

2005

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 29 Issue 8
February 18, 2005
Pages 2586-2883

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

February 18, 2005 Volume 29, Issue 8

PROPOSED RULES

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF
Illinois Health Insurance Portability and Accountability Standards
50 Ill. Adm. Code 20252586

ENVIRONMENTAL PROTECTION AGENCY
NO_x Training Program Procedures
35 Ill. Adm. Code 2732593

NATURAL RESOURCES, DEPARTMENT OF
Construction in Floodways of Rivers, Lakes and Streams
17 Ill. Adm. Code 37002603
Regulation of Public Waters
17 Ill. Adm. Code 37042607

POLLUTION CONTROL BOARD
Sewer Discharge Criteria
35 Ill. Adm. Code 3072611

PUBLIC AID, ILLINOIS DEPARTMENT OF
Practice in Administrative Hearings
89 Ill. Adm. Code 1042635
Medical Assistance Programs
89 Ill. Adm. Code 1202638
Hospital Services
89 Ill. Adm. Code 1482654
Child Support Enforcement
89 Ill. Adm. Code 1602675

STATE UNIVERSITIES RETIREMENT SYSTEM
Universities Retirement
80 Ill. Adm. Code 16002677

ADOPTED RULES

COMMERCE COMMISSION, ILLINOIS
Employee Walkways in Railroad Yards
92 Ill. Adm. Code 15462682

HUMAN SERVICES, DEPARTMENT OF
Child Care
89 Ill. Adm. Code 502687
Food Stamps
89 Ill. Adm. Code 1212701

HIGHER EDUCATION, BOARD OF
Public Information, Rulemaking and Organization
2 Ill. Adm. Code 5050 (Required).....2713
Access to Public Information
2 Ill. Adm. Code 5051 (Required).....2721

STATE UNIVERSITIES RETIREMENT SYSTEM

Universities Retirement 80 Ill. Adm. Code 1600	2729
EMERGENCY RULES	
PUBLIC AID, ILLINOIS DEPARTMENT OF Practice in Administrative Hearings 89 Ill. Adm. Code 104	2735
Child Support Enforcement 89 Ill. Adm. Code 160	2743
RACING BOARD, ILLINOIS Medication 11 Ill. Adm. Code 603	2779
NOTICE OF CORRECTION TO NOTICE ONLY	
HUMAN SERVICES, DEPARTMENT OF Services 89 Ill. Adm. Code 590	2789
Provider Requirements, Type Services, and Rates of Payment 89 Ill. Adm. Code 686	2790
NOTICE OF RECODIFICATION	
PUBLIC AID, ILLINOIS DEPARTMENT OF Low Income Home Energy Assistance Program 47 Ill. Adm. Code 100	2791
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES Second Notices Received.....	2844
REGULATORY AGENDA	
ATTORNEY GENERAL, OFFICE OF THE Statewide Automated Victim Notification System 20 Ill. Adm. Code 2000	2845
ELECTIONS, ILLINOIS STATE BOARD OF Personnel Rules 26 Ill. Adm. Code 212	2848
PUBLIC AID, ILLINOIS DEPARTMENT OF General Administrative Provisions 89 Ill. Adm. Code 101	2850
SEX OFFENDER MANAGEMENT BOARD Interim Sex Offender Evaluations and Treatment 20 Ill. Adm. Code 1905	2863
NOTICES OF PUBLIC INFORMATION	
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF 9 Notices of Penalties Imposed Under the Residential Mortgage License Act of 1987.....	2865
EXECUTIVE ORDERS AND PROCLAMATIONS	
PROCLAMATIONS Women's Healthy Heart Month 2005-27.....	2874
Women's Healthy Heart Month and National Wear Red Day(Revised)	

2005-27.....	2874
A Day For Hearts: Congenital Heart Defect Awareness Day	
2005-28.....	2875
National Trio Day	
2005-29.....	2876
National Foreign Language Week	
2005-30.....	2876
Illinois Arts Education Week	
2005-31.....	2877
A Day of Support and Compassion For All Israeli Families Who Have Lost Loved Ones to Acts of Terror	
2005-32.....	2878
Desert Storm Remembrance Day	
2005-33.....	2879
Desert Storm Remembrance Day (Revised)	
2005-33.....	2879
Coalition For the Remembrance of Elijah Muhammad Day	
2005-34.....	2880
Home Education Week	
2005-35.....	2880
Converting Machinery and Materials Days	
2005-36.....	2881
Ronald Reagan Day	
2005-37.....	2882

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Illinois Health Insurance Portability and Accountability Standards
- 2) Code Citation: 50 Ill. Adm. Code 2025
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2025.10	New Section
2025.20	New Section
2025.30	New Section
2025.40	New Section
2025.50	New Section
2025.60	New Section
2025.70	New Section
2025.80	New Section
- 4) Statutory Authority: Implementing the Illinois Health Insurance Portability and Accountability Act, [215 ILCS 97], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Health Insurance Portability and Accountability Act sets forth requirements for companies to renew individual and group policies. This rule will provide uniformity for health insurance issuers by defining notice requirements, as well as requirements for modification; termination; discontinuance and rescission provisions to which all health insurance issuers must adhere.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rule contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

