 Retention of Facility Records
- 300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section

- 300.2010 Director of Food Services
- 300.2020 Dietary Staff in Addition to Director of Food Services
- 300.2030 Hygiene of Dietary Staff
- 300.2040 Diet Orders
- 300.2050 Meal Planning
- 300.2060 Therapeutic Diets (Repealed)
- 300.2070 Scheduling Meals
- 300.2080 Menus and Food Records
- 300.2090 Food Preparation and Service
- 300.2100 Food Handling Sanitation
- 300.2110 Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section

- 300.2210 Maintenance
- 300.2220 Housekeeping
- 300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

- 300.2410 Furnishings
- 300.2420 Equipment and Supplies
- 300.2430 Sterilization of Equipment and Supplies

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section	
300.2610	Codes
300.2620	Water Supply
300.2630	Sewage Disposal
300.2640	Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section	
300.2810	Applicability of these Standards
300.2820	Codes and Standards
300.2830	Preparation of Drawings and Specifications
300.2840	Site
300.2850	Administration and Public Areas
300.2860	Nursing Unit
300.2870	Dining, Living, Activities Rooms
300.2880	Therapy and Personal Care
300.2890	Service Departments
300.2900	General Building Requirements
300.2910	Structural
300.2920	Mechanical Systems
300.2930	Plumbing Systems
300.2940	Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section	
300.3010	Applicability
300.3020	Codes and Standards
300.3030	Preparation of Drawings and Specifications
300.3040	Site
300.3050	Administration and Public Areas
300.3060	Nursing Unit
300.3070	Living, Dining, Activities Rooms
300.3080	Treatment and Personal Care

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

300.3090	Service Departments
300.3100	General Building Requirements
300.3110	Structural
300.3120	Mechanical Systems
300.3130	Plumbing Systems
300.3140	Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

Section	
300.3210	General
300.3220	Medical and Personal Care Program
300.3230	Restraints (Repealed)
300.3240	Abuse and Neglect
300.3250	Communication and Visitation
300.3260	Resident's Funds
300.3270	Residents' Advisory Council
300.3280	Contract With Facility
300.3290	Private Right of Action
300.3300	Transfer or Discharge
300.3310	Complaint Procedures
300.3320	Confidentiality
300.3330	Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

Section	
300.3410	Application of Other Sections of These Minimum Standards (Repealed)
300.3420	Administrator (Repealed)
300.3430	Policies (Repealed)
300.3440	Personnel (Repealed)
300.3450	Resident Living Services Medical and Dental Care (Repealed)
300.3460	Resident Services Program (Repealed)
300.3470	Psychological Services (Repealed)
300.3480	Social Services (Repealed)
300.3490	Recreational and Activities Services (Repealed)
300.3500	Individual Treatment Plan (Repealed)
300.3510	Health Services (Repealed)
300.3520	Medical Services (Repealed)
300.3530	Dental Services (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 300.3540 Optometric Services (Repealed)
- 300.3550 Audiometric Services (Repealed)
- 300.3560 Podiatric Services (Repealed)
- 300.3570 Occupational Therapy Services (Repealed)
- 300.3580 Nursing and Personal Care (Repealed)
- 300.3590 Resident Care Services (Repealed)
- 300.3600 Record Keeping (Repealed)
- 300.3610 Food Service (Repealed)
- 300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
- 300.3630 Design and Construction Standards (New and Existing Facilities) (Repealed)

SUBPART R: DAYCARE PROGRAMS

Section

- 300.3710 Day Care in Long-Term Care Facilities

SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section

- 300.4000 Applicability of Subpart S
- 300.4010 Comprehensive Assessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4020 Reassessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4030 Individualized Treatment Plan for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4040 General Requirements for Facilities Subject to Subpart S
- 300.4050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart S
- 300.4060 Discharge Plans for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4070 Work Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4080 Community-Based Rehabilitation Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4090 Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF
PUBLIC AID'S DEMONSTRATION PROGRAM FOR PROVIDING
SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section

300.6000	Applicability of Subpart T
300.6005	Quality Assessment and Improvement for Facilities Subject to Subpart T
300.6010	Comprehensive Assessments for Residents of Facilities Subject to Subpart T
300.6020	Reassessments for Residents of Facilities Subject to Subpart T
300.6030	Individualized Treatment Plan for Residents of Facilities Subject to Subpart T
300.6040	General Requirements for Facilities Subject to Subpart T
300.6045	Serious Incidents and Accidents in Facilities Subject to Subpart T
300.6047	Medical Care Policies for Facilities Subject to Subpart T
300.6049	Emergency Use of Restraints for Facilities Subject to Subpart T
300.6050	Psychiatric Rehabilitation Services for Facilities Subject to Subpart T
300.6060	Discharge Plans for Residents of Facilities Subject to Subpart T
300.6070	Work Programs for Residents of Facilities Subject to Subpart T
300.6080	Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T
300.6090	Personnel for Providing Services to Residents of Facilities Subject to Subpart T
300.6095	Training and Continuing Education for Facilities Subject to Subpart T

SUBPART U: ALZHEIMER'S SPECIAL CARE UNIT OR CENTER PROVIDING CARE TO PERSONS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIA

300.7000	Applicability
300.7010	Admission Criteria
300.7020	Assessment and Care Planning
300.7030	Ability-Centered Care
300.7040	Activities
300.7050	Staffing
300.7060	Environment
300.7070	Quality Assessment and Improvement
300.7080	Variances to Enhance Residents' Quality of Life
300.APPENDIX A	Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities (Repealed)
300.APPENDIX B	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
300.APPENDIX C	Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
300.APPENDIX D	Forms for Day Care in Long-Term Care Facilities
300.APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

300.APPENDIX F	Guidelines for the Use of Various Drugs
300.APPENDIX G	Facility Report
300.TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
300.TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
300.TABLE D	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004.

SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section 300.4000 Applicability of Subpart S

- a) Beginning July 1, 2002, a licensed SNF or ICF providing services to persons with serious mental illness shall meet the requirements of this Subpart S. Applicability of this Subpart S shall not affect a facility's compliance with the remainder of this Part.
- b) For the purposes of this Subpart, "serious mental illness" is defined as the presence of a major disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1400 K Street NW, Washington, DC 20005 ~~(1994, no later amendments or editions included)~~), excluding alcohol and substance abuse, Alzheimer's disease, and other forms of dementia based upon organic or physical disorders. A serious mental illness is determined by all of the following three

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

areas:

- 1) Diagnoses that constitute a serious mental illness are:
 - A) Schizophrenia;
 - B) Delusional disorder;
 - C) Schizo-affective disorder;
 - D) Psychotic disorder not otherwise specified;
 - E) Bipolar disorder I - mixed, manic, and depressed;
 - F) Bipolar disorder II;
 - G) Cyclothymic disorder;
 - H) Bipolar disorder not otherwise specified I;
 - I) Major depression, recurrent;
- 2) In addition, the individual must be 18 years of age or older and be substantially functionally limited due to mental illness in at least two of the following areas:
 - A) Self-maintenance;
 - B) Social functioning;
 - C) Community living activities;
 - D) Work-related skills;
- 3) Finally, the disability must be of an extended duration expected to be present for at least a year, which results in a substantial limitation in major life activities. These individuals will typically also have one of the following characteristics:
 - A) Have experienced two or more psychiatric hospitalizations;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- B) Receive Social Security Income (SSI) or Social Security Disability Income (SSDI) ~~because of due to~~ mental illness, or have been deemed eligible for SSI or SSDI.
- c) This Subpart applies to persons who are transferred to a facility for 120 or fewer days for a medical reason directly related to the person's diagnosis of serious mental illness, such as medication management.
- d) This Subpart does not apply to the provision of services for residents having a diagnosis in the following mental disorder categories: senile and presenile organic psychotic conditions, alcoholic psychoses, drug psychoses, transient organic psychotic conditions, other organic psychotic conditions (chronic), non-psychotic disorders due to organic brain damage, and mental retardation.
- e) This Subpart does not apply to individuals who are transferred to a facility for 120 or fewer days for a medical reason, such as from fractures or cardiac or respiratory traumas. However, during this individual's stay, the individual's mental illness needs shall be met as much as possible, taking into account the individual's medical condition.
- f) Facilities shall consider the location of a resident's room based on the resident's needs and the needs of other residents in the facility. Factors to be considered include aggressive behavior, supervision needs, noise levels, friendship patterns, common rehabilitative goals or services, sleep patterns, interests, recreational pursuits, and vulnerability.
- g) Facilities providing services to persons with serious mental illness in accordance with Subpart S shall also comply with Subparts A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, and R of this Part. In case of a conflict between those Subparts and Subpart S, the more stringent requirement applies.
- h) Facilities with 20 or fewer residents with serious mental illness may request exemption from Section 300.4090(a)(1), (2) and (3); (b)(3); (c)(3) and (5); (d); and (f)(1) by submitting a declaration to the Department that meets the following requirements:
- 1) States that no resident under age 65 with serious mental illness will be admitted to the facility;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 2) Is received by the Department by July 1, 2005; or within 5 days after the facility has 20 or fewer residents with serious mental illness and the facility discontinues admission of such residents; and
- 3) Lists the names and Social Security numbers of the current residents with a diagnosis of serious mental illness.
- i) If a facility, having declared that it will not admit residents with serious mental illness under age 65, substantially fails to meet the needs of the residents with serious mental illness, as identified by the resident assessment, or fails to conduct assessments in accordance with Section 300.4010 and 300.4020, the facility is not exempt from Section 300.4090(a)(1), (2) and (3); (b)(3); (c)(3) and (5); (d); and (f)(1).
- j) A facility that has submitted a declaration to the Department in accordance with subsection (h) of this Section may resume admitting residents under age 65 with serious mental illness with the Department's written approval. Approval will be granted when the facility submits proof of compliance with Section 300.4090(a)(1), (2) and (3); (b)(3); (c)(3) and (5); (d); and (f)(1).
- k) A facility that has declared to the Department that individuals under age 65 with serious mental illness will not be admitted may request approval from the Department to admit an individual under age 65 with serious mental illness. The Department's approval will be individual specific and will be based on the individual's complex medical needs that can only be met in a skilled nursing facility. The facility must have demonstrated the ability to meet the individual's medical, nursing, social, psychological, emotional, and personal care needs. The facility cannot admit this individual until approval is provided by the Department.

(Source: Amended at 29 Ill. Reg. 876, effective December 22, 2004)

Section 300.4010 Comprehensive Assessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S

- a) The facility shall establish an Interdisciplinary Team (IDT) for each resident. The IDT is a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and that designs a program to meet those needs. The IDT includes, at a minimum, the resident; the resident's guardian; a Psychiatric Rehabilitation Services Coordinator (PRSC); the resident's primary service providers, including an RN or an LPN with

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

responsibility for the medical needs of the individual; a psychiatrist; a social worker; an activity professional; and other appropriate professionals and care givers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the IDT and participate in the process of identifying the resident's strengths and needs.

- b) The IDT must identify the individual's needs by performing a comprehensive assessment as needed to supplement any preliminary evaluation conducted prior to admission to the facility. The assessment shall be coordinated by a PRSC.
- c) A comprehensive assessment must be completed by the IDT no later than 14 days after admission to the facility. Reports from the pre-admission screening assessment or assessments conducted to meet other requirements may be used as part of the comprehensive assessment if the assessment reflects the current condition of the individual and was completed no more than 90 days prior to admission. The assessment shall include at least the following:
 - 1) A psychiatric evaluation completed by a board certified or board eligible psychiatrist or, if countersigned by a board certified or board eligible psychiatrist, the evaluation may be completed by a person who is a certified psychiatric nurse, a nurse with a Bachelor of Science in Nursing (BSN) and two years of experience serving individuals with serious mental illness, or a registered nurse with five years of experience serving individuals with serious mental illness; a licensed clinical social worker; a physician; a licensed psychologist; or a licensed clinical professional counselor (LCPC) under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]. The psychiatric evaluation shall include:
 - A) Psychiatric history with present and previous psychiatric symptoms;
 - B) Comprehensive mental status examination, which includes: a statement of assets and deficits, a description of intellectual functioning, memory functioning, orientation, affect, suicidal/homicidal ideation, response to reality testing, and current attitudes and overt behaviors; and
 - C) Diagnostic formulation, problems, and diagnosis using the Diagnostic and Statistical Manual IV (DSM-IV), ensuring that

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

information is recorded on as many of the five axes as appropriate.

- 2) Psychosocial assessment performed by the Psychiatric Rehabilitation Services Director (PRSD), a social worker, [an occupational therapist](#), an LCPC, or the PRSC if reviewed and countersigned by the PRSD. The assessment shall cover the following points:
 - A) Identifying information (including resident's name, age, race, religion, date of admission; name of individuals giving information);
 - B) Reason for admission (including specific problems and how long the problems have existed in their current state; contributing factors to exacerbation of problems; most recent psychiatric treatment and effects; goals of nursing facility as articulated by referral source);
 - C) History of mental illness, treatment, and care (including age of onset; private and public hospital inpatient episodes; community mental health care; prior nursing facility placement; specific treatments and effects);
 - D) Personal history (including current marital status; marital history including name, occupation, and age of current and previous spouses; name, age, sex and occupation of children, if any; status of significant personal relationships with individuals (past and present); work history of individual including all known past professions and/or jobs);
 - E) Residential history (including, for the last two years, the types of housing (e.g., family, public housing, apartment, room, or community agency), relationship to other occupants, the total number of known moves; factors known to have contributed to past housing loss; the highest level of residential independence attained, approximate date and length; any patterns of persistent residential instability or homelessness);
 - F) Family history (including information regarding individual's parents and siblings; any significant family illnesses, especially psychiatric illnesses; history of traumatic or significant loss

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

including where, when and effect on individual); and

- G) Developmental history (including early life history, place of birth, where raised and by whom and with whom; school history; and history regarding friends, hobbies, interests, social activities and interactions).
- 3) A skills assessment performed by a social worker, occupational therapist, or PRSD or PRSC with training in skills assessment. The skills assessment shall include an evaluation of the resident's strengths, an assessment of the resident's levels of functioning, including but not limited to the following areas:
- A) Self-maintenance (including basic activities of daily living such as hygiene, dressing, grooming, maintenance of personal space, care of belongings, diet and nutrition, and personal safety);
 - B) Social skills (including communication, peer group involvement, friendship, family interaction, male/female relationship, and conflict avoidance and resolution);
 - C) Community living skills (including use of telephone, transportation and community navigation, avoidance of common dangers, shopping, money management, homemaking (cleaning, laundry, meal preparation), and use of community resources);
 - D) Occupational skills (including basic academic skills; job seeking and retention skills; ability to initiate and schedule activities; promptness and regular attendance; ability to accept, understand and carry out instructions; ability to complete an application; and interview skills);
 - E) Symptom management skills (including symptom monitoring and coping strategies; stress identification and management; impulse control; medication management and self-medication capability; relapse prevention); and
 - F) Substance abuse management (including recovery, relapse prevention and harm reduction).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 4) Oral screening completed by a dentist or registered nurse.
- 5) Discharge plan as required by Section 300.4060 of this Part.
- 6) Other assessments recommended by the IDT or required elsewhere in this Part, or as ordered by the resident's physician or psychiatrist to clarify diagnoses or to identify concomitant motivational, cognitive, affective, or physical deficits that could have an impact on rehabilitation efforts and outcomes, as indicated by the individual's needs.
- 7) A structured assessment of resident interests and expectations regarding psychiatric rehabilitation conducted by the PRSC or PRSD with each resident. The assessment shall include at a minimum:
 - A) Resident's identification of personal strengths, goals, needs, and resources;
 - B) Skill development and problem areas for which the resident expresses an interest in setting goals and participating in psychiatric rehabilitation programming;
 - C) Resident's beliefs and confidence regarding his/her capacity to develop increased skills and independence.
- d) Based on the results of all assessments, the PRSD or PRSC shall develop a narrative statement for the IDT review that summarizes findings regarding the resident's strengths and limitations; indicates the resident's expressed interests, expectations, and apparent level of motivation for psychiatric rehabilitation; and prioritizes needs for skill development related to improved functioning and increased independence. The IDT's assessment of overall rehabilitation focus for the resident will also be identified as one of the following levels:
 - 1) Basic skills training and supports with opportunities for community integration;
 - 2) Intensive skills training and supports with an increasing focus on community integration; or
 - 3) Advanced skills training and supports with active linkage and use of community services in preparation for expected discharge within six

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

months.