Denise Hamilton
Rules Unit Supervisor
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-8560

or

Morton Kamins
Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
100 West Randolph, Suite 5-570
Chicago, Illinois 60601
(312) 814-5423

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The requirements of this new regulation apply to insurers, but insurer notifications may be sent to small businesses concerning their coverage.
- B) Reporting, bookkeeping or other procedures required for compliance: Notification requirements are contained in Section 2025.40 of this Part and insurers will need to comply with the filing requirements found in 50 Ill. Adm. Code 916.
- C) Types of professional skills necessary for compliance: Administrative

13) Regulatory Agenda on which this Rule was summarized: July 2003

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER Z: ACCIDENT AND HEALTH INSURANCE

PART 2025

ILLINOIS HEALTH INSURANCE PORTABILITY AND
ACCOUNTABILITY STANDARDS

Section	
2025.10	Purpose
2025.20	Applicability and Scope
2025.30	Definitions
2025.40	Notice Requirement to the Division
2025.50	Uniform Modification of Coverage
2025.60	Uniform Termination of Coverage
2025.70	Discontinuance of a Market
2025.80	Rescission in the Small Group Market

AUTHORITY: Implementing the Illinois Health Insurance Portability and Accountability Act [215 ILCS 97], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 29 Ill. Reg. _____, effective _____.

Section 2025.10 Purpose

The purpose of this Part is to set forth requirements the Director deems necessary to implement the Health Insurance Portability and Accountability Act. This Part will provide uniformity for the health insurance issuer by defining notice requirements, as well as requirements for modification, termination, discontinuance and rescission provisions to which all health insurance issuers must adhere.

Section 2025.20 Applicability and Scope

This Part is applicable to all accident and health insurance policies and health maintenance organization contracts subject to the Illinois Health Insurance Portability and Accountability Act (IHIPAA) [215 ILCS 97], except those excluded by Section 45 of the Act that are issued, amended, delivered or renewed in this State on or after the effective date of this Part.

Section 2025.30 Definitions

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

Act means the Illinois Health Insurance Portability and Accountability Act [215 ILCS 97].

Anniversary Date means the annually recurring date of the initial issuance of the policy.

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

Director means the Director of the Department of Financial and Professional Regulation-Division of Insurance.

Division means the Department of Financial and Professional Regulation-Division of Insurance.

Employee means any individual employed by an employer. (29 USC 1002(6))

Employer means any person acting directly as an employer, or indirectly in the interest of an employer, in relation to an employee benefit plan; and includes a group or association of employers acting for an employer in such capacity. Employer shall include only employers of 2 or more employees. (29 USC 1002(5))

Group Health Plan means an employee welfare benefit plan (as defined in Section 3(1) of the Employee Retirement Income Security Act of 1974 (29 USC 1002) to the extent that the plan provides medical care (as defined in paragraph (2) of that Section and including items and services paid for as medical care) to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise. [215 ILCS 97/5]

Health Insurance Issuer means an insurance company, insurance service, or insurance organization (including a health maintenance organization) which is licensed to engage in the business of insurance in a state and which is subject to Illinois law that regulates insurance (within the meaning of Section 514(b)(2) of the Employee Retirement Income Security Act of 1974 (29 USC 1144). This term does not include a group health plan. [215 ILCS 97/5]

Renewal Date means each annual anniversary date unless otherwise specifically defined by the contract. A renewal date may not be defined to a period shorter than the underwriting and benefit time frames established by the contract.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

Section 2025.40 Notice Requirement to the Division

In any case where a health insurance issuer elects to uniformly modify coverage, uniformly terminate coverage, or discontinue coverage in a marketplace, the health insurance issuer shall provide notice to the Division prior to notifying the plan sponsors, participants, beneficiaries and covered individuals. The notice shall be sent by certified mail to the Division 60 days in advance of any notification of the company's actions. The notice shall include a complete description of the action to be taken, a specific description of the type of coverage affected, the total number of covered lives affected, a draft of the letter being sent to the plan sponsors and participants, beneficiaries or covered individuals, time frames for the actions being taken and any options the plan sponsors, participants, beneficiaries or covered individuals may have available to them under the Act.

Section 2025.50 Uniform Modification of Coverage

Uniform modification to group or individual health insurance coverage may occur only at the time of coverage renewal. The modification of the health insurance coverage may include any changes to the health insurance coverage, including deductibles and copayments. Changes to the premium are not considered modifications of health insurance coverage. Any modifications made to the health insurance coverage must first be filed with the Division for approval as required by Section 143(1) of the Code [215 ILCS 5/143(1)] and must be consistent with the requirements of 50 Ill. Adm. Code 916.