(Source: Amended at 29 Ill. Reg. 876, effective December 22, 2004)

Section 300.4090 Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

- a) Psychiatric Medical Director
 - 1) The facility shall have a consultant for the psychiatric rehabilitation program who is an Illinois licensed physician and is board eligible or board certified in psychiatry from the American Board of Psychiatry and Neurology. The psychiatric medical director is responsible for advising the administrator and the Psychiatric Rehabilitation Services Director on the overall psychiatric management of the program's residents.
 - 2) There shall be communication linkages between the psychiatric medical director and the medical director.
 - 3) The psychiatric medical director, working with the administrator, shall be responsible for annually approving in writing the facility's written policies and procedures for the psychiatric rehabilitation program.
 - 4) Each resident shall be under the care of a psychiatrist. If a resident was admitted and has continuously been a resident since prior to January 1, 2002 and a psychiatrist has never served as the resident's primary physician, the resident may continue with the current physician if that physician uses psychiatric consultation, as needed, for the resident.
 - 5) A psychiatrist shall be available for the psychiatric treatment and psychiatric medication management of the residents. All residents or residents' guardians shall be permitted their choice of psychiatrist.
 - 6) Each resident shall be seen by a psychiatrist at least every 90 days and as often as necessary to ensure adequate psychiatric treatment.
- b) Psychiatric Rehabilitation Services Director
 - 1) A Psychiatric Rehabilitation Services Director (PRSD) shall be:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- A) A licensed, registered, or certified psychiatrist, psychologist, social worker, occupational therapist, rehabilitation counselor, psychiatric nurse or licensed professional counselor who has a minimum of at least one year supervisory experience and at least one year of experience working directly with persons with serioussevere mental illness and who has attended an Illinois Department of Public Aid (IDPA) training program; or
- B) A person with a master's degree in a human services field with at least one year of supervisory experience and at least three years of experience working directly with persons with severe mental illness who has attended an IDPA training program.
- 2) An individual who is employed at a licensed nursing home in a capacity similar to that of a Psychiatric Rehabilitation Services Director on January 1, 2002 and who has at least five years of experience in that capacity may petition the Department for approval to continue to act in that role even if the individual is not a licensed, registered, or certified psychiatrist, psychologist, social worker, rehabilitation counselor, psychiatric nurse or licensed professional counselor. The Department will consider information submitted in accordance with subsection (h) of this Section in deciding whether to grant approval. The Department may revoke approval if the individual fails to continue to meet professional standards or to complete the required training.
- 3) Each facility shall have a PRSD for the psychiatric rehabilitation program who is assigned responsibility for:
- A) Developing and implementing the facility's psychiatric rehabilitation program;
- B) Developing and implementing the facility's staff training and in-service programs relating to the psychiatric rehabilitation program; and
- C) Ensuring the coordination and monitoring of the residents' participation in the psychiatric rehabilitation program ITP.
- 4) The PRSD shall ensure that each resident's ITP is developed by an Interdisciplinary Team and is individualized, states the progressive goals

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

of treatment, includes measurable objectives, is written in behavioral terms, is understandable and acknowledged by resident and staff, and is implemented.

- 5) The PRSD shall ensure that residents' needs are met through appropriate staff interventions and community resources and, whenever possible, that residents and their families or significant others are involved in the preparation of their plan of care.
 - 6) The PRSD shall ensure the availability of education and information for family members of residents.
- c) Psychiatric Rehabilitation Services Coordinator
- 1) A Psychiatric Rehabilitation Services Coordinator (PRSC) shall be an occupational therapist or possess a bachelor's degree in a human services field (including but not limited to: sociology, special education, rehabilitation counseling or psychology) and have a minimum of one year of supervised experience in mental health or human services.
 - 2) An individual who is employed at a licensed nursing home in a capacity similar to that of a Psychiatric Rehabilitation Services Coordinator on January 1, 2002 and who has at least five years of experience in that capacity may petition the Department for approval to continue to act in that role even if the individual does not possess a bachelor's degree in human services. The Department will consider information submitted in accordance with subsection (h) of this Section in deciding whether to grant approval. The Department may revoke approval if the individual fails to continue to meet professional standards or to complete required training.
 - 3) Each resident admitted to the facility shall have a PRSC to act as a case manager. The PRSC will be identified as the staff member to whom the resident primarily relates for the coordination of service.
 - 4) The responsibilities of the PRSC are:
 - A) To provide the resident with a stable therapeutic relationship;
 - B) To orient the resident to the facility;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- C) To review and assist the resident in understanding the treatment plan and program schedule;
 - D) To prepare and assist the resident with active participation in the treatment plan review;
 - E) To provide and/or coordinate the delivery of the psychiatric rehabilitation services programs; and
 - F) To monitor the resident in the areas of self-directed care and for overall compliance with the treatment plan.
- 5) There shall be a PRSC for each 30 participants.
- 6) If the PRSC is a consultant, then subsections (c)(4)(A) and (E) will also be the responsibility of facility staff.
- d) In a facility with 10 or fewer residents with serious mental illness, the PRSD may act as the PRSC.
- e) Registry of Certified Psychiatric Rehabilitation Services Aides
- 1) An individual will be placed on the Nurse Aide Registry as a psychiatric rehabilitation services aide when he/she has successfully completed a training program approved in accordance with the Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395) and has met background check information required in Section 300.661 of this Part, and when there are no findings of abuse, neglect, or misappropriation of property in accordance with Sections 3-206.01 and 3-206.02 of the Act.
 - 2) An individual will be placed on the Nurse Aide Registry if he/she has met background check information required in Section 300.661 of this Part and submits documentation supporting one of the following equivalencies:
 - A) Documentation of current registration from another state as a psychiatric rehabilitation services aide (PRSA).
 - B) Documentation of successful completion of a PRSA training course approved by another state as evidenced by a diploma,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

certification or other written verification from the school. The documentation must demonstrate that the course is equivalent to, or exceeds, the requirements for PRSAs in the Long-Term Care Assistants and Aides Training Programs Code.

f) Psychiatric Rehabilitation Services Aides

- 1) Beginning January 1, 2003, facilities shall employ PRSAs or persons who have successfully completed a psychiatric rehabilitation certificate program to provide psychiatric rehabilitation program services to residents.
- 2) If a facility does not employ PRSAs to provide psychiatric rehabilitation program services, the following minimum training shall be provided to certified nursing assistants (CNAs) within 30 days after the CNA's first day of employment:
 - A) Understanding the impact of ~~serious~~severe mental illness;
 - B) Understanding the role of psychiatric rehabilitation, including how to manage psychiatric disabilities and countering stigma and discrimination;
 - C) Confidentiality;
 - D) Preventative strategies for managing aggression and crisis intervention;
 - E) Goals and function of case management;
 - F) Appropriate verbal and physical interaction;
 - G) Communication skills between staff and residents; and
 - H) Basic psychiatric rehabilitation techniques and service delivery.

g) Consultants

- 1) A facility may use consultants with advanced professional degrees who meet the same requirements as facility personnel under this Subpart to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

provide psychiatric rehabilitation services and to provide expertise in the development and implementation of the facility's psychiatric rehabilitation services program and individual resident assessment and care planning.

- 2) All consultants providing services at the facility who are not physicians shall complete the Illinois Department of Public Aid-approved Psychiatric Rehabilitation Training Program.
- h) An individual petitioning the Department for approval to continue acting as a PRSD or PRSC even if that person does not meet formal education requirements shall submit the following information to the Department:
 - 1) Work history;
 - 2) Education since high school;
 - 3) Employment references;
 - 4) A statement that the person is working in a capacity similar to the position for which the individual is seeking recognition; and
 - 5) Any other information that supports that the individual is capable of meeting the professional standards of the recognized position.

Within one year after approval is granted, the individual shall complete the training offered by IDPA for PRSC/PRSD, as applicable.

(Source: Amended at 29 Ill. Reg. 876, effective December 22, 2004)

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF
PUBLIC AID'S DEMONSTRATION PROGRAM FOR PROVIDING
SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

**Section 300.6010 Comprehensive Assessments for Residents of Facilities Subject to
Subpart T**

- a) The facility shall establish an Interdisciplinary Team (IDT) for each resident. The IDT is a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and that designs a program to meet those needs. The IDT includes, at a minimum, the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

resident; the resident's guardian; a Psychiatric Rehabilitation Services Coordinator (PRSC); the resident's primary service providers, including an RN or an LPN with responsibility for the medical needs of the individual; a psychiatrist; a social worker; an activity professional; and other appropriate professionals and care givers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the IDT and participate in the process of identifying the resident's strengths and needs.

- b) The IDT shall identify the individual's needs by performing a comprehensive assessment as needed to supplement any preliminary evaluation conducted prior to admission to the facility. The assessment shall be coordinated by a PRSC.
- c) A comprehensive assessment shall be completed by the IDT no later than 14 days after admission to the facility. Reports from the pre-admission screening assessment or assessments conducted to meet other requirements may be used as part of the comprehensive assessment if the assessment reflects the current condition of the individual and was completed no more than 90 days prior to admission. The assessment shall include at least the following:
 - 1) A psychiatric evaluation completed by a board certified or board eligible psychiatrist or by a person who is a certified psychiatric nurse, a nurse with a Bachelor of Science in Nursing (BSN) and two years of experience serving individuals with serious mental illness or a registered nurse with five years of experience serving individuals with serious mental illness, a licensed clinical social worker, a physician, a licensed psychologist, or a licensed clinical professional counselor (LCPC) under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] if countersigned by a board certified or board eligible psychiatrist. The psychiatric evaluation shall include:
 - A) Psychiatric history with present and previous psychiatric symptoms;
 - B) Comprehensive mental status examination, which includes: a statement of assets and deficits, a description of intellectual functioning, memory functioning, orientation, affect, suicidal/homicidal ideation, response to reality testing, and current attitudes and overt behaviors; and
 - C) Diagnostic formulation, problems, and diagnosis using the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Diagnostic and Statistical Manual IV (DSM-IV), ensuring that information is recorded on as many of the five axes as appropriate.

- 2) Psychosocial assessment performed by the Psychiatric Rehabilitation Services Director (PRSD), a social worker, [an occupational therapist](#), or an LCPC or the Psychiatric Rehabilitation Services Coordinator (PRSC) if reviewed and countersigned by the PRSD, a social worker, or LCPC. The assessment shall cover the following points:
- A) Identifying information (including resident's name, age, race, religion, date of admission; name of individuals giving information);
 - B) Reason for admission (including specific problems and how long the problems have existed in their current state; contributing factors to exacerbation of problems; most recent psychiatric treatment and effects; goals of nursing facility placement as articulated by referral source);
 - C) History of mental illness, treatment, and care (including age of onset; private and public hospital inpatient episodes; community mental health care; prior nursing facility placement; specific treatments and effects);
 - D) Personal history (including current marital status; marital history including name, occupation, and age of current and previous spouses; name, age, sex and occupation of children, if any; and status of significant personal relationships with individuals (past and present); work history of individual, including all known past professions and/or jobs);
 - E) Residential history (including, for the last two years, the types of housing (e.g., family, public housing, apartment, room, or community agency), relationship to other occupants, the total number of known moves; factors known to have contributed to past housing loss; the highest level of residential independence attained, approximate date and length; any patterns of persistent residential instability or homelessness);
 - F) Family history (including information regarding individual's

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

parents and siblings; any significant family illnesses, especially psychiatric illnesses; history of traumatic or significant loss, including where, when and effect on individual); and

- G) Developmental history (including early life history, place of birth, where raised and by whom and with whom; school history; and history regarding friends, hobbies, interests, social activities and interactions).
- 3) A skills assessment performed by a social worker, occupational therapist, or PRSC or PRSD with training in skills assessment. The skills assessment shall include an evaluation of the resident's strengths, an assessment of the resident's levels of functioning, and recommendations for treatment and services, including but not limited to the following areas:
- A) self-maintenance (including basic activities of daily living such as hygiene, dressing, grooming, maintenance of personal space, care of belongings, diet and nutrition, and personal safety);
 - B) social skills (including communication, peer group involvement, friendship, family interaction, male/female relationship, and conflict avoidance and resolution);
 - C) community living skills (including use of telephone, transportation and community navigation, avoidance of common dangers, shopping, money management, homemaking (cleaning, laundry, meal preparation), and use of community resources);
 - D) occupational skills (including basic academic skills; job seeking and retention skills; ability to initiate and schedule activities; promptness and regular attendance; ability to accept, understand and carry out instructions; ability to complete an application; and interview skills);
 - E) symptom management skills (including symptom monitoring and coping strategies; stress identification and management; impulse control; medication management and self-medication capability; relapse prevention); and
 - F) substance abuse management (including recovery, relapse

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

prevention, and harm reduction).

- 4) Assessments and examinations required by Section 300.6047 of this Part.
- 5) Discharge plan as required by Section 300.6060 of this Part.
- 6) Other assessments recommended by the IDT or required elsewhere in this Subpart or as ordered by the resident's physician or psychiatrist to clarify diagnoses or to identify concomitant motivational, cognitive, affective, or physical deficits that could have an impact on rehabilitation efforts and outcomes, as indicated by the individual's needs.
- 7) A structured assessment of resident interests and expectations regarding psychiatric rehabilitation conducted by the PRSC or PRSD with each resident. The assessment shall include at a minimum:
 - A) resident's identification of personal strengths, goals, needs, and resources;
 - B) skill development and problem areas for which the resident expresses an interest in setting goals and participating in psychiatric rehabilitation programming;
 - C) resident's beliefs and confidence regarding his/her capacity to develop increased skills and independence.
- d) Based on the results of all assessments, the PRSD or PRSC shall develop a narrative statement for the IDT review that summarizes findings regarding the resident's strengths and limitations; indicates the resident's expressed interests, expectations, and apparent level of motivation for psychiatric rehabilitation; and prioritizes needs for skill development related to improved functioning and increased independence. The IDT's assessment of overall rehabilitation focus for the resident shall also be identified as one of the following levels:
 - 1) Basic skills training and ~~support~~ supports with opportunities for community integration;
 - 2) Intensive skills training and supports with an increasing focus on community integration; or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 3) Advanced skills training and supports with active linkage and use of community services in preparation for expected discharge within six months.

(Source: Amended at 29 Ill. Reg. 876, effective December 22, 2004)

Section 300.6090 Personnel for Providing Services to Residents of Facilities Subject to Subpart T

- a) Psychiatric Medical Director
 - 1) The facility shall have a psychiatric medical director who is an Illinois licensed physician and is board eligible or board certified in psychiatry from the American Board of Psychiatry and Neurology. The psychiatric medical director is responsible for advising the administrator and the Psychiatric Rehabilitation Services Director on the overall psychiatric management of the residents.
 - 2) The psychiatric medical director shall be the medical director of the entire facility or only for the psychiatric rehabilitation program. If the psychiatric medical director is only responsible for the psychiatric rehabilitation program, there shall be communication linkages between the psychiatric medical director and the medical director.
 - 3) The psychiatric medical director shall be responsible for annually approving in writing the facility's written policies and procedures applicable to the psychiatric rehabilitation program.
 - 4) Each resident shall be under the care of a psychiatrist. All residents or residents' guardians shall be permitted their choice of psychiatrist.
 - 5) Each resident shall be seen by a psychiatrist at least every 90 days and as often as necessary to ensure adequate psychiatric treatment.
- b) Psychiatric Rehabilitation Services Director
 - 1) A Psychiatric Rehabilitation Services Director (PRSD) shall be a licensed, registered, or certified psychiatrist, psychologist, social worker, occupational therapist, rehabilitation counselor, psychiatric nurse or licensed professional counselor and have a minimum of at least one year

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

of supervisory experience and at least one year of experience working directly with persons with ~~serious~~severe mental illness.

- 2) An individual who is employed at a licensed nursing home in a capacity similar to that of a Psychiatric Rehabilitation Services Director on January 1, 2002 and who has at least five years of experience in that capacity may petition the Department for approval to continue to act in that role even if the individual is not a licensed, registered, or certified psychiatrist, psychologist, social worker, rehabilitation counselor, psychiatric nurse or licensed professional counselor. The Department will consider information submitted in accordance with subsection (i) of this Section in deciding whether to grant approval. The Department may revoke approval if the individual fails to continue to meet professional standards or to complete the required training.
- 3) Each facility shall have a full-time PRSD for the psychiatric rehabilitation program who is assigned responsibility for:
 - A) Developing and implementing the facility's psychiatric rehabilitation program;
 - B) Developing and implementing the facility's staff training and in-service programs relating to the psychiatric rehabilitation program; and
 - C) Ensuring the coordination and monitoring of the residents' participation in the psychiatric rehabilitation program ITP.
- 4) The PRSD shall ensure that each resident's ITP is developed by an interdisciplinary team and is individualized, states the progressive goals of treatment, includes measurable objectives, is written in behavioral terms, is understandable and acknowledged by resident and staff, and is implemented.
- 5) The PRSD shall ensure that residents' needs are met through appropriate staff interventions and community resources and, whenever possible, that residents and their families or significant others are involved in the preparation of their plan of care.
- 6) The PRSD shall ensure the availability of education and information for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

family members of residents.

c) Psychiatric Rehabilitation Services Coordinator

- 1) A Psychiatric Rehabilitation Services Coordinator (PRSC) shall be an occupational therapist or possess a bachelor's degree in a human services field (including but not limited to: sociology, special education, rehabilitation counseling or psychology) and have a minimum of one year of supervised experience in mental health or human services.
- 2) An individual who is employed at a licensed nursing home in a capacity similar to that of a Psychiatric Rehabilitation Services Coordinator on January 1, 2002 and who has at least five years of experience in that capacity may petition the Department for approval to continue to act in that role even if the individual does not possess a bachelor's degree in human services. The Department will consider information submitted in accordance with subsection (i) of this Section in deciding whether to grant approval. The Department may revoke approval if the individual fails to continue to meet professional standards or to complete required training.
- 3) Each resident admitted to the facility shall have a PRSC to act as a case manager. The PRSC will be identified as the staff member to whom the resident primarily relates for the coordination of service.
- 4) The responsibilities of the PRSC are:
 - A) To provide the resident with a stable therapeutic relationship;
 - B) To orient the resident to the facility;
 - C) To review and assist the resident in understanding the treatment plan and program schedule;
 - D) To prepare and assist the resident with active participation in the treatment plan review;
 - E) To provide the delivery of the psychiatric rehabilitation services;
 - F) To coordinate the delivery of the psychiatric rehabilitation services; and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- G) To monitor the resident in the areas of self-directed care and for overall compliance with the treatment plan.
- 5) There shall be a PRSC for each 20 participants.
- d) Director of Nursing
- 1) A supervisory nursing position shall be established titled Director of Nursing (DON). The DON shall be a full-time employee who is on duty at least 36 hours per week and at least four days per week. This position shall not be included in the requirement for nursing staff coverage.
 - 2) The DON shall be a registered nurse, preferably with at least one year's clinical experience in a mental health setting or a master's degree in psychiatric nursing.
 - 3) The DON, in consultation with the facility's medical director, shall be responsible for the development and implementation of the facility's overall medical policies and practices, including:
 - A) The administration, monitoring, and observation of resident medications;
 - B) The medication education, compliance and self-administration program;
 - C) The monitoring and coordination of residents' physical care, medical appointments, and diagnostic consultation;
 - D) The health education of residents; and
 - E) The supervision of the facility's nursing personnel.
- e) Assistant Director of Nursing
- 1) An Assistant Director of Nursing (ADON) position shall be established in facilities of 300 beds or more. The ADON shall be a full-time employee who is on duty at least 36 hours per week and at least four days per week.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 2) The ADON shall be a licensed nurse, preferably with at least one year of experience working with the chronically mentally ill.
 - 3) In consultation with the DON, the ADON shall be responsible for the direct supervision, monitoring and implementation of the facility's medical policies and residents' health services.
- f) Nursing Staff
- 1) Adequate nursing personnel shall be provided to meet the medication, education and health needs of residents, and not fewer than one nurse per 40 residents in a 24 hour period shall be provided (i.e., a full-time equivalent ratio of one nurse to every 40 individuals being served).
 - 2) Facilities shall have at least one licensed nurse (licensed practical nurse or registered nurse) on duty at all times.
 - 3) Licensed practical nurses shall have successfully completed a pharmacology course or have at least one full year of full-time supervised experience in administering medications in a health care setting prior to employment.
- g) Psychiatric Rehabilitation Services Aide
- 1) Beginning January 1, 2003, sufficient psychiatric rehabilitation services aides (PRSAs) or persons who have successfully completed a psychiatric rehabilitation certificate program shall be on duty all hours of each day to provide services that meet the needs of the residents, and no fewer than one PRSA per 10 residents in a 24 hour period shall be provided (i.e., a full-time equivalent ratio of one PRSA for every 10 individuals being served). Prior to January 1, 2003, if the facility does not employ PRSAs, the facility may employ certified nursing assistants (CNAs) if the following minimum training is provided within 30 days after the CNA's first day of employment:
 - A) Understanding the impact of serious mental illness;
 - B) Understanding the role of psychiatric rehabilitation, including how to manage psychiatric disabilities and countering stigma and discrimination;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- C) Confidentiality;
 - D) Preventive strategies for managing aggression and crisis intervention;
 - E) Goals and function of case management;
 - F) Appropriate verbal and physical interaction;
 - G) Communication skills between staff and resident; and
 - H) Basic psychiatric rehabilitation techniques and service delivery.
- 2) *A facility shall not employ an individual as a PRSA unless the facility has inquired of the Department as to information in the Department's Nurse Aide Registry concerning the individual.* (Section 3-206.01 of the Act) The Department shall advise the inquirer if the individual is on the Registry, if the individual has findings of abuse, neglect, or misappropriation of property in accordance with Section 3-206.01 and 3-206.02 of the Act, and if the individual has a current background check. (See Section 300.661 of this Part.)
- 3) The facility shall ensure that each PRSA complies with one of the following conditions:
- A) Is approved on the Department's Nurse Aide Registry. "Approved" means that the PRSA has met the training or equivalency requirements of Section 300.663 of this Part and does not have a disqualifying criminal background check without a waiver.
 - B) Begins an approved Psychiatric Rehabilitation Services Aide Training Program (see 77 Ill. Adm. Code 395) no later than 45 days after employment. The PRSA shall successfully complete the training program within 120 days after the date of initial employment. An aide enrolled in a program approved in accordance with 77 Ill. Adm. Code 395.150(a)(2) shall not be employed more than 120 days prior to successfully completing the program.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- C) Within 120 days after initial employment, submits documentation to the Department in accordance with Section 300.663 of this Part to be registered on the Nurse Aide Registry.
- 4) Each person employed by the facility as a PRSA shall meet each of the following requirements:
- A) *Be at least 16 years of age, of temperate habits and good moral character, honest, reliable, and trustworthy* (Section 3-206(a)(1) of the Act);
- B) *Be able to speak and understand the English language or a language understood by a substantial percentage of the facility's residents* (Section 3-206(a)(2) of the Act);
- C) *Provide evidence of prior employment or occupation, if any, and residence for two years prior to present employment as a PRSA* (Section 3-206(a)(3) of the Act);
- D) *Have completed at least eight years of grade school or provide proof of equivalent knowledge* (Section 3-206(a)(4) of the Act).
- 5) *The facility shall certify that each PRSA employed by the facility meets the requirements of this Section. The certification shall be retained by the facility as part of the employee's personnel record.* (Section 3-206(d) and (e) of the Act)
- 6) During inspections of the facility, the Department may require PRSAs to demonstrate competency in the principles, techniques, and procedures covered by the basic PRSA training program curriculum described in the Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395), when possible problems in the care provided by aides or other evidences of inadequate training are observed. The State approved manual skills evaluation testing format and forms will be used to determine competency of an aide when appropriate. Failure to demonstrate competency of the principles, techniques and procedures shall result in the provision of in-service training to the individual by the facility. The in-service training shall address the PRSA training principles and techniques relative to the procedures in which the aides are found to be deficient during inspection (see 77 Ill. Adm. Code 395).

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- h) Registry of Certified Psychiatric Rehabilitation Services Aides
- 1) An individual will be placed on the Nurse Aide Registry when he/she has successfully completed a training program approved in accordance with the Long-Term Care Assistants and Aides Training Programs Code and has met background check information required in Section 300.661 of this Part, and when there are no findings of abuse, neglect, or misappropriation of property in accordance with Section 3-206.01 and 3-206.02 of the Act.
 - 2) An individual will be placed on the Nurse Aide Registry if he/she has met background check information required in Section 300.661 of this Part and submits documentation supporting one of the following equivalencies:
 - A) Documentation of current registration from another state as a PRSA.
 - B) Documentation of successful completion of a PRSA training course approved by another state as evidenced by a diploma, certification or other written verification from the school. The documentation must demonstrate that the course is equivalent to, or exceeds, the requirements for PRSAs in the Long-Term Care Assistants and Aides Training Programs Code.
- i) An individual petitioning the Department to continue acting as a PRSD or a PRSC even if that person does not meet formal education requirements shall submit the following information to the Department:
- 1) Work history;
 - 2) Education since high school;
 - 3) Employment references;
 - 4) A statement that the person was working in a capacity similar to the position for which he/she is seeking recognition; and
 - 5) Any other information that supports that the person is capable of meeting the professional standards of the position.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Within one year after the petition is approved, the individual shall complete the training offered by IDPA for PRSC/PRSD, as applicable.

j) Consultants

- 1) A facility may use consultants with advanced professional degrees who meet the same requirements as facility personnel under this Subpart to provide psychiatric rehabilitation services and to provide expertise in the development and implementation of the facility's psychiatric rehabilitation services program and individual resident assessment and care planning.
- 2) All consultants providing services at the facility who are not physicians shall complete the Illinois Department of Public Aid-approved Psychiatric Rehabilitation Training Program.

(Source: Amended at 29 Ill. Reg. 876, effective December 22, 2004)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3040.160	Amended
3040.170	Amended
- 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 of Amendments: January 1, 2005
- 6) Does this rulemaking contain and 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 and available at the Illinois State Library, Gwendolyn Brooks Building, 300 South Second Street, Springfield IL 62701-1796 for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: September 24, 2004; 28 Ill. Reg. 12979
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version:

In Section 3040.160, subsection (a) was retained and the language in subsection (b) was changed to explain reasons why an audit may be requested. The new language states: "Audits may be requested for such reason as poor recordkeeping, fiscal irregularities, or staff's request after viewing narrative reports or after viewing files at the program site.".

In Section 3040.170(e), the word Additional was retained as the Section currently reads.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter from JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any other amendments pending on this Part: No
- 15) A Complete Description of the Subjects and Issues Involved:In Section 3040.160, the amendment eliminates the fiscal procedure that the State Library withholds 10 percent of the grant funds until receipt of the final program and financial reports. The full grant amount will be made in a single payment. The Illinois State Library will utilize the Illinois Grant Recovery Act (30 ILCS 705) to ensure compliance with pertinent grant requirements. Literacy grant projects receive small grants, as the average grant in FY2005 is \$36,925. It will be advantageous for the cash flow requirements of the grant recipients that they receive the full grant at the initiation of the project. In Section 3040.170, site visits to grant recipients shall be made when deemed necessary by the Literacy Office. Literacy grant projects are primarily awarded to the community-based organizations, libraries, offices of education and community colleges in the state that have a long history of providing the required educational services. Many grantees have a high degree of professional expertise in the literacy arena and may have received these grants for several consecutive years.
- 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:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATEPART 3040
LITERACY GRANT PROGRAM

SUBPART A: ADULT LITERACY GRANT PROGRAM

Section

3040.100	Purpose
3040.110	Definitions
3040.120	Application for Grant
3040.130	Review of Grant Applications
3040.140	Award of Grants, Accountability and Recordkeeping
3040.150	Cancellation of Grant
3040.160	Fiscal Procedures
3040.170	Other Requirements
3040.180	Invalidity

SUBPART B: WORKPLACE LITERACY PROGRAM

Section

3040.200	Purpose (Repealed)
3040.210	Definitions (Repealed)
3040.220	Application for Grant (Repealed)
3040.230	Review of Grant Applications (Repealed)
3040.240	Award of Grant, Financial Reports, and Program Progress Reports (Repealed)
3040.250	Cancellation of Grant (Repealed)
3040.260	Other Requirements (Repealed)
3040.270	Invalidity (Repealed)

SUBPART C: FAMILY LITERACY PROGRAM

Section

3040.300	Purpose (Repealed)
3040.310	Definitions (Repealed)
3040.320	Eligible Applicants (Repealed)
3040.330	Grant Applications (Repealed)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: SPECIAL GRANT PROGRAMS

Section

3040.400 Making Work Pay Grant Program (Repealed)

3040.450 New Chapters Grant Program (Repealed)

3040.470 Penny Severns' Grant Program

3040.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs

AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1986; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991; amended at 16 Ill. Reg. 13084, effective August 15, 1992; amended at 17 Ill. Reg. 7234, effective May 10, 1993; amended at 18 Ill. Reg. 4990, effective March 9, 1994; amended at 20 Ill. Reg. 5889, effective April 9, 1996; amended at 21 Ill. Reg. 2408, effective February 3, 1997; amended at 21 Ill. Reg. 11767, effective August 11, 1997; amended at 23 Ill. Reg. 2402, effective January 22, 1999; amended at 23 Ill. Reg. 2574, effective January 26, 1999; emergency amendment at 23 Ill. Reg. 4115, effective March 18, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 8645, effective July 13, 1999; amended at 27 Ill. Reg. 19004, effective December 15, 2003; emergency amendment at 28 Ill. Reg. 1434, effective January 12, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 6929, effective April 26, 2004; amended at 29 Ill. Reg. 914, effective January 1, 2005.