Section 2025.60 Uniform Termination of Coverage

When a health insurance issuer decides to discontinue offering a particular type of health insurance coverage, the health insurance issuer must adhere to the following requirements:

- a) The health insurance issuer may only discontinue a particular type of health insurance coverage upon the renewal date of the coverage. The statutory 90 day notice given to plan sponsors, participants, beneficiaries and covered individuals must be 90 days prior to the renewal date of the health insurance coverage.
- b) The notice of discontinuance of coverage must be sent to all the following: the plan sponsor, participant and beneficiaries, or, if the coverage is an individual policy, the covered individual.
- c) The health insurance issuer must offer to be purchased all products being marketed in that market. The health insurance issuer may not limit which products are to be offered for purchase.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- d) The health insurance issuer discontinuing the coverage must be the same company required to offer other health insurance coverage in the market to the plan sponsor or covered individual. It may not be an affiliated company unless approved by the Director.

Section 2025.70 Discontinuance of a Market

When a health insurance issuer elects to discontinue offering all health insurance coverage in the small group market, large group market or individual market, the health insurance issuer must adhere to the following requirements:

- a) Provide notice to the Division of Insurance as outlined in Section 2025.40 of this Part.
- b) Provide notice to the Illinois Comprehensive Health Insurance Plan prior to notifying the plan sponsors, participants, beneficiaries and covered individuals. The notice shall include a specific description of the type of coverage being discontinued, the total of covered lives affected and the time frames for the discontinuation.
- c) The notice of discontinuation of coverage must be sent to all the following: the plan sponsor, participant and beneficiaries, or, if the coverage is an individual policy, the covered individual.
- d) The health insurance issuer may only discontinue the health insurance coverage upon the renewal date of the coverage. The 180 day notice given to plan sponsors, participants and beneficiaries and covered individuals must be 180 days prior to the renewal date of the health insurance coverage.

Section 2025.80 Rescission in the Small Group Market

- a) A health insurance issuer in the small group market may not rescind an individual's health insurance coverage based on health conditions. The health insurance issuer may adjust the premium if a lower than appropriate premium resulted from the misrepresentation of health conditions, by either the employer or employee. The premium may be adjusted to reflect the current rating for the group.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- b) The health insurance issuer may rescind a small employer policy or employee certificate if fraud is proven in a court of law.

ILLINIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: NO_x Trading Program Procedures
- 2) Code Citation: 35 Ill. Adm. Code 273
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
273.100	New Section
273.105	New Section
273.110	New Section
273.120	New Section
273.130	New Section
273.140	New Section
273.150	New Section
273.160	New Section
273.170	New Section
- 4) Statutory Authority: Section 9.9 of the Environmental Protection Act (415 ILCS 5/9.9)
- 5) A Complete Description of the Subjects and Issues Involved: In the 2004 Spring session, the Legislature amended Section 9.9 of the Act to allow the Illinois EPA to sell certain NO_x allowances. This Part provides procedures for the sale of nitrogen oxides (NO_x) allowances by the Agency pursuant to the requirement of Section 9.9 of the Act. The proposal includes provisions for the Agency to sell New Source Set Aside Allowances (NSSAs), Early Reduction Credits (ERCs), and Subpart W extras; maintenance of a website by the Agency that lists the allowances available for sale, price, application deadlines, and other relevant information; a method for determining the price of these allowances; and the disbursement of the proceeds of these sales to the Agency and, where appropriate, to eligible sources.

As provided for by federal regulation, the ERCs must be used for compliance for the 2005 control period. Hence, if the allowances are not used by November 30, 2005, the United States Environmental Protection Agency will retire these allowances; therefore, the Illinois EPA must make them available for sale prior to August 15, 2005. This will allow enough time to conduct the sale according to the procedures set forth in the proposal.
- 5) Will this proposed rule replace any emergency rule currently in effect? No
- 6) Does this proposed rule contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No

ILLINIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 8) Are there any other proposed rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed rules do not create a new mandate on local governments. However, local government with affected boilers may elect to purchase allowances pursuant to the procedures included in this proposal.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: An Agency hearing on the proposed regulations is scheduled for March 21, 2005, at 10 am, Illinois Environmental Protection Agency, TQM Room, 1021 North Grand Avenue East, Springfield, Illinois. Questions or written comments concerning this rulemaking should reference the NOx Trading Program Procedures and be addressed to:

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

and

Rachel L. Doctors
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

Written comments must be received by the Illinois EPA by April 4, 2005, for inclusion in the hearing record. The comment period is being set at fourteen days after the hearing because of the need for timely adoption of this rule.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None

ILLINIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

ILLINIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 273
NO_x TRADING PROGRAM PROCEDURES

Section	
273.100	Purpose
273.105	Abbreviations and Acronyms
273.110	Definitions
273.120	NO _x Allowances for Sale by the Agency
273.130	NO _x Allowance Database
273.140	Transaction Procedures
273.150	Price of NSSA and Subpart W Extras
273.160	Price of ERCs
273.170	Disbursement of Proceeds of NSSA Sales

AUTHORITY: Implementing and authorized by Section 9.9 of the Environmental Protection Act [415 ILCS 5/9.9].

SOURCE: Adopted at 29 Ill. Reg. _____, effective _____.

Section 273.100 Purpose

This Part provides procedures for the sale of NO_x allowances by the Agency and disbursement of certain proceeds from these sales pursuant to the requirements of Section 9.9 of the Act.

Section 273.105 Abbreviations and Acronyms

Unless otherwise specified in this Part, the abbreviations and acronyms used in this Part shall be the same as those found in 35 Ill. Adm. Code 211 and 217. The following abbreviations and acronyms are used in this Part.