SUBPART A: ADULT LITERACY GRANT PROGRAM

Section 3040.160 Fiscal Procedures

- a) The literacy grant recipient may be asked by the State Library to present copies of past audits or require that an audit of grant funds be ~~performed on~~performed on individual programs.
- b) Audits may be requested for such reasons as poor recordkeeping, fiscal irregularities, or staff's request after viewing narrative reports or after viewing files at the program site.~~The State Library shall withhold 10% of the grant funds until receipt and approval of the final program and financial reports.~~

(Source: Amended at 29 Ill. Reg. 914, effective January 1, 2005)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 3040.170 Other Requirements

- a) Testing
 - 1) Plans for pre- and post-testing of students must be attached to the proposal application. The Slosson Oral Reading Test-Revised (SORT-R), which can be ordered from Slosson Educational Publications, Inc., P.O. Box 280, East Aurora NY 14052-0280, or the Test of Adult Basic Education (TABE), which can be ordered from CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940, telephone: 800/538-9547, must be used in student testing for semi-annual reports submitted to the State Library, Office of the Secretary of State. Programs are encouraged to use additional tests for their own purposes.
 - 2) In the case of English As a Second Language (ESL) projects, professionally accepted tests must be used, such as the ESLOA Oral Assessment, which can be ordered from Literacy Volunteers of America, Inc. 5795 Widewater Parkway, Syracuse NY 13214; the Comprehensive English Language Skills Assessment (CELSA), which can be ordered from Association of Classroom Teacher Testers, 1136 Clement Street, San Francisco CA 94118; the Basic English Skills Test (BEST), which can be ordered from Center for Applied Linguistics, 1118 22nd Street, NW, Washington DC 20037; the Foreign Service Institute Oral Proficiency Interview (FSI) (also known as ILR), which can be ordered from ETS, Princeton NJ 08541. All tests used must be described in the proposal. Results must accompany semi-annual and final reports.
 - 3) In the case of students who enroll for math assistance only, the TABE math test, which can be ordered from CTB/McGraw Hill, 20 Ryan Ranch Road, Monterey CA 93940, must be used in testing for semi-annual reports submitted to the State Library, Office of the Secretary of State.
- b) No grant funds shall be used to purchase equipment.
- c) No literacy program shall transfer funds within the approved grant budget in excess of 10% of the budget line item from which the funds are transferred, without the prior written approval of the State Library. Approval will be granted by the State Library when justification is shown for why the transfer is necessary and how it will affect the goals and objectives of the project. Unapproved

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

expenditures in excess of 10% of a budget line will not be paid for by the grant.

- d) Costs for purchase of consultant services will not be allowed in the proposal budget unless the specific expertise required is not available at the applicant's agency or the State Library, Office of the Secretary of State. Justification must be provided if consultant services are purchased and a complete description of the work to be performed must also be provided. The proposed consultant must be mutually acceptable to both the grantee and State Library, Office of the Secretary of State, based on the consultant's prior experience and expertise in literacy programs.
- e) A literacy grant monitor shall make a minimum of one site visit during each biennium. ~~the fiscal year~~. Additional site visits shall may be made at the discretion of the Literacy Office (for such reasons as poor recordkeeping, fiscal irregularities, monitor's/staff's request after viewing narrative reports, request by literacy program). Literacy monitors shall evaluate program effectiveness. It shall be the responsibility of the grant monitor to:
- 1) Review the grant budget and expenditures in the project to date.
 - 2) Verify that the project plan is being implemented according to the proposal approved by the LAB.
 - 3) Submit a written report on the progress of the project to the State Library Literacy Office following each site visit.

(Source: Amended at 29 Ill. Reg. 914, effective January 1, 2005)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Admin. Code 1030
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1030.11	Amendment
1030.65	Amendment
1030.95	Repealed
1030. Appendix A	Amendment
1030. Appendix B	Amendment
- 4) Statutory Authority: 625 ILCS 5/6-105.1 (P.A. 93-0752)
- 5) Effective Date of Amendments: January 1, 2005
- 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 Proposed Published in Illinois Register: December 10, 2004; 28 Ill. Reg. 12792
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Grammatical and punctuation changes were made as agreed upon with JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes. The agreement also gives the Secretary of State's Office a six-month period to complete additional changes. The Secretary of State's Office will begin the proposed rulemaking process in January 2005 to comply with the agreement.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary of Purpose of Amendments: This rulemaking implements P.A. 93-752, signed into law by the Governor on July 16, 2004. This Act requires the Secretary of State's Office to develop rules relative to the issuance of a Temporary Visitor's Driver's License to a foreign national who is legally residing in this country and is ineligible for a social security number. Prior to this language, any individual applying for an Illinois driver's license was required to have a social security number.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jo Ann Wilson, Legislative Liaison
Office of the Secretary of State
Driver Services Department
2701 S. Dirksen Parkway
Springfield IL 62723

(217) 785-1441

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/ Temporary Visitor's Driver's License
1030.12	Driver's License Medical Advisory Board
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses (Repealed)
1030.96	Restricted Commercial Driver's License

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License
- 1030.100 Anatomical Gift Donor
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005.

Section 1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License

- a) For purposes of this Section, the following definitions shall apply:
- 1) "Foreign National" – A non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.
 - 2) "Temporary Visitor's Driver's License" – A license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- ba) ~~Any~~ person who wishes to obtain a driver's license shall go to one of the Secretary of State Driver Services Facilities located throughout the state. An application form provided by the Secretary of State pursuant to Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106] shall be completed by the applicant. The questions contained on the application form are provided in Appendix A of this Part. The applicant shall also provide a Driver Services facility employee with acceptable forms of~~3 forms of~~ identification provided in Appendix B of this Part establishing the applicant's name, date of birth, signature for comparison, Illinois residency, and social security number~~Social Security Number~~. ~~Acceptable forms of identification are provided in Appendix B of this Part.~~
- c) Any foreign national who wishes to obtain a temporary visitor's driver's license shall go to one of the designated Secretary of State Driver Services facilities located throughout the State. An application form, provided by the Secretary of State pursuant to Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106], shall be completed by the applicant. The questions contained on the application form are provided in Appendix A of this Part. The applicant shall also provide a Driver Services facility employee with acceptable forms of identification provided in Appendix B of this Part to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency, and authorization of legal presence in this country. The applicant shall also provide a government-issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number.
- d) A temporary visitor's driver's license shall only be issued to an individual who is authorized to reside in this country for 1 or more years and has at least 6 months of his or her authorized presence remaining. Except, individuals currently holding a temporary visitor's driver's license who have been granted a temporary extension to remain in this country pending a decision of his or her request for a status change, upon presentation of documents issued by the USCIS, may be issued a temporary visitor's driver's license for the period of the temporary extension.
- eb) The applicant shall take the following tests as required in Section 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-109]:
- 1) A vision test as provided in Sections 1030.70 and 1030.75 of this Part;
 - 2) A road test, if required, as provided in Section 1030.85 of this Part (exemptions to the road test requirement are provided in Section 1030.88 of this Part); and

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 3) A written test, if required, as provided in Section 1030.80.
- f**e) Applicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a driver's license until the applicant has, in accordance with Section 6-107(b) of the Illinois Code [625 ILCS 5/6-107(b)]:
- 1) Held a valid instruction permit for a minimum of 3 months;
 - 2) Passed an approved driver education course and submits proof of having passed the course as may be required;
 - 3) Submits, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, otherwise by the guardian having custody of the applicant, or in the event there is no parent or guardian, then by another responsible adult, that the applicant has had a minimum of 25 hours of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 25 hours shall be in addition to the 6 required hours spent with a driver education instructor. The person completing the certification shall upon signing the certification swear under penalty of perjury that everything contained within the certification is true and correct.
- g**d) A driver's license or temporary visitor driver's license~~Finally, the~~ applicant shall have his/her photograph taken unless exempted as provided in Section 1030.90 of this Part. A driver's license shall be issued upon completion of all the requirements of this Section and Chapter 6 of the Illinois Vehicle Code [625 ILCS 5/Ch. 6].
- h**) A temporary visitor's driver's license shall only be issued in non-CDL class D, L or M as established in Section 1030.30 of this Part.
- i**) Each original temporary visitor's driver's license shall expire 3 years from the date of issuance or at the time the individual's authorization to remain in this country expires, whichever is less. Except, the temporary visitor's driver's licenses of individuals 81 years of age or older shall expire in accordance with Section 6-115(g) of the Illinois Vehicle Code [625 ILCS 5/6-115(g)] or at the time the individual's authorization to remain in this country expires, whichever is less.
- j**) Each renewal temporary visitor's driver's license shall expire no more than 3 years from the expiration date of the current license or at the time the individual's

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

authorization to remain in this Country expires, whichever is less. Except, the licenses of individuals 81 years of age or older shall expire in accordance with Section 6-115(g) of the Illinois Vehicle Code [625 ILCS 5/6-115(g)] or at the time the individual's authorization to remain in this country expires, whichever is less.

- k) The fees collected for the issuance of an original, renewal, duplicate or corrected temporary visitor's driver's license shall be in accordance with Section 6-118 of the Illinois Vehicle Code [625 ILCS 5/6-118].
- l) Any person who wishes to renew a temporary visitor's driver's license shall go to one of the designated Secretary of State Driver Services facilities located throughout the State. Renewal shall be allowed no more than 90 days prior to the expiration date of the current driver's license. An application form, provided by the Secretary of State pursuant to Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106], shall be completed by the applicant. The questions contained on the application form are provided in Appendix A of this Part. The applicant shall also provide a Driver Services facility employee with acceptable forms of identification provided in Appendix B of this Part to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency and authorization of legal presence and extension of his/her stay in this country. The applicant shall also provide a government-issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number. The applicant shall also be retested in accordance with 625 ILCS 5/6-109 of the Illinois Vehicle Code.
- m) The Secretary of State shall not send a renewal notice to the holder of a temporary visitor's driver's license.
- n) The design and contents of a temporary visitor's driver's license shall be in accordance with Section 6-110 of the Illinois Vehicle Code [625 ILCS 5/6-110] and Section 1030.90 of the Illinois Administrative Code, except it shall not contain a social security number. The license shall be distinctive in nature as to identify it as a temporary visitor's driver's license and will contain the phrase "not valid for identification".
- o) Each temporary visitor's driver's license issued to applicants under 21 years of age shall be in accordance with Sections 6-107.3 and 6-110(e) and (e-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.3 and 6-110(e) and (e-1)]. A temporary visitor's driver's license issued to an individual under the age of 21 years shall expire three years from the issue date or at the time the individual's authorization to remain in this country expires, whichever is less.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- p) A foreign national who is issued a temporary visitor's driver's license shall not be required to surrender his/her foreign country driver's license.

(Source: Amended at 29 Ill. Reg. 920, effective January 1, 2005)

Section 1030.65 Instruction Permits

- a) For purposes of this Section, the following definitions shall apply:
- 1) "Applicant" – person applying for an instruction permit.
 - 2) "Certificate of Completion (Blue Slip)" – a document issued by the Illinois State Board of Education or the office which regulates education in another state to students who have successfully completed their driver education course. The blue slip in Illinois is issued by the Illinois Secretary of State's Office if the student completed behind the wheel instruction at an approved commercial driving school as provided in 92 Ill. Adm. Code 1060 and Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-114(g)].
 - 3) "Class D Instruction Permit" – permit to operate any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials that would require placarding or when towing any vehicle providing the gross combination weight rating is less than 26,001 pounds.
 - 4) "Class "L" Instruction Permit" – permit to operate a motor driven cycle with less than 150 cc displacement.
 - 5) "Class "M" Instruction Permit" – permit to operate any motorcycle or any motor driven cycle.
 - 6) "Commercial Driver Instruction Permit" – a driving permit that authorizes an individual to operate a commercial motor vehicle, as defined in 625 ILCS 5/6-500, issued pursuant to Sections 6-103, 6-105, 6-107.1 and 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-103, 6-105, 6-107.1 and 6-508].
 - 7) "Competent Medical Specialist" – a person licensed under Section 3 of the Medical Practice Act [225 ILCS 60/3] or similar law of another

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

jurisdiction to practice medicine in all of its branches.

- 8) "Department" – Department of Driver Services within the Office of the Secretary of State.
- 9) "Driver Education Course" – a course of instruction in the use and operation of cars, including instruction in the safe operation of cars, rules of the road and the law of the State relating to motor vehicles, which meets the minimum requirements of the Driver Education Act [105 ILCS 5/27-24] and Section 1-103 of the Illinois Vehicle Code [625 ILCS 5/1-103].
- 10) "Driver Rehabilitation Specialist" – a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or a related profession (or equivalent of 8 years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 clock hours must be gained from attending ADED approved courses or workshops).
- 11) "Driving Evaluation" – Assessment of an applicant's ability to safely operate a motor vehicle performed by a driver education specialist at a rehabilitation institution.
- 12) "Favorable Medical Report" – a current medical report which has been completed in its entirety which does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically fit to safely operate a motor vehicle.
- 13) "Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.
- 14) "Illinois Medical Restriction Card" – a card which specifies special

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

limitations to a person's driving privileges as provided in Section 6-113 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-113].

- 15) "In Loco Parentis" – person who is acting in place of a minor's parent with a parent's rights, duties, and authority.
- 16) "Instruction Permit" – a driving permit issued pursuant to Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code [615 ILCS 5/6-103, 6-105 and 6-107.1].
- 17) "Medical Report" – a confidential medical questionnaire designed by the Department and approved by the Illinois Medical Advisory Board or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department. The medical report shall be directed to the Department and contain the date the competent medical specialist completed the report and the name, address, signature and professional license number of the competent medical specialist. The report must also contain the name, address, date of birth and driver's license number, if known, of the driver. A medical agreement as defined in Section 1030.16 of this Part, upon execution by the driver, shall be incorporated into and maintained on file with the driver's medical report.
- 18) "Minor" – a person under 18 years of age.
- 19) "Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.
- 20) "Temporary Visitor's Instruction Permit" – a driving permit issued to a foreign national pursuant to this Section and Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code [625 ILCS 5/6-103, 6-105 and 6-107.1].