ATF	Allowance Transfer Form
ERC	Early Reduction Credits
MPI	Market Price Index
NSSA	New Source Set-Aside
NO _x	Nitrogen oxides
ORIS	Office of Regulatory Information Systems

ILLINIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

Section 273.110 Definitions

Except as otherwise defined in this Part, definitions of terms used in this Part shall be those used in 40 CFR 96.2 and 35 Ill. Adm. Code 211 and 217.

Section 273.120 NO_x Allowances for Sale by the Agency

The Agency may, but is not required to, sell allowances from the NSSA, Subpart W extra allowances as defined in subsections (a)(2) and (b)(2) of this Section, and ERC allowances, as follows, to:

- a) Non-EGUs subject to the requirements of 35 Ill. Adm. Code 217, Subpart U:
 - 1) Allowances from the NSSA as designated by 35 Ill. Adm. Code 217.468(c), if the unit commenced operation, as defined in 40 CFR 96.2, on or after January 1, 2004, and is eligible to receive allowances from the new source set aside pursuant to 35 Ill. Adm. Code 217.468; and
 - 2) *Any allowances under 35 Ill. Adm. Code 217, Subpart W, that remain after each 3-year allocation period that could not be allocated on a pro-rata basis pursuant to the provisions of Subpart W (referred to in this Part as "Subpart W extras"). [415 ILCS 5/9.9(d-5)(3)]*
- b) EGUs subject to the requirements of 35 Ill. Adm. Code 217, Subpart W:
 - 1) *Any unearned early reduction credits set aside for Non-EGUs under 35 Ill. Adm. Code 217, Subpart U, but only to those sources that make qualifying early reductions of NO_x in 2003 pursuant to 35 Ill. Adm. Code 217 for which the source did not receive an allocation thereunder [415 ILCS 5/9.9(d-5)(1);*
 - 2) Subpart W extras; and
 - 3) Allowances from the NSSA, as determined by 35 Ill. Adm. Code 217.768(c), if the unit commenced operation, as defined in 40 CFR 96.2, on or after January 1, 2004, and is eligible to receive allowances from the new source set-aside pursuant to 35 Ill. Adm. Code 217.768.

Section 273.130 NO_x Allowance Database

ILLINIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- a) The Agency or its designee shall maintain a website that shall be available for public access on which a listing of the NO_x allowances the Agency has available for sale will be posted. The website shall include the following information on NO_x allowances:
- 1) Type of allowance (e.g., ERC, NSSA);
 - 2) Vintage;
 - 3) Price;
 - 4) Application deadline;
 - 5) Date posted;
 - 6) Payment due date; and
 - 7) Allocation date.
- b) Historical NO_x allowance sales. The Agency or its designee shall maintain a website that shall be available for public access on which a listing of the NO_x allowance sales the Agency has made for the prior two control periods shall be posted. The website shall include the following information on NO_x allowances:
- 1) Date of sale;
 - 2) Buyer;
 - 3) Type of source (Non-EGU or EGU);
 - 4) Volume;
 - 5) Vintage; and
 - 6) Price.
- c) The Agency or its designee shall maintain a NO_x allowance sales database. Notwithstanding the information on the Agency's website, the official record of

ILLINIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

all NO_x allowance transactions shall be the USEPA NO_x Allowance Tracking System.

Section 273.140 Transaction Procedures

The Agency may sell NO_x allowances, subject to the requirements of Section 9.9 of the Act, to sources subject to the requirements of 35 Ill. Adm. Code 217, Subparts U and W, pursuant to the following requirements:

- a) Upon notification or posting by the Agency that it has NO_x allowances for sale, a NO_x authorized account representative may submit an application to the Agency requesting to purchase NO_x allowances. Such application shall include the following:
 - 1) Bureau of Air facility identification number;
 - 2) ORIS ID number;
 - 3) Source name;
 - 4) A statement setting forth the eligibility as set forth in Section 273.120 of this Part;
 - 5) Name and signature of the NO_x authorized account representative for the source;
 - 6) NO_x allowance tracking system account number; and
 - 7) Number of NO_x allowances being requested for purchase.
- b) Applications for the purchase of allowances from the NSSA must be submitted no later than February 15 prior to the control period for which the NSSA allowances are requested.
- c) Applications for the purchase of Subpart W extras must be submitted no later than 30 days after the Agency posts on its website that such allowances are available for sale.
- d) Applications for the purchase of ERCs must be submitted within the time period specified by the Agency on its website.

ILLINIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- e) Once an application to purchase NO_x allowances is reviewed and deemed accurate and complete, the Agency shall notify the account representative of the number of allowances it may purchase by the dates specified on the Agency's website. The Agency may reject an incomplete application, an application received after the application deadline, or the portion of an application that exceeds the maximum number of allowances that the source is eligible to purchase.
- f) In the event that ERC and Subpart W extras cannot be sold on a pro-rata basis, then the Agency will determine eligibility by lottery.
- g) Adjustments:
- 1) If an account representative timely disagrees with the Agency's calculations of the number of allowances it is eligible to purchase, it may submit a written comment to the Agency explaining the reason for its disagreement and any necessary documentation no later than:
 - A) By March 25 prior to the applicable control period for allowances from the NSSA.
 - B) Within 40 days after the application deadline for Subpart W extras.
 - C) By the date specified for ERCs by the Agency on its website.
 - 2) The Agency will respond in writing to comments, make any necessary and appropriate adjustments to its proposed allotments and send a notification of final allotments no later than:
 - A) April 7 prior to the applicable control period for allowances from NSSA.
 - B) Within 54 days after the application deadline for Subpart W extras.
 - C) By the date specified by the Agency on its website for ERCs.
- h) Payment: The account representative shall submit payment for the NO_x allowances by sending a certified check to the Agency by the deadline specified by the Agency in the notification of the final allotments pursuant to subsections

ILLINIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

(f) and (g)(2) of this Section. The date specified shall be at least five business days after the date of the notification of the final allotment. If the Agency fails to receive timely payment, it will sell those allowances to another qualifying EGU or Non-EGU, as applicable, on a pro-rata basis, whose original request it was unable to meet.

- i) If the opportunity to purchase allowances is forfeited due to nonpayment, the Agency will notify the account representative that its application has been rejected. The Agency will also notify the remaining eligible EGUs or Non-EGUs whose original request it was unable to meet that additional allowances are available for purchase. The Agency will offer forfeited allowances from the NSSA to eligible purchasers by lottery until all NSSA allowances are sold. ERCs will be offered to eligible purchasers on a pro-rata basis. All forfeited allowance purchase transactions must be completed by the dates specified by the Agency in the notification to eligible purchasers or on the Agency's website.
- j) The minimum sale allowed under the NO_x budget trading program shall be one NO_x allowance.
- k) Official Record of Transactions: The official record of all NO_x allowance transactions shall be USEPA's NO_x Allowance Tracking System. Any discrepancies found by the authorized account representative shall be reported pursuant to the applicable procedures in 40 CFR 96.

Section 273.150 Price of NSSA and Subpart W Extras

The selling price for allowances from the NSSA pursuant to 35 Ill. Adm. Code 217.768(k)(2) and Subpart W extras will be the average price at which NO_x allowances are traded in the NO_x Interstate Trading Program for the preceding control period as follows:

- a) The Agency will obtain the published market price indices by Cantor Environmental Brokerage and Evolution Markets LLC, or similarly recognized brokerage firms, for the particular allowance vintage as of 15½ months prior to the applicable control period (i.e., January 15 of the year previous to the current control period).
- b) The Agency will calculate the mean of these two prices, and the resulting number will be the purchase price. The purchase price shall be published on the Agency's website, along with the market indices used to calculate the purchase price.

ILLINIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- c) If one or both of these services or a similarly recognized brokerage service fails to publish a price for the applicable date, the Agency may use any reasonable indication of market price.

Section 273.160 Price of ERCs

The selling price for ERCs shall be \$2,000 per allowance.

Section 273.170 Disbursement of Proceeds of NSSA Sales

- a) After the Agency has recouped the reasonable costs incurred by the Agency in the administration of the NO_x Interstate Trading Program, it shall disburse the proceeds of the sale of the NO_x allowances from the NSSA, to the extent that proceeds remain, pro-rata to the owners or operators of the EGUs or Non-EGUs, as applicable, that received allowances from the Agency but not from the Agency's NSSA for EGUs or Non-EGUs.
- b) The Agency shall annually notify each eligible source of the Agency's calculation of the source's pro-rata share of the proceeds from the sale of allowances from the NSSA, if applicable, and shall post this information on the Agency's website. The Agency shall allow at least five business days for sources to provide written comments and shall provide a brief response to comments on the Agency's website. Once an allocation of proceeds has been made, it is final and there will be no adjustments.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER h: WATER RESOURCES

PART 3700

CONSTRUCTION IN FLOODWAYS OF RIVERS, LAKES AND STREAMS

Section

3700.10	Purpose
3700.20	Definitions
3700.30	Jurisdiction
3700.40	Permit Application
3700.50	Notice to Interested Parties
3700.60	Departmental Standards
3700.70	Special Provisions for Bridges and Culverts
3700.75	Special Provisions for Levees and Floodwalls
3700.80	Statewide Permits
3700.90	Denial of Applications
3700.100	Violations and Enforcement
3700.110	Final Administrative Decision

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

SOURCE: Adopted at 17 Ill. Reg. 4484, effective March 23, 1993; emergency amendment at 18 Ill. Reg. 790, effective January 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8167, effective May 16, 1994; recodified from 92 Ill. Adm. Code 700, Department of Transportation, to the Department of Natural Resources, at 22 Ill. Reg. 7362; amended at 27 Ill. Reg. 7774, effective April 21, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 3700.40 Permit Application

An applicant who desires a permit under this Part shall file with the Department an application consisting of a properly executed application form and all plans and information required to determine the effect of the construction on the carrying capacity of the stream. All portions of the application form, including the name and address of the applicant, a description of the proposed activity, the location of the proposed activity, and the names and addresses of all adjoining property owners, shall be completed and all required attachments must be submitted before a determination of permissibility will be made. Application forms may be obtained from the Illinois Department of Natural Resources, Office of Water Resources at the following addresses:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