- b) A person who wishes to practice driving before obtaining his/her driver's license shall obtain an instruction permit from a Secretary of State's Driver Services facility. Upon receipt of an instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member or a person in loco parentis, who is 21 years of age or more and has a license classification to operate such vehicle and at least one year of driving experience, and who is occupying a seat beside the driver.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- c) Any foreign national wishing to practice driving before obtaining his/her driver's license shall obtain a temporary visitor's instruction permit, class D, L or M only, from one of the selected Secretary of State Driver Services facilities located throughout the State. Upon receipt of a temporary visitor's instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member, or a person in loco parentis who is 21 years of age or more, has a license classification to operate such vehicle, has at least one year of driving experience, and who is occupying a seat beside the driver.
- d) An instruction permit issued to any foreign national shall only be in a class D, L or M as established in Section 1030.30 of this Part.
- e) The fees collected for the issuance of an original, renewal, duplicate or corrected temporary visitor's driver's license shall be in accordance with Section 6-118 of the Illinois Vehicle Code [625 ILCS 5/6-118].
- fe) A minor who wishes to receive an instruction permit shall be at least 15 years old and enrolled in a driver education course. Any minor who has been enrolled in a driver education program out-of-state shall provide proof of such enrollment before he/she shall be issued an Illinois instruction permit. Proof shall consist of a letter from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State. The minor shall complete a driver education course if he/she wants to apply for a driver's license before he/she is 18 years of age. If the minor is 16 years of age or older and has in his/her possession a certificate of completion or the equivalent, from another state's driver education program, he/she shall be eligible to receive an Illinois driver's license upon successful completion of the vision, written and/or road tests. The equivalent for Illinois of a certificate of completion from an out-of-state driver education course shall include but is not limited to, transcripts from the out-of state attendance center indicating successful completion of the course of instruction or a letter from the state's driver's licensing authority on agency letterhead, attesting to the minor's successful completion of a driver education course approved by the office in the state which regulates education.
- gd) A minor who is at least 15 years and 6 months of age may obtain an Illinois instruction permit prior to being enrolled in a driver education course provided he/she:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Submits written documentation on a form prepared or approved by the Secretary of State stating that the minor is enrolled in school and proof that the student has received a passing grade in at least 8 courses during the previous 2 semesters as required by the Driver Education Act, or submits a written waiver, pursuant to Section 6-103(1) of the Vehicle Code, from a superintendent or chief school administrator;
- 2) Submits a written waiver on a form prepared or approved by the Secretary of State from a superintendent or chief administrator stating that, through no fault of the minor, he/she will be unable to be enrolled in a driver education course until after his/her 16th birthday and the school would have no objection to the issuance of the instruction permit; and
- 3) Successfully completes the written and vision examinations administered either by an approved driver education instructor or the Secretary of State.

An Illinois instruction permit issued to a minor under this subsection (~~ge~~) may be canceled upon receipt of a report from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State stating that the minor has failed to enroll in a driver education course.

~~he~~) The minor who is not legally emancipated by marriage or court order shall have his/her application signed by a parent, guardian, or person in loco parentis and the driver education instructor. The minor shall then be allowed to take the vision and written exams.

~~if~~) The instruction permit shall be issued to a minor for a period of 2 years upon successful completion of the written and vision exams. If an instruction permit has expired prior to the applicant completing the road test, a second fee as established for driver's instruction permits in Section 6-118(a) of the Illinois Vehicle Code [625 ILCS 5/6-118(a)] must be submitted and the written and vision exams must be successfully completed. The applicant shall present another application to the Secretary of State signed by the parent, guardian, or person in loco parentis. The driver's education instructor shall also sign the application unless the applicant presents a certificate of completion (blue slip).

~~ig~~) Applicants who are not minors shall also be issued instruction permits by the Secretary of State. The permit shall be issued for 1 year upon successful completion of the written and vision exams.

~~kh~~) Applicants whose driving privileges have been canceled based upon receipt by the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Department of a medical report indicating the applicant has a medical condition which impairs his/her ability to safely operate a motor vehicle may apply for an instruction permit. The Department shall receive a favorable medical report from a competent medical specialist describing the applicant's needs to undergo a driving evaluation with a driver rehabilitation specialist. The Department shall issue to the applicant an authorization for examination to appear at a Driver Services facility to take the written examination, vision test and submit the required fee as provided in Section 6-118 of the Illinois Vehicle Code [625 ILCS 5/6-118]. Upon successful completion of the written and vision tests, he/she shall be issued, if not otherwise disqualified, an instruction permit, but shall be canceled upon receipt of a written statement from a competent medical specialist that the instruction permit holder has failed to successfully complete the driving evaluation or is otherwise unable to safely operate a motor vehicle. A medical restriction card shall be issued by the Department and must be carried with the instruction permit. Upon successful completion of the driving evaluation, the rehabilitation institution and a competent medical specialist shall notify the Department. The Department shall send the applicant an authorization form instructing him/her to appear at a Driver Services facility to take the drive portion of the examination. Upon the applicant's successful completion of the drive examination, a driver license shall be issued.

- li) An applicant must be at least 16 years old to obtain a class "L" instruction permit. He/she shall have obtained his/her blue slip at the time he/she applies for the "L" instruction permit. If he/she is at least 18 years old, a blue slip is not necessary.
- mj) The class "M" instruction permit is issued by the Secretary of State to a person 18 years old or older for a period of 1 year. Class "M" instruction permits shall be issued for period of 2 years to persons 16 or 17 years old who has obtained his/her blue slip at the time he/she applies for the class "M" instruction permit and if they have completed a motorcycle training course approved by the Illinois Department of Transportation as provided by 92 Ill. Adm. Code 455. A certificate of completion card issued by the Illinois Department of Transportation must be furnished to the Secretary of State's Office before an instruction permit shall be issued.
- nk) An applicant who is 17 years and 9 months of age or older may obtain an Illinois instruction permit without being enrolled in a driver education course, provided he/she has successfully completed the vision and written exams.
- ol) Prior to renewing a commercial driver instruction permit, an applicant is required to successfully complete the appropriate CDL knowledge tests specific to that

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

classification of permit being renewed.

(Source: Amended at 29 Ill. Reg. 920, effective January 1, 2005)

Section 1030.95 Consular Licenses (Repealed)

- a) ~~For purposes of this Section, the Secretary of State shall adopt the following definitions:~~
- ~~"Applicant"—Consul, his/her family or employees applying for an Illinois driver's license.~~
- ~~"Consul"—person appointed by a foreign country, not recognized by the United States Department of State, to live in the United States and conduct business on behalf of his/her government.~~
- ~~"Distinctive Number"—a number listed in sequential order.~~
- b) ~~A consul who wishes to obtain an Illinois driver's license shall report to a driver services facility and shall submit his/her passport for review, along with a letter on the consulate letterhead stating that he/she is an appointed consul. Family members and employees of the consul shall submit to the facility a letter on consulate letterhead stating the applicant's association with the consulate.~~
- c) ~~The applicant shall pass a vision test, a road test, and a written test, in accordance with Sections 1030.70, 1030.80 and 1030.85.~~
- d) ~~In lieu of a social security number, a distinctive number will be assigned by the Driver Services Department Central Office in Springfield.~~
- e) ~~Statutory fees shall be charged all applicants pursuant to Section 6-118 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95½, par. 6-118.)~~
- f) ~~Applicants shall immediately notify the Driver Services Central Office in Springfield upon termination of his/her association with the consulate.~~

(Source: Repealed at 29 Ill. Reg. 920, effective January 1, 2005)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 1030.APPENDIX A Questions Asked of a Driver's License Applicant

The following questions shall appear on an application for a driver's license:

If you are applying for an Identification Card, review questions 1 and 2; for a Driver's License, review questions 1 through 7; for a Commercial Driver's License, review questions 1 through 10; [for a Temporary Visitor's Driver's License, review questions 1 through 7, 11 and 12.](#)

- 1) Is your driver's license or identification card or privilege to obtain a license or ID card suspended, revoked, canceled or refused in any state under this or any other name? (If yes, a Letter of Clearance is required.)
 - 2) Do you presently hold a valid driver's license or identification card in this or any other state?
 - 3) Is your driver's license being held by a court in lieu of bail?
 - 4) Has a court found you to have a mental disability or disease or has a court committed you to a mental health facility? (If yes, copies of related court order and/or physician's statement will be required.)
 - 5) Do you have any condition that might cause a temporary loss of consciousness? (If yes, a physician's statement and medical agreement are required.)
 - 6) Do you have any mental or physical condition that might interfere with safe driving? (If yes, a physician's statement is required and a medical agreement may be required.)
 - 7) Do you use any drugs, including prescription medication, or alcohol to an extent that they impair your driving ability? (If yes, a physician's statement is required and a medical agreement may be required.)
 - 8) Are your Commercial Driver's License privileges currently disqualified?
 - 9) Do you certify that you meet the "general qualifications of drivers outlined in 49 CFR 391.11 (2000)? If no, indicate why you are not subject to these qualifications. _____
-

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 10) Do you certify that you meet the hearing requirements outlined in 49 CFR 391.41(b)(11) (2000)?

I understand that my social security number will be disclosed to other states pursuant to the Commercial Motor Vehicle Safety Act of 1986 (49 USC 2706).

- 11) [Do you certify that you temporarily reside in Illinois and are ineligible for a social security number?](#)
- 12) [Do you certify that you are authorized by the U.S. Citizenship and Immigration Services to be legally present in this country and authorize the Secretary of State's Office to verify such information?](#)

(Source: Amended at 29 Ill. Reg. 920, effective January 1, 2005)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 1030.APPENDIX B Acceptable Identification Documents

- a) An applicant applying for a driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B, C, and D as outlined in subsection (d) of this Section.
- b) A foreign national applying for a temporary visitor's driver's license shall submit one document from Groups A, B and D to prove name, date of birth, temporary residency, legal presence and verification of signature. Temporary visitor's driver's license applicants are not required to present documents verifying their social security numbers. Instead, they shall submit a letter on Social Security Administration letterhead, issued within 30 days prior to the date of application for a temporary visitor's driver's license, verifying ineligibility for a social security number. Acceptance of documents not listed in Groups A, B, and D below must be approved through the Division Administrator.
- ~~cb~~) An applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A, and at least one form from either Group B, C, or D as outlined in subsection (d) of this Section. An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.
- d) A foreign national applying for a duplicate or corrected temporary visitor's driver's license shall submit one document from Groups A, B, and D to prove name, date of birth, temporary residency, legal presence and verification of signature. An applicant who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information. Acceptance of documents not listed in Groups A, B, and D below must be approved through the Division Administrator.
- ~~ee~~) Applicants renewing their current Illinois driver's license or identification card need only present their current valid license or ID card. If they do not have their current driver's license or ID card, they must present one form of identification from Group A and at least one form from one of Group B, C, or D as outlined in subsection (~~f~~) of this Section.
- ~~f~~) Documents of identification that are acceptable for the purpose of obtaining a driver's license, permit and/or identification card are listed below by group.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Photocopies will not be accepted.

1) GROUP A (Written Signature)

Canceled Check (w/in 90 days)

CDTP Certification Form

Court Order

Credit Card – Major Brand

Driver Education Certificate (Blue Slip)

Government Driver's License

Government Identification Card

Illinois Driver's License – "current"

Illinois Identification Card – "current"

[U.S. Citizenship and Immigration Services \(USCIS\)](#)
~~[Immigration and Naturalization Service \(INS\)](#)~~ forms:

I-551 (Alien Registration Card)

I-688 (Temporary Resident Card)

I-688A (Employment Authorization Card)

I-688B (Employment Authorization Card)

I-766 (Employment Authorization Card)

I-94 (Arrival/Departure Record) with Valid Passport

Medicare Card – with suffix A, J, H, M, or T

Military Driver's License – US

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Military Identification Card – US

Military Service Record – DD214

Mortgage or Installment Loan Documents

Out-of-State Driver's License/ID Card – "current"

Passport – Valid US or Foreign

Social Security Card

2) GROUP B (Proof of Date of Birth)

Adoption Records

Birth Certificate

Court Order – Change of Birth Date

Official Grade/High School Transcript

Illinois Driver's License – "current"

Illinois Identification Card – "current"

[U.S. Citizenship and Immigration Services \(USCIS\)](#)~~Immigration and Naturalization Service (INS)~~ forms:

I-551 (Alien Registration [Card](#))

[I-571 Refugee Travel Document](#)

I-688 (Temporary Resident Card)

-688A (Employment Authorization Card)

I-688B (Employment Authorization Card)

I-766 (Employment Authorization Card)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

[I-797 Notice of Action Status Change](#)

I-94 (Arrival/Departure Record) with Valid Passport

Military Driver's License – US

Military Identification Card – US

Military Service Record – DD214

Naturalization Certificate

Passport – Valid with Complete Date of Birth

Social Security Award Letter (Primary Beneficiary Only)

3) GROUP C (Social Security Number)

Illinois Driver's License Record

Illinois Identification Card Record

Military Driver's License – US

Military Identification Card – US

Military Service Record – DD214

Social Security Award Letter (Primary Beneficiary Only)

Social Security Card – issued by Social Security Administration

4) GROUP D (Residency/Personal Data)

Examples of residency may be, but are not limited to, the following:

Utility Bill

Vehicle Registration Card

Voter Registration Card

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Lease Agreement

- [ge](#)) Current forms of identification with an Illinois street address that do not appear on the list of unacceptable identification may also be used to verify residency. Any document listed in Group A, B, or C as outlined in subsection (d) of this Section, and other forms of identification not listed as unacceptable may be used to verify personal data.
- [hf](#)) For a name change, the identification must be a document that provides a link to the established DL/ID file.
- [ig](#)) Group B documents, as outlined in subsection (d) of this Section, must contain the applicant's full name and date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Birth certificate must be the original or certified by a Board of Health or Bureau of Vital Statistics within the US or by the US State Department, US Territories, or Canada. A certified copy is a document produced by the issuing jurisdiction that has an embossed seal or an original stamped impression. Foreign birth certificates are accepted as "proof" if accompanied with any other item listed in Group B.
- [jh](#)) After review of all identification presented, management has the right to accept or refuse any document.
- [ki](#)) Unacceptable identification documents are:
- Bond Receipt or Bond Card
 - Business Cards
 - Check Cashing Cards
 - Club or Fraternal Membership Cards
 - College or University Identification Cards
 - Commercially produced (non-State or unofficial) ID cards
 - Firearms Owner ID

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Fishing License

Handwritten ID or Employment Cards

Hunting License

IDPA (Public Aid) Cards

Instruction Permit/Receipts

Insurance and/or Bail Bond Cards

Library Card

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Verification by family members other than father, mother or legal guardian

Verification by non-family members other than high school driver education instructor or Secretary of State personnel