One Natural Resources Way
Springfield IL 62702-1271

[36 S. Wabash, Suite 1415](#)
[Chicago IL 60603](#)

~~James R. Thompson Center~~
~~100 West Randolph Street, Suite 5-500A~~
~~Chicago IL 60601~~

Region 2 Office
2050 West Stearns Road
Bartlett IL 60103

Many activities permitted under this Part require review of the U.S. Army Corps of Engineers and the Illinois Environmental Protection Agency. To simplify application procedures, the Illinois Department of Natural Resources, Office of Water Resources utilizes a joint application form with these two agencies.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Regulation of Public Waters
- 2) Code Citation: 17 Ill. Adm. Code 3704
- 3) Section Number: 3704.50 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Rivers, Lakes and Streams Act [615 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to reflect the Department's change of address for the Chicago Office.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

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

217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER h: WATER RESOURCESPART 3704
REGULATION OF PUBLIC WATERS

Section	
3704.10	Purpose
3704.20	Definitions
3704.30	Jurisdiction
3704.40	List of Public Waters and Provision For Additions
3704.50	Permit Application
3704.60	Notice to Interested Parties
3704.70	Land Conversions and Fill Material Placement
3704.80	Department Evaluation
3704.90	Departmental Standards
3704.100	Emergency Permit
3704.110	Statewide and Regional Permits
3704.120	General Permits
3704.130	Denial of Applications
3704.140	Violations and Enforcement
3704.150	Final Administrative Decision
3704.APPENDIX A:	Public Bodies of Water

AUTHORITY: Implementing and authorized by the Rivers, Lakes and Streams Act [615 ILCS 5].

SOURCE: Adopted at 17 Ill. Reg. 4494, effective March 23, 1993; recodified from 92 Ill. Adm. Code 704, Department of Transportation, to the Department of Natural Resources, at 22 Ill. Reg. 7362; amended at 27 Ill. Reg. 7778, effective April 21, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 3704.50 Permit Application

An applicant who desires a permit under this Part shall file with the Department an application consisting of a properly executed application form and all plans and information required to determine the effect of the construction on the public body of water. All portions of the application form, including the name and address of the applicant, a description of the proposed activity, the location of the activity, and the names and addresses of all adjoining property owners, shall be completed and all required attachments must be submitted before a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

determination of permissibility will be made. Application forms may be obtained from the Illinois Department of Natural Resources, Office of Water Resources at any of the following addresses:

One Natural Resources Way
Springfield IL 62702-1271

36 S. Wabash, Suite 1415
Chicago IL 60603

~~James R. Thompson Center~~
~~100 W. Randolph Street, Suite 5-500A~~
~~Chicago IL 60601~~

Region 2 Office
2050 West Stearns Road
Bartlett IL 60103

Many activities permitted under this Part require review of the U.S. Army Corps of Engineers and the Illinois Environmental Protection Agency. To simplify application procedures, the Illinois Department of Natural Resources, Office of Water Resources utilizes a joint application form with these two agencies.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code Citation: 35 Ill. Adm. Code 307
- 3)

<u>Section Numbers</u>	<u>Proposed Action:</u>
307.3900	Amend
307.4900	Amend
307.4902	Amend
307.4903	Amend
307.5201	Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 13.3, and 27.
- 5) A complete description of the subjects and issues involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of February 3, 2005, proposing amendments in consolidated docket R05-4/R05-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

The R05-4/R05-15 proceeding updates Part 307 of the Illinois wastewater pretreatment rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) which appeared in the Federal Register during two distinct update periods: January 1, 2004 through June 30, 2004 (docket R05-4) and July 1, 2004 through December 31, 2004 (docket R05-15).

USEPA amended the federal wastewater pretreatment regulations once during the period January 1, 2004 through June 30, 2004. That single action is summarized as follows:

Federal Action	Summary
May 6, 2004 (69 Fed. Reg. 25324)	USEPA published a correction to the July 1, 2003 edition of 40 C.F.R. 439. The corrections reinstate text inadvertently deleted from two pages of the regulations; the corrections are not actual amendments to the federal regulations.

USEPA amended the federal wastewater pretreatment regulations on one occasion during the period July 1, 2004 through December 31, 2004. That action is summarized as follows:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Federal Action	Summary
July 30, 2004 (69 Fed. Reg. 45944)	USEPA adopted national emission standards for hazardous air pollutants for the plywood and composite wood products source category. A segment of this action amended the definition of "process wastewater," which is key to determining the applicability of the wastewater effluent limitations, guidelines, and wastewater pretreatment standards to the affected industries.
August 23, 2004 (69 Fed. Reg. 51892)	USEPA adopted effluent limitations guidelines and new source performance standards for concentrated aquatic animal production facilities. USEPA did not establish wastewater pretreatment standards for sources in this category.
September 8, 2004 (69 Fed. Reg. 54476)	USEPA amended the effluent limitations guidelines and new source performance standards for meat producing facilities. USEPA did not establish wastewater pretreatment standards for sources in this category.

Federal Actions on Which No Action Will Be Necessary

Two sets of federal amendments will require no corresponding action from the Board. The August 23, 2004 effluent limitations guidelines and new source performance standards for concentrated aquatic animal production facilities did not include wastewater pretreatment components. Similarly, the September 8, 2004 amendments to the effluent limitations guidelines and new source performance standards for meat producing facilities did not include wastewater pretreatment amendments.

Tables appear in the Board's opinion and order of February 3, 2005, in consolidated docket R05-4/R05-15 that list a small number of corrections and amendments that are not based on current federal amendments. Persons interested in the details of those corrections and amendments should refer to the February 3, 2005, in consolidated docket R05-4/R05-15.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will this rulemaking replace any emergency amendments currently in effect? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 7) Does this rulemaking contain an automatic repeal date?: No
- 8) Does this rulemaking contain incorporations by reference? Yes. The amendments update the incorporations of federal regulations by reference to include federal actions that occurred later than the edition of the Code of Federal Regulations already incorporated by reference. In one instance, this required citation to a Federal Register notice for amendments that occurred after publication of the latest edition of the Code of Federal Regulations.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objective: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R05-4/R05-15 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference Docket R05-4/R05-15:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

Phone: 312-814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- 13) Regulatory agenda on which this rulemaking was summarized: July 2004 and January 2005

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 307
SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section	
307.101	Preamble (Renumbered)
307.102	General Requirements (Renumbered)
307.103	Mercury (Renumbered)
307.104	Cyanide (STORET number 00720) (Renumbered)
307.105	Pretreatment Requirements (Repealed)
307.1001	Preamble
307.1002	Definitions
307.1003	Test Procedures for Measurement
307.1005	Toxic Pollutants

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section	
307.1101	General and Specific Requirements
307.1102	Mercury
307.1103	Cyanide

SUBPART F: DAIRY PRODUCTS PROCESSING

Section	
307.1501	Receiving Stations
307.1502	Fluid Products
307.1503	Cultured Products
307.1504	Butter
307.1505	Cottage Cheese and Cultured Cream Cheese
307.1506	Natural and Processed Cheese
307.1507	Fluid Mix for Ice Cream and other Frozen Desserts
307.1508	Ice Cream, Frozen Desserts, Novelties, and Other Dairy Desserts
307.1509	Condensed Milk
307.1510	Dry Milk

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 307.1511 Condensed Whey
- 307.1512 Dry Whey

SUBPART G: GRAIN MILLS

- Section
- 307.1601 Corn Wet Milling
- 307.1602 Corn Dry Milling
- 307.1603 Normal Wheat Flour Milling
- 307.1604 Bulgur Wheat Flour Milling
- 307.1605 Normal Rice Milling
- 307.1606 Parboiled Rice Milling
- 307.1607 Animal Feed
- 307.1608 Hot Cereal
- 307.1609 Ready-to-Eat Cereal
- 307.1610 Wheat Starch and Gluten

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

- Section
- 307.1700 General Provisions
- 307.1701 Apple Juice
- 307.1702 Apple Products
- 307.1703 Citrus Products
- 307.1704 Frozen Potato Products
- 307.1705 Dehydrated Potato Products
- 307.1706 Canned and Preserved Fruits
- 307.1707 Canned and Preserved Vegetables
- 307.1708 Canned and Miscellaneous Specialties

SUBPART I: CANNED AND PRESERVED SEAFOOD

- Section
- 307.1801 Farm-Raised Catfish
- 307.1815 Fish Meal Processing Subcategory

SUBPART J: SUGAR PROCESSING

- Section
- 307.1901 Beet Sugar Processing

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 307.1902 Crystalline Cane Sugar Refining
- 307.1903 Liquid Cane Sugar Refining

SUBPART K: TEXTILE MILLS

- Section
- 307.2000 General Provisions
- 307.2001 Wool Scouring
- 307.2002 Wool Finishing
- 307.2003 Low Water Use Processing
- 307.2004 Woven Fabric Finishing
- 307.2005 Knit Fabric Finishing
- 307.2006 Carpet Finishing
- 307.2007 Stock and Yarn Finishing
- 307.2008 Nonwoven Manufacturing
- 307.2009 Felted Fabric Processing

SUBPART L: CEMENT MANUFACTURING

- Section
- 307.2101 Nonleaching
- 307.2102 Leaching
- 307.2103 Materials Storage Piles Runoff

SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS

- Section
- 307.2201 General
- 307.2202 Ducks

SUBPART N: ELECTROPLATING

- Section
- 307.2300 General Provisions
- 307.2301 Electroplating of Common Metals
- 307.2302 Electroplating of Precious Metals
- 307.2304 Anodizing
- 307.2305 Coatings
- 307.2306 Chemical Etching and Milling
- 307.2307 Electroless Plating

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.2308 Printed Circuit Boards