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

(Source: Amended at 29 Ill. Reg. 920, effective January 1, 2005)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
JANUARY 11, 2005

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

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

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

RULEMAKINGS CURRENTLY BEFORE JCAR**PROPOSED RULEMAKINGS**Commerce Commission

1. Digital Divide Elimination Infrastructure Fund (83 Ill. Adm. Code 759)
 - First Notice Published: 28 Ill. Reg. 4405 – 3/12/04
 - Expiration of Second Notice: 1/28/05
2. Employee Walkways in Railroad Yards (92 Ill. Adm. Code 1546)
 - First Notice Published: 28 Ill. Reg. 12533 – 9/10/04
 - Expiration of Second Notice: 2/2/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
JANUARY 11, 2005

Education

3. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
 - First Notice Published: 28 Ill. Reg. 13284 – 10/8/04
 - Expiration of Second Notice: 2/3/05

Emergency Management Agency

4. Licensing of Radon Detection and Mitigation Services (32 Ill. Adm. Code 422)
 - First Notice Published: 28 Ill. Reg. 7422 – 5/28/04
 - Expiration of Second Notice: 1/13/05

Employment Security

5. Claimant's Availability for Work, Ability to Work an Active Search for Work (56 Ill. Adm. Code 28665)
 - First Notice Published: 28 Ill. Reg. 13892 – 10/22/04
 - Expiration of Second Notice: 2/9/05
6. Claims, Adjudication, Appeals and Hearings (56 Ill. Adm. Code 2720)
 - First Notice Published: 28 Ill. Reg. 13864 – 10/22/04
 - Expiration of Second Notice: 2/9/05
7. Notices, Instructions, Reports to Workers; Inspections (56 Ill. Adm. Code 2760)
 - First Notice Published: 28 Ill. Reg. 13872 – 10/22/04
 - Expiration of Second Notice: 2/9/05
8. Disqualifying Income and Reduced Benefits (56 Ill. Adm. Code 2920)
 - First Notice Published: 28 Ill. Reg. 13900 – 10/22/04
 - Expiration of Second Notice: 2/9/05

Financial and Professional Regulation

9. Electrologist Licensing Act (68 Ill. Adm. Code 1246)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
JANUARY 11, 2005

-First Notice Published: 28 Ill. Reg. 14402 – 11/5/04
-Expiration of Second Notice: 2/4/05

Natural Resources

10. Public Use of State Parks and Other Properties of the Department of natural Resources (17 Ill. Adm. Code 110)
 - First Notice Published: 28 Ill. Reg. 12535 – 9/10/04
 - Expiration of Second Notice: 2/9/05
11. Injurious Species (17 Ill. Adm. Code 805)
 - First Notice Published: 28 Ill. Reg. 12554 – 9/10/04
 - Expiration of Second Notice: 1/12/05

Pollution Control Board

12. General Rules (35 Ill. Adm. Code 101)
 - First Notice Published: 28 Ill. Reg. 6772 – 5/7/04
 - Expiration of Second Notice: 1/28/05
13. Regulatory and Informational Hearings and Proceedings (35 Ill. Adm. Code 102)
 - First Notice Published: 28 Ill. Reg. 6805 – 5/7/04
 - Expiration of Second Notice: 1/28/05
14. Enforcement (35 Ill. Adm. Code 103)
 - First Notice Published: 28 Ill. Reg. 6823 – 5/7/04
 - Expiration of Second Notice: 1/28/05
15. Regulatory Relief Mechanisms (35 Ill. Adm. Code 104)
 - First Notice Published: 28 Ill. Reg. 6833 – 5/7/04
 - Expiration of Second Notice: 1/28/05
16. Appeals of Final Decisions of State Agencies (35 Ill. Adm. Code 105)
 - First Notice Published: 28 Ill. Reg. 6842 – 5/7/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
JANUARY 11, 2005

-Expiration of Second Notice: 1/28/05

17. Proceedings Pursuant to Specific Rules or Statutory Provisions (35 Ill. Adm. Code 106)
 - First Notice Published: 28 Ill. Reg. 6848 – 5/7/04
 - Expiration of Second Notice: 1/28/05
18. Petition to Review Pollution Control Facility Siting Decisions (35 Ill. Adm. Code 107)
 - First Notice Published: 28 Ill. Reg. 6859 – 5/7/04
 - Expiration of Second Notice: 1/28/05
19. Administrative Citations (35 Ill. Adm. Code 108)
 - First Notice Published: 28 Ill. Reg. 6864 – 5/7/04
 - Expiration of Second Notice: 1/28/05
20. Tax Certifications (35 Ill. Adm. Code 125)
 - First Notice Published: 28 Ill. Reg. 6869 – 5/7/04
 - Expiration of Second Notice: 1/28/05
21. Identification and Protection of Trade Secrets and Other Non-Disclosable Information (35 Ill. Adm. Code 130)
 - First Notice Published: 28 Ill. Reg. 6873 – 5/7/04
 - Expiration of Second Notice: 1/28/05

Public Health

77-860-04-01652 AK

22. Manufactured Home Community Code (77 Ill. Adm. Code 860)
 - First Notice Published: 28 Ill. Reg. 1652 – 1/30/04
 - Expiration of Second Notice: 2/4/05

77-870-04-01674 AK

23. Illinois Manufactured Home Tiedown Act (77 Ill. Adm. Code 870)
 - First Notice Published: 28 Ill. Reg. 1674 – 1/30/04
 - Expiration of Second Notice: 2/4/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
JANUARY 11, 2005

77-870-04-02613 AK

24. Manufactured Home Installation Code (77 Ill. Adm. Code 870)
-First Notice Published: 28 Ill. Reg. 2613 – 2/13/04
-Expiration of Second Notice: 2/4/05

77-880-04-01684 AK

25. Illinois Modular Dwellings and Mobile Structures Code (77 Ill. Adm. Code 880)
-First Notice Published: 28 Ill. Reg. 1684 – 1/30/04
-Expiration of Second Notice: 2/4/05

77-885-04-01717 AK

26. Manufactured Home Installer Course Accreditation Code (77 Ill. Adm. Code 885)
-First Notice Published: 28 Ill. Reg. 1717 – 1/30/04
-Expiration of Second Notice: 2/4/05

Revenue

27. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 28 Ill. Reg. 12778 – 9/17/04
-Expiration of Second Notice: 1/21/05

86-100-04-14090 ES

28. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 28 Ill. Reg. 14090 – 10/29/04
-Expiration of Second Notice: 2/4/05

Secretary of State

29. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)
-First Notice Published: 28 Ill. Reg. 12559 – 9/10/04
-Expiration of Second Notice: 1/30/05

State Police

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
JANUARY 11, 2005

30. Certification and Training of Electronic Criminal Surveillance Officers (20 Ill. Adm. Code 1295)
-First Notice Published: 28 Ill. Reg. 11692 – 8/13/04
-Expiration of Second Notice: 1/19/05

Student Assistance Commission

31. Americans with Disabilities Act Grievance Procedure (4 Ill. Adm. Code 1400)
-First Notice Published: 28 Ill. Reg. 12985 – 9/24/04
-Expiration of Second Notice: 1/12/05
32. Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733)
-First Notice Published: 28 Ill. Reg. 12816 – 9/17/04
-Expiration of Second Notice: 1/12/05

EMERGENCY RULEMAKINGSAgriculture

33. Motor Fuel Standards Act (8 Ill. Adm. Code 850)
-Notice Published: 28 Ill. Reg. 16352 – 12/17/04

Board of Examiners

34. Certificate of Certified Public Accountant (23 Ill. Adm. Code 1400)
-Notice Published: 28 Ill. Reg. 16485 – 12/27/04

Central Management Services

35. Acquisition, Management and Disposal of Real Property (44 Ill. Adm. Code 5000)
-Notice Published: 28 Ill. Reg. 15686 – 12/3/04

Elections

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
JANUARY 11, 2005

36. Administrative Complaint Procedures for Violations of Title III of HAVA (26 Ill. Adm. Code 150)

-Notice Published: 28 Ill. Reg. 15840 – 12/10/04

Military Affairs

37. Illinois Military Family Relief Fund Act (95 Ill. Adm. Code 200)

-Notice Published: 28 Ill. Reg. 16355 – 12/17/04

Revenue

38. Income Tax (86 Ill. Adm. Code 100)

-Notice Published: 28 Ill. Reg. 15858 – 12/10/04

PERMPTORY RULEMAKINGS

Agriculture

39. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)

-Notice Published: 28 Ill. Reg. 15694 – 12/3/04

40. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)

-Notice Published: 28 Ill. Reg. 16368 – 12/17/04

Central Management Services

41. Pay Plan (80 Ill. Adm. Code 310)

-Notice Published: 28 Ill. Reg. 16513 – 12/27/04

AGENCY RESPONSES

Children and Family Services

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
JANUARY 11, 2005

42. Licensing Standards for Day Care Centers (89 Ill. Adm. Code 407; 28 Ill. Reg. 6271)
Commerce Commission
43. Employee Walkways in Railroad Yards (92 Ill. Adm. Code 1546; 28 Ill. Reg. 12722)
Public Aid
44. Medical Assistance Programs (89 Ill. Adm. Code 120; 28 Ill. Reg. 3685)

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 December 21, 2004 through December 27, 2004 and have been scheduled for review by the Committee at its January 11, 2005 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
2/3/05	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	10/8/04 28 Ill. Reg. 13284	1/11/05
2/4/05	<u>Department of Financial and Professional Regulation</u> , Electrologist Licensing Act (68 Ill. Adm. Code 1246)	11/5/04 28 Ill. Reg. 14402	1/11/05
2/4/05	<u>Department of Public Health</u> , Manufactured Home Community Code (77 Ill. Adm. Code 860)	1/30/04 28 Ill. Reg. 1652	1/11/05
2/4/05	<u>Department of Public Health</u> , Illinois Manufactured Home Tiedown Act (77 Ill. Adm. Code 870)	1/30/04 28 Ill. Reg. 1674	1/11/05
2/4/05	<u>Department of Public Health</u> , Manufactured Home Installation Code (77 Ill. Adm. Code 870)	2/13/04 28 Ill. Reg. 2613	1/11/05
2/4/05	<u>Department of Public Health</u> , Illinois Modular Dwellings and Mobile Structures Code (77 Ill. Adm. Code 880)	1/30/04 28 Ill. Reg. 1684	1/11/05
2/4/05	<u>Department of Public Health</u> , Manufactured Home Installer Course Accreditation Code (77 Ill. Adm. Code 885)	1/30/04 28 Ill. Reg. 1717	1/11/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

2/4/05	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	10/29/04 28 Ill. Reg. 14090	1/11/05
2/9/05	<u>Department of Employment Security</u> , Claimant's Availability for Work, Ability to Work and Active Search for Work (56 Ill. Adm. Code 2865)	10/22/04 28 Ill. Reg. 13892	1/11/05
2/9/05	<u>Department of Employment Security</u> , Claims, Adjudication, Appeals and Hearings (56 Ill. Adm. Code 2720)	10/22/04 28 Ill. Reg. 13864	1/11/05
2/9/05	<u>Department of Employment Security</u> , Notices, Instructions, Reports to Workers; Inspections (56 Ill. Adm. Code 2760)	10/22/04 28 Ill. Reg. 13872	1/11/05
2/9/05	<u>Department of Employment Security</u> , Disqualifying Income and Reduced Benefits (56 Ill. Adm. Code 2920)	10/22/04 28 Ill. Reg. 13900	1/11/05
2/9/05	<u>Department of Natural Resources</u> , Public Use of State Parks and Other Properties of the Department of Natural Resources (17 Ill. Adm. Code 110)	9/10/04 28 Ill. Reg. 12535	1/11/05

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2005 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Concurrent Service Adjustments (80 Ill. Adm. Code 1600.123)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: Implementing a rule that would allow the adjustment of the average percent time worked calculations done with respect to concurrent service under Section 15-134.1.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: February 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Name: Dan M. Slack, General Counsel
Address: State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
Telephone: (217) 378-8855
- G) Related rulemakings and other pertinent information:
- b) Part(s) (Heading and Code Citation): Dependency of Beneficiaries (80 Ill. Adm. Code 1600.20)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: Modification of current dependency rule to clarify elements of dependency and the burden of proof.

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2005 REGULATORY AGENDA

- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: March 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Name: Dan M. Slack, General Counsel
Address: State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
Telephone: (217) 378-8855
- G) Related rulemakings and other pertinent information:
- c) Part(s) (Heading and Code Citation): Debt collection. (80 Ill. Adm. Code 1600.135)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: SURS has been exempted from the Debt Collection Board. SURS will promulgate rules as to its debt collection practices.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: March 2005

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2005 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Name: Dan M. Slack, General Counsel
Address: State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
Telephone: (217) 378-8855
- G) Related rulemakings and other pertinent information:
- d) Part(s) (Heading and Code Citation): Beneficiary Designations; Powers of Attorney. (80 Ill. Adm. Code 1600.25)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: SURS will promulgate a rule that clarifies the effectiveness of a beneficiary designation on file with the System. This rule will also describe when agents under a Power of Attorney are authorized to sign beneficiary designation forms and transact other business with the System.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: March 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Name: Dan M. Slack, General Counsel
Address: State Universities Retirement System

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2005 REGULATORY AGENDA

1901 Fox Drive
Champaign, IL 61820
Telephone: (217) 378-8855

G) Related rulemakings and other pertinent information:

e) Part(s) (Heading and Code Citation): Election to Make Contributions for Military Service. (80 Ill. Adm. Code 1600.55)

1) Rulemaking: No docket number presently assigned.

A) Description: A rule promulgated in accordance with Section 15-157 to allow participants in the defined benefit plans to make contributions for military service.

B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.

D) Date agency anticipates First Notice: January 2005

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Name: Dan M. Slack, General Counsel
Address: State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
Telephone: (217) 378-8855

G) Related rulemakings and other pertinent information:

f) Part(s) (Heading and Code Citation): Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay (80 Ill. Adm. Code 1600.40)

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2005 REGULATORY AGENDA

- 1) Rulemaking: No docket number presently assigned.
 - A) Description: Revision to the current rule to refer to the "effective rate" of interest instead of the "prescribed rate" under paragraph c. Also change the heading to read: Election to Make Contributions Covering Eligible Leave of Absence.
 - B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.
 - C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
 - D) Date agency anticipates First Notice: February 2005
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:

Name: Dan M. Slack, General Counsel
Address: State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
Telephone: (217) 378-8855
 - G) Related rulemakings and other pertinent information:
- g) Part(s) (Heading and Code Citation): Freedom of Information Act (80 Ill. Adm. Code 1600.100)
 - 1) Rulemaking: No docket number presently assigned.
 - A) Description: A revision to the current rule further defining "public records" and describing "personal information" under paragraph f (2)(A).

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2005 REGULATORY AGENDA

- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: March 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Name: Dan M. Slack, General Counsel
Address: State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
Telephone: (217) 378-8855
- G) Related rulemakings and other pertinent information:
- h) Part(s) (Heading and Code Citation): Procurement (80 Ill. Adm. Code 1600.130)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: A revision will be made to the current rule regarding investment management.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: March 2005

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2005 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Name: Dan M. Slack, General Counsel
Address: State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
Telephone: (217) 378-8855
- G) Related rulemakings and other pertinent information:
- i) Part(s) (Heading and Code Citation): Americans With Disabilities Act Grievance Procedures (80 Ill. Adm. Code 1600.115)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: This new Section of rules will implement grievance procedures required under the federal Americans With Disabilities Act.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: March 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Name: Dan M. Slack, General Counsel
Address: State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2005 REGULATORY AGENDA

Telephone: (217) 378-8855

G) Related rulemakings and other pertinent information:j) Part(s) (Heading and Code Citation): Twenty Percent Limit on Final Rate of Earnings Increases (80 Ill. Adm. Code 1600.120)1) Rulemaking: No docket number presently assigned.A) Description: Revise the current 20% limit rule to provide clearer guidelines to employers, participants and others regarding the application of the 20% limit.B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.D) Date agency anticipates First Notice: March 2005E) Effect on small businesses, small municipalities or not for profit corporations: None.F) Agency contact person for information:Name: Dan M. Slack, General Counsel
Address: State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
Telephone: (217) 378-8855G) Related rulemakings and other pertinent information:k) Part(s) (Heading and Code Citation): Voluntary Deductions From Annuity Payments (80 Ill. Adm. Code 1600.139)1) Rulemaking: No docket number presently assigned.

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2005 REGULATORY AGENDA

- A) Description: A new rule to establish procedures for annuitants to make voluntary charitable contribution deductions from their monthly annuity payment.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: March 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Name: Dan M. Slack, General Counsel
Address: State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
Telephone: (217) 378-8855
- G) Related rulemakings and other pertinent information:
- 1) Part(s) (Heading and Code Citation): Effective Rate of Interest (80 Ill. Adm. Code 1600.35)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: A new rule to codify the process by which the Board of Trustees sets the effective rate of interest.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2005 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: February 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
Name: Dan M. Slack, General Counsel
Address: State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
Telephone: (217) 378-8855
- G) Related rulemakings and other pertinent information:

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2005 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Procedures for collection of asbestos fees; 35 Ill. Adm. Code 269.

1) Rulemaking:

- A) Description: The proposed new rule would set forth the procedures the Agency will use to collect asbestos fees under new Section 9.13.
- B) Statutory authority: Authorized by Section 9.13 of the Environmental Protection Act [415 ILCS 5/9.13].
- C) Scheduled meeting/hearings dates: None yet scheduled.
- D) Date Agency anticipates First Notice: None yet scheduled.
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that must file an original 10-day notice of intent to renovate or demolish pursuant to 40 CFR 61.145(b) (part of the federal asbestos National Emission Standard for Hazardous Air Pollutants or NESHAP), would be subject to the procedures to set forth in this new rule.
- F) Agency contact person for information:

Charles E. Matoesian
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217-782-5544

- G) Related Rulemaking and other pertinent information: None

- b) Part (Heading and Code Citation): Construction Permit Application Fees For Air Pollution Sources; 35 Ill. Adm. Code 250.

1) Rulemaking:

- A) Description: The proposed new rule would set forth the procedures the Agency will use to collect construction permit fees for air pollution sources under Section 9.12 of the Environmental Protection Act.

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2005 REGULATORY AGENDA

- B) Statutory authority: Authorized by Section 9.12 of the Environmental Protection Act [415 ILCS 5/9.12].
- C) Scheduled meeting/hearings dates: None yet scheduled.
- D) Date Agency anticipates First Notice: None yet scheduled.
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that submit construction permit applications that trigger the fee provisions would be subject to the procedures set forth in this new rule.
- F) Agency contact person for information:
- Gina Roccaforte
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217-782-5544
- G) Related rulemaking and other pertinent information: None
- c) Part (Heading and Code Citation): Procedures For Collection Of Air Pollution Site Fees; 35 Ill. Adm. Code 251.
- 1) Rulemaking:
- A) Description: The proposed rule will modify the current rule to address recent amendments made to 415 ILCS 5/9.6. In addition, the proposed rule would make miscellaneous changes.
- B) Statutory authority: Authorized by Section 9.6 of the Environmental Protection Act [415 ILCS 5/9.6].
- C) Scheduled meeting/hearings dates: None yet scheduled.
- D) Date Agency anticipates First Notice: None yet scheduled.

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2005 REGULATORY AGENDA

- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that must pay site fees would be subject to the modified applicability provisions.
- F) Agency contact person for information:
- Charles E. Matoesian
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217-782-5544
- G) Related rulemaking and other pertinent information: None
- d) Part (Heading and Code Citation): Clean Air Act Permit Program Procedures; 35 Ill. Adm. Code 270.
- 1) Rulemaking:
- A) Description: The proposed rule will modify the current rule to address recent amendments to the Clean Air Act Permit Program (CAAPP) fee schedule. In addition, the proposed rule would make miscellaneous changes.
- B) Statutory authority: Authorized by Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5].
- C) Scheduled meeting/hearings dates: None yet scheduled.
- D) Date Agency anticipates First Notice: None yet scheduled.
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that are subject to CAAPP fees would be subject to the proposed rule.
- F) Agency contact person for information:

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2005 REGULATORY AGENDA

Charles Matoesian
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217-782-5544

- G) Related rulemaking and other pertinent information: None
- e) Part (Heading and Code Citation): Procedures For The NO_x Trading Program; 35 Ill. Adm. Code 273.
- 1) Rulemaking:
- A) Description: The proposed new rule will set forth the Agency's procedures for selling any unearned early reduction credits under 35 Ill. Adm. Code 217.Subparts U or W, allowances from the New Source set Aside (NSSA) and any allowances that remain after each allocation period under Part 217. In addition, the rulemaking may also contain procedural rules for implementing the State's NO_x trading program.
- B) Statutory authority: Authorized by Section 9.9 of the Environmental Protection Act [415 ILCS 5/9.9]
- C) Scheduled meeting/hearings dates: None yet scheduled.
- D) Date Agency anticipates First Notice: None yet scheduled.

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2005 REGULATORY AGENDA

- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that are subject to the NOx Trading Program would be subject to the proposed rule.
- F) Agency contact person for information:
- Rachel L. Doctors
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217-782-5544
- G) Related rulemaking and other pertinent information: See Illinois Pollution Control Board Regulatory Agenda for Amendments to 35 Ill. Adm. Code 217.
- f) Parts (Headings and Code Citations): Illinois Environmental Protection Agency Public Water Supplies, Technical Policy Statements; 35 Ill. Adm. Code 651 through 654.
- 1) Rulemaking:
- A) Description: The amendments to these Agency rules will update definitions and explanations of administrative procedures and provide current information to owners, operators, and official custodians of public water supplies. More recent design and operational criteria will be incorporated to provide information necessary for the design, operation, and maintenance of public water supplies and to facilitate the permitting process. In addition, the amendments will exempt from restricted status certain public water supplies that exceed the combined radium standard, provided the supplies meet certain conditions.
- The amendments to these Agency rules will also incorporate technical, financial, and managerial requirements for new public water supplies (PWS). The proposed amendments are required by the 1996 amendments to the federal Safe Drinking Water Act (SDWA). On May 22, 1998, the Illinois General Assembly passed SB 545 which, *inter alia*, amends Sections 15 and 18 of the Environmental Protection Act (Act) [415 ILCS 5/15 and 5/18] to require that new PWS have the technical, financial, and

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2005 REGULATORY AGENDA

managerial capacity to meet federal and State drinking water regulations. The Governor signed this bill into law on August 14, 1998, as P.A. 90-0773.

- B) Statutory authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: July 2005
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will generally benefit small businesses, small municipalities, and not-for-profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements. These amendments may also affect new small businesses, new small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities own or operate a "public water supply" as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Stefanie Diers
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217-782-5544
- G) Related rulemakings and other pertinent information : The Agency is preparing a rulemaking proposal to establish the requirements that must be met by public water supplies that exceed the combined radium standard or the gross alpha particle activity standard, to avoid being placed on restrictive status.

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2005 REGULATORY AGENDA

- g) Part (Headings and Code Citations): Illinois Environmental Protection Agency Public Water Supplies, Permit Fees For Installing or Extending Water Main; 35 Ill. Adm. Code 690.
- 1) Rulemaking:
- A) Description: In June 2003, the Governor signed into law P.A. 93-0032, which established a new fee structure for installing and extending water mains. The amendments to this rule will formally incorporate the new fee. The collection of fees in the amendments reflect the increases mandated by the new law for construction permits, emergency construction permits, or as-built plans to install or extend water mains.
- B) Statutory authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: July 2005
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect small businesses, small municipalities, and not-for-profit entities to the extent that these entities design, operate, or maintain a public water supply, or engage in the permitting process. The Illinois EPA anticipates that the amendments will generally benefit these entities by clarifying the requirements for facility operations and permits. The amendments do not impose additional reporting requirements.
- F) Agency contact person for information:

Stefanie Diers
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217-782-5544

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2005 REGULATORY AGENDA

- G) Related rulemaking and other pertinent information: None.
- h) Part (Headings and Code Citations): Illinois Environmental Protection Agency Public Water Supplies, Procedures For Issuing Loans From The Public Water Supply Loan Program; 35 Ill. Adm. Code 662 and 663.
- 1) Rulemaking:
- A) Description: The Agency has recently issued tax-exempt bonds to increase funding for the Public Water Supply Loan Program. The Agency will review Parts 662 and 663 to determine how these parts may be amended to accommodate future leveraging of the program.
- B) Statutory authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: July 2005
- E) Effect on small business, small municipalities or not-for-profit corporations: These rules apply only to public entities, such as municipalities, sanitary districts, etc. The amendments will clarify the requirements of the Public Water Supply Loan Program that relate to the issuance of tax-exempt bonds.
- F) Agency contact person for information:
- Vera Herst
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217-782-5544
- G) Related rulemaking and other pertinent information: None
- i) Part Heading and Code Citation: Procedures For Issuing Loans From The Water Pollution Control Revolving Loan Fund; 35 Ill. Adm. Code 365.

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2005 REGULATORY AGENDA

- 1) Rulemaking:
- A) Description: This rulemaking will amend the Agency's present Water Pollution Control Loans to update and make them consistent with current Federal guidance and the Agency's rules for the Public Water Supply Loan Program, 35 Ill. Adm. Code 663.
- B) Statutory authority: The amended rules implement Title IV-A: Water Pollution Control of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 19.8].
- C) Scheduled meeting/hearing date: No meetings or hearings are scheduled at this time.
- D) Date Agency anticipates First Notice: July 2005
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These rules apply only to public entities, such as municipalities, sanitary districts, etc. The amendments will simplify the procedures for obtaining loans from the wastewater treatment loan program.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Vera Herst
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield Illinois 62794-9276
(217) 782-5544
- G) Related rulemaking and other pertinent information: None.
- j) Part (Heading and Code Citation): Procedures For Issuing Loans From The Water Pollution Control Revolving Loan Fund; 35 Ill. Adm. Code 366.
- 1) Rulemaking:
- A) Description: The Agency will propose amendments to revise procedures

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2005 REGULATORY AGENDA

for the allocation of funds. Funds in the Water Pollution Control Revolving Fund are subject to an equal division between the service area of the Metropolitan Water Reclamation District of Greater Chicago and the area consisting of the rest of the State. Currently, new funds that are not allocated during the fiscal year are carried over and may be used only for projects in the particular geographical area for which the funds were initially allocated. These amendments would allow funds not obligated in a given fiscal year to be treated as new funds when carried over to the following fiscal year. As new funds, they would once again be subject to the equal division between the two major geographic areas for the purpose of developing an Intended Use Plan only. These amendments also specify at what point these funds lose their geographic identity when utilized for the funding of projects not included in the Intended Use Plan.

- B) Statutory authority: The amended rules implement Title IV-A: Water Pollution Control of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 19.8].
- C) Scheduled meeting/hearing date: No meetings or hearings are scheduled at this time.
- D) Date Agency anticipates First Notice: July 2005
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These rules apply only to public entities, such as municipalities, sanitary districts, etc. The amendments will simplify the procedures for obtaining loans from the wastewater treatment loan program.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Vera Herst
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

- G) Related rulemaking and other pertinent information: None.

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2005 REGULATORY AGENDA

- k) Part (Heading and Code Citation): Procedures For Issuing Loans From The Water Pollution Control Program for Non-Point Pollution Control Projects; New Part.
- 1) Rulemaking:
- A) Description: This rulemaking will create procedures for eligible local government units, other governmental entities, non-governmental entities or any combination thereof, to obtain loans from the Water Pollution Control Loan Program for projects to control non-point sources of pollution.
- B) Statutory authority: The proposed rules implement Title IV-A: Water Pollution Control of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 19.8].
- C) Scheduled meeting/hearing date: No meetings or hearings are scheduled at this time.
- D) Date Agency anticipates First Notice: July 2005
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These rules will benefit these entities by creating procedures to enable these and other entities to obtain loans from the Water Pollution Control Loan Program for projects to control non-point sources of pollution.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Vera Herst
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544
- G) Related rulemaking and other pertinent information: None.
- l) Part(s) (Headings and Code Citations): Procedures And Criteria For Reviewing Applications For Provisional Variances; 35 Ill. Adm. Code 180.

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2005 REGULATORY AGENDA

- 1) Rulemaking:
- A) Description: The proposal will amend 35 Ill. Adm. Code 180 to reflect the recent amendments to Sections 35(b), 36, and 37 of the Environmental Protection Act (Act). Amendments to Sections 35(b), 36, and 37 of the Act give authority to the Agency to grant provisional variances rather than the Pollution Control Board. The proposed amendments may also update the Part and correct typographical errors.
- B) Statutory authority: Implementing and authorized by Sections 35(b) of the Environmental Protection Act [415 ILCS 5/35(b)].
- C) Scheduled meeting/hearing dates: None yet scheduled.
- D) Date agency anticipates First Notice: None yet scheduled.
- E) Effect on small business, small municipalities, or not-for-profit corporation: Any small businesses, small municipalities, or not-for-profit corporations that file a petition for a provisional variance pursuant to Section 35(b) of the Act will be affected by the proposed amendments.
- F) Agency contact person for information:
- Annet Godiksen
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544
- G) Related rulemakings and other pertinent information: None
- m) Part (Heading and Code Citation): Amendment to Procedure for the Certification of Operators of Wastewater Treatment Works; 35 Ill. Adm. Code 380.
- 1) Rulemaking:
- A) Description: The Agency will amend 35 Ill. Adm. Code 380 to modify the groupings of industrial wastewater treatment works and qualifications needed by Wastewater Operators.

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2005 REGULATORY AGENDA

- B) Statutory authority: Implementing and authorized by Section 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 and 27].
- C) Schedule meeting/hearing date: No meetings or hearings are scheduled at this time.
- D) Date agency anticipates First Notice: July 2005
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations operating wastewater treatment works may be affected by the proposed amendments.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie Diers
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- G) Related rulemakings and other pertinent information: None.

n) Part (Heading and Code Citation): Design Criteria for Sludge Application on Land; 35 Ill. Adm. Code 391.

1) Rulemaking:

- A) Description: This rulemaking will amend the Illinois procedures for sludge application on land to make them consistent with federal requirements.
- B) Statutory authority: Implementing and authorized by Section 5/11(b) and 39(b) of the Environmental Protection Act [415 ILCS 5/11 & 39].
- C) Schedule meeting/hearing date: No meetings or hearings are scheduled at this time.

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2005 REGULATORY AGENDA

- D) Date agency anticipates First Notice: July 2005
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments impose new requirements for any small business, small municipality, or not-for-profit corporation that generates, uses, or distributes sludge for application on land.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Stefanie Diers
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544
- G) Related rulemakings and other pertinent information: None.

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Rulemaking and Organization - 2 Ill. Adm. Code 825

1) Rulemaking:

- A) Description: This Part contains the Department's procedures for rulemaking and the organization structure.
- B) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Freedom of Information - 2 Ill. Adm. Code 826

1) Rulemaking:

- A) Description: This Part contains the Department's procedures for obtaining documents pursuant to the Freedom of Information Act.
- B) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140/1 et seq.].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2005

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Camping on Department of Natural Resources Properties - 17 Ill. Adm. Code 130
- 1) Rulemaking:
- A) Description: This Part contains the regulations for Camping on Department of Natural Resources Properties.
- B) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

d) Part(s) (Heading and Code Citation): Regulations Concerning Horse Barns at Sites Having Equestrian Use Areas - 17 Ill. Adm. Code 140

1) Rulemaking:

A) Description: This Part contains the regulations for overnight barn stabling of horses at Department sites having equestrian use areas.

B) Statutory Authority: Implementing and authorized by Sections 1, 4, 4c and 6 of the "State Parks Act" [20 ILCS 835/1, 4, 4c and 6]; and by Section 5 of the State Parks Designation Act [20 ILCS 840/5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2005

E) Affect on small businesses, small municipalities or not for profit corporations: Will affect persons with concession contracts with DNR.

F) Agency contact person for information:

Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions - 17 Ill. Adm. Code 150

1) Rulemaking:

A) Description: This Part contains the regulations and selection criteria regarding concession leases, agricultural management leases, sale of buildings and facilities and demolitions.

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by Sections 63a6, 63a14, and 63a21 of the Civil Administrative Code of Illinois [20 ILCS 805/63a6,63a14, and 63a21].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: Will affect persons with concession agreements, lease agreements or contracts with DNR.
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Hunting and Trapping Accidents - 17 Ill. Adm. Code 515
- 1) Rulemaking:
- A) Description: This Part contains the regulations for reporting hunting and trapping accidents to the Departemnt.
- B) Statutory Authority: Implementing and authorized by Section 3.40 of the Wildlife Code [520 ILCS 5/3.40] and Section 63a37 of The Civil Administrative Code of Illinois [20 ILCS 805/63a37]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: April 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting – 17 Ill. Adm. Code 530

1) Rulemaking:

A) Description: This Part contains regulations for hunting of the above-listed species.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.26, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2005

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting – 17 Ill. Adm. Code 550

1) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

- A) Description: This Part contains the hunting regulations for the above-named species.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Trapping – 17 Ill. Adm. Code 570
- 1) Rulemaking:
- A) Description: This Part contains trapping regulations for the above-listed species.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2005

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- j) Part(s) (Heading and Code Citation): Duck, Goose and Coot Hunting – 17 Ill. Adm. Code 590
- 1) Rulemaking:
- A) Description: This Part contains the regulations for hunting duck, goose and coot.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8 and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5 3.6, 3.7, 3.8 and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Outfitter Regulations - 17 Ill. Adm. Code 640

1) Rulemaking:

A) Description: This Part contains regulations for persons serving as outfitters.

B) Statutory Authority: Implementing and authorized by Sections 2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3 of the Wildlife Code [520 ILCS 5/2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2005

E) Affect on small businesses, small municipalities or not for profit corporations: Yes

F) Agency contact person for information:

Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation): Squirrel Hunting – 17 Ill. Adm. Code 690

1) Rulemaking:

A) Description: This Part contains the regulations for squirrel hunting.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- m) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Fall Gun Season – 17 Ill. Adm. Code 715
- 1) Rulemaking:
- A) Description: This Part contains the regulations for turkey hunting for the fall gun season.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- n) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Fall Archery Season – 17 Ill. Adm. Code 720
- 1) Rulemaking:
- A) Description: This Part contains regulations for the taking of wild turkeys during fall archery season.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- o) Part(s) (Heading and Code Citation): Dove Hunting – 17 Ill. Adm. Code 730
- 1) Rulemaking:
- A) Description: This Part contains dove hunting regulations.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- p) Part(s) (Heading and Code Citation): Crow, Woodcock, Snipe, Rail and Teal Hunting – 17 Ill. Adm. Code 740
- 1) Rulemaking:
- A) Description: This Part contains the regulations for hunting crow, woodcock, snipe, rail and teal.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

q) Part(s) (Heading and Code Citation): Hunting Season for Game Breeding and Hunting Preserve Areas - 17 Ill. Adm. Code 745

1) Rulemaking:

A) Description: This Part contains criteria for establishing hunting season for game breeding and hunting preserve areas.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 3.27, 3.28, 3.29 and 3.30 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.1, 2.2, 3.27, 3.28 and 3.29].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2005

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

r) Part(s) (Heading and Code Citation): Forest Development Cost Share Program - 17 Ill. Adm. Code 1536

1) Rulemaking:

A) Description: The purpose of this program is to encourage the planting, management, use, and regeneration of forests.

B) Statutory Authority: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].

C) Scheduled meeting/hearing dates: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

- D) Date agency anticipates First Notice: May 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- s) Part(s) (Heading and Code Citation): Forest Management Plan - 17 Ill. Adm. Code 1537
- 1) Rulemaking:
- A) Description: This Part contains the regulations for establishing a forest management plan.
- B) Statutory Authority: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15/1].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: April 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

t) Part(s) (Heading and Code Citation): Urban and Community Forestry Grant Program - 17 Ill. Adm. Code 1538

1) Rulemaking:

A) Description: The purpose of the Urban and Community Forestry Grant Program is to provide financial assistance to local units of government for the development of plans and implementation of programs for the establishment, management, conservation, and preservation of the urban and community forest.

B) Statutory Authority: Implementing and authorized by the Urban and Community Forestry Assistance Act [30 ILCS 735].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2005

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

u) Part(s) (Heading and Code Citation): Seed Collection - 17 Ill. Adm. Code 1539

1) Rulemaking:

A) Description: This Part establishes the regulations for obtaining a seed collection permit from the Department.

B) Statutory Authority: Implementing and authorized by the State Forest Act [525 ILCS 40].

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: April 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- v) Part(s) (Heading and Code Citation): Distribution and Sale of Plant and Plant Materials - 17 Ill. Adm. Code 1540
- 1) Rulemaking:
- A) Description: This Part contains the Department's regulations for distribution and sale of plant and plant materials.
- B) Statutory Authority: Implementing and authorized by the State Forest Act [525 ILCS 40]; Section 1.12 of the Wildlife Code [520 ILCS 5/1.12]; and Sections 63a1, 63a2 and 63a8 of the Civil Administrative Code of Illinois [20 ILCS 805/63a1, 63a2 and 63a8].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

w) Part(s) (Heading and Code Citation): Sale of Forest Products - 17 Ill. Adm. Code 1545

1) Rulemaking:

A) Description: This Part contains regulations for sale of forest products.

B) Statutory Authority: Implementing and authorized by the State Forest Act [525 ILCS 40].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2005

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price

Address: One Natural Resources Way
Springfield, IL 62702-1271

Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

x) Part(s) (Heading and Code Citation): Forest Fire Protection Districts Act - 17 Ill. Adm. Code 1560

1) Rulemaking:

A) Description: The Cooperative Forestry Assistance Act of 1978, Section 7(b)(3), 16USC2106(b)(3), as amended, authorized and directed the Secretary of Agriculture to provide financial, technical and related assistance to State Foresters or equivalent State officials in cooperative efforts to organize, train and equip fire

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

agencies in rural areas and communities under 10,000 population to prevent and suppress fires.

B) Statutory Authority: Implementing and authorized by Sections 63a8 and 63c of the Civil Administrative Code of Illinois [20 ILCS 805/63a8 and 63c].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2005

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

y) Part(s) (Heading and Code Citation): Rural Community Fire Protection Program - 17 Ill. Adm. Code 1570

1) Rulemaking:

A) Description: The Cooperative Forestry Assistance Act of 1978, Section 7(b)(3), 16USC2106(b)(3), as amended, authorized and directed the Secretary of Agriculture to provide financial, technical and related assistance to State Foresters or equivalent State officials in cooperative efforts to organize, train and equip fire agencies in rural areas and communities under 10,000 population to prevent and suppress fires.

B) Statutory Authority: Implementing and authorized by Sections 63a8 and 63c of the Civil Administrative Code of Illinois [20 ILCS 805/63a8 and 63c].

C) Scheduled meeting/hearing dates: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

- D) Date agency anticipates First Notice: April 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- z) Part(s) (Heading and Code Citation): Falconry and the Captive Propagation of Raptors – 17 Ill. Adm. Code 1590
- 1) Rulemaking:
- A) Description: This Part contains regulations for the possession and/or training of raptors, and for the issuance of licenses or permits to practice falconry and for captive propagation of raptors.
- B) Statutory Authority: Implementing and authorized by the Timber Buyers Licensing Act [225 ILCS 735].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice:
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

aa) Part(s) (Heading and Code Citation): Boat and Snowmobile Registration and Safety - 17 Ill. Adm. Code 2010

1) Rulemaking:

A) Description: This Part contains regulations for administration of the Boat Registration and Safety Act and the Snowmobile Registration and Safety Act.

B) Statutory Authority: Implementing and authorized by Sections 3-1, 3-2, 3-3, 4-1 and 9-1 of the Boat Registration and Safety Act [625 ILCS 45/3-1, 3-2, 3-3, 4-1 and 9-1] and the Snowmobile Registration and Safety Act [625 ILCS 40].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2005

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

bb) Part(s) (Heading and Code Citation): Consignment of Licenses, Stamps and Permits - 17 Ill. Adm. Code 2520

1) Rulemaking:

A) Description: This Part contains the regulations for designation of agents to sell the Department's licenses, stamps and permits.

B) Statutory Authority: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4,

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: Will affect persons selling the Department's permits
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

cc) Part(s) (Heading and Code Citation): Department Revocation Procedures - 17 Ill. Adm. Code 2530

1) Rulemaking:

- A) Description: The rules in this Part govern the practices and procedures related to formal hearings conducted under the jurisdiction of the Department of Natural Resources, including but not limited to, hearings conducted for rulemaking, contested cases and revocation of licenses.
- B) Statutory Authority: Implementing and authorized by Section 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/20-105], Section 3.36 of the Wildlife Code [520 ILCS 5/3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625], Section 1.5 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1.5] and Section 1.4 of the Wildlife Code [520 ILCS 5/1.4].

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

dd) Part(s) (Heading and Code Citation): Interstate Wildlife Violator Compact - 17 Ill. Adm. Code 2535

- 1) Rulemaking:
- A) Description: Proposed Rule. Rules for entering into interstate compacts concerning conservation law violators with one or more other states.
- B) Statutory Authority: 20 ILCS 805/805-545
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

ee) Part(s) (Heading and Code Citation): Relocation Assistance and Payments Program - 17 Ill. Adm. Code 2575

1) Rulemaking:

A) Description: The purpose of this Part is to provide for relocation and reestablishment of persons, businesses, farm operations and nonprofit organizations displaced as a result of the acquisition of land for State conservation projects.

B) Statutory Authority: Implementing and authorized by Sections 1 through 5 of the Displaced Person Relocation Act [310 ILCS 40/1-5], Section 3 of the State Forest Act [525 ILCS 40/3], Section 2 of the State Parks Act [20 ILCS 835/2], Section 1.9 of the Wildlife Code [520 ILCS 5/1.9] and Section 7.05 of the Illinois Natural Areas Preservation Act [525 ILCS 30/7.05].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2005

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

ff) Part(s) (Heading and Code Citation): Advertising in Department Publications - 17 Ill. Adm. Code 2650

1) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

- A) Description: This Part contains regulations for advertising by the public in Department publications.
- B) Statutory Authority: Implementing and authorized by Section 63b2.4 of the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805/63b2.4].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- gg) Part(s) (Heading and Code Citation): Public Museum Grants Program - 17 Ill. Adm. Code 3200
- 1) Rulemaking:
- A) Description: This Part contains regulations on the public museum grant program.
- B) Statutory Authority: Implementing and authorized by Section 1-25(22) of the Department of Natural Resources Act [20 ILCS 801/1-25(22)].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

F) Agency contact person for information:

Name: Stanley Yonkauski
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

hh) Part(s) (Heading and Code Citation): Construction in Floodways of Rivers, Lakes and Streams - 17 Ill. Adm. Code 3700

1) Rulemaking:

A) Description: The regulations in this Part protect the rights, safety and welfare of private and public landowners by the regulation of floodway development.

B) Statutory Authority: Implementing and authorized by Sections 23, 29a and 30 of the Rivers, Lakes and Streams Act [615 ILCS 5/23, 29a and 30].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2005

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Robert Mool
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

ii) Part(s) (Heading and Code Citation): Regulation of Public Waters - 17 Ill. Adm. Code 3704

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2005 REGULATORY AGENDA

- 1) Rulemaking:
- A) Description: The purpose of this Part is to protect the public's interests, rights, safety and welfare in the State's public bodies of water.
- B) Statutory Authority: Implementing and authorized by the Rivers, Lakes and Streams Act [615 ILCS 5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2005
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Robert Mool
Address: One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 29, Issue 2 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

ADOPTED RULES

71 - 100	01/01/2005.....	765
71 - 600	01/01/2005.....	777
56 - 2770	01/01/2005.....	788
4 - 1150	12/28/2004.....	797
56 - 2520	12/28/2004.....	804
2 - 3002	01/01/2005.....	812
89 - 120	01/01/2005.....	820
89 - 140	01/01/2005.....	831
89 - 146	01/01/2005.....	852
89 - 148	01/01/2005.....	861
77 - 300	12/22/2004.....	876
23 - 3040	01/01/2005.....	914
92 - 1030	01/01/2005.....	920

REGULATORY AGENDA

80 - 1600	953
35 - 269	963
2 - 825	977

ORDER FORM

<input type="checkbox"/> Subscription to the Illinois Register (52 Issues) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (Current Year Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2001 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 1990 - 2002 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 1.50
TOTAL AMOUNT OF ORDER \$ _____	

Check Make Checks Payable To: **Secretary of State**

VISA Master Card Discover (There is a \$1.50 processing fee for credit card purchases.)

Card #: _____ Expiration Date: _____

Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 524-0308

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com