SUBPART O: ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC FIBERS

Section

307.2400 General Provisions
307.2401 Rayon Fibers
307.2402 Other Fibers
307.2403 Thermoplastic Resins
307.2404 Thermosetting Resins
307.2405 Commodity Organic Chemicals
307.2406 Bulk Organic Chemicals
307.2407 Specialty Organic Chemicals
307.2410 Indirect Discharge Point Sources
307.2490 Non-Complexed Metal-Bearing and Cyanide-Bearing Waste Streams
307.2491 Complexed Metal-Bearing Waste Streams

SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section

307.2500 General Provisions
307.2501 Aluminum Chloride Production
307.2502 Aluminum Sulfate Production
307.2503 Calcium Carbide Production
307.2504 Calcium Chloride Production
307.2505 Calcium Oxide Production
307.2506 Chlor-Alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
307.2508 Hydrofluoric Acid Production
307.2509 Hydrogen Peroxide Production
307.2511 Potassium Metal Production
307.2512 Potassium Dichromate Production
307.2513 Potassium Sulfate Production
307.2514 Sodium Bicarbonate Production
307.2516 Sodium Chloride Production
307.2517 Sodium Dichromate and Sodium Sulfate Production
307.2520 Sodium Sulfite Production
307.2522 Titanium Dioxide Production
307.2523 Aluminum Fluoride Production
307.2524 Ammonium Chloride Production
307.2527 Borax Production

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.2528	Boric Acid Production
307.2529	Bromine Production
307.2530	Calcium Carbonate Production
307.2531	Calcium Hydroxide Production
307.2533	Carbon Monoxide and Byproduct Hydrogen Production
307.2534	Chrome Pigments Production
307.2535	Chromic Acid Production
307.2536	Copper Salts Production
307.2538	Ferric Chloride Production
307.2540	Fluorine Production
307.2541	Hydrogen Production
307.2542	Hydrogen Cyanide Production
307.2543	Iodine Production
307.2544	Lead Monoxide Production
307.2545	Lithium Carbonate Production
307.2547	Nickel Salts Production
307.2549	Oxygen and Nitrogen Production
307.2550	Potassium Chloride Production
307.2551	Potassium Iodide Production
307.2553	Silver Nitrate Production
307.2554	Sodium Bisulfite Production
307.2555	Sodium Fluoride Production
307.2560	Stannic Oxide Production
307.2563	Zinc Sulfate Production
307.2564	Cadmium Pigments and Salts Production
307.2565	Cobalt Salts Production
307.2566	Sodium Chlorate Production
307.2567	Zinc Chloride Production

SUBPART R: SOAP AND DETERGENTS

Section	
307.2701	Soap Manufacturing by Batch Kettle
307.2702	Fatty Acid Manufacturing by Fat Splitting
307.2703	Soap Manufacturing by Fatty Acid Neutralization
307.2704	Glycerine Concentration
307.2705	Glycerine Distillation
307.2706	Manufacture of Soap Flakes and Powders
307.2707	Manufacture of Bar Soaps
307.2708	Manufacture of Liquid Soaps

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.2709	Oleum Sulfonation and Sulfation
307.2710	Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711	Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712	Sulfamic Acid Sulfation
307.2713	Chlorosulfonic Acid Sulfation
307.2714	Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715	Manufacture of Spray Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacturing of Detergents by Dry Blending
307.2718	Manufacture of Drum Dried Detergents
307.2719	Manufacture of Detergent Bars and Cakes

SUBPART S: FERTILIZER MANUFACTURING

Section	
307.2801	Phosphate
307.2802	Ammonia
307.2803	Urea
307.2804	Ammonium Nitrate
307.2805	Nitric Acid
307.2806	Ammonium Sulfate Production
307.2807	Mixed and Blend Fertilizer Production

SUBPART T: PETROLEUM REFINING

Section	
307.2901	Topping
307.2902	Cracking
307.2903	Petrochemical
307.2904	Lube
307.2905	Integrated

SUBPART U: IRON AND STEEL MANUFACTURING

Section	
307.3000	General Provisions
307.3001	Cokemaking
307.3002	Sintering
307.3003	Ironmaking
307.3004	Steelmaking

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.3005	Vacuum Degassing
307.3006	Continuous Casting
307.3007	Hot Forming
307.3008	Salt Bath Descaling
307.3009	Acid Pickling
307.3010	Cold Forming
307.3011	Alkaline Cleaning
307.3012	Hot Coating
307.3013	Other Operations

SUBPART V: NONFERROUS METALS MANUFACTURING

Section	
307.3100	General Provisions
307.3101	Bauxite Refining
307.3102	Primary Aluminum Smelting
307.3103	Secondary Aluminum Smelting
307.3104	Primary Copper Smelting
307.3105	Primary Electrolytic Copper Refining
307.3106	Secondary Copper
307.3107	Primary Lead
307.3108	Primary Zinc
307.3109	Metallurgical Acid Plants
307.3110	Primary Tungsten
307.3111	Primary Columbium-Tantalum
307.3112	Secondary Silver
307.3113	Secondary Lead
307.3114	Primary Antimony
307.3115	Primary Beryllium
307.3116	Primary and Secondary Germanium and Gallium
307.3117	Secondary Indium
307.3118	Secondary Mercury
307.3119	Primary Molybdenum and Rhenium
307.3120	Secondary Molybdenum and Vanadium
307.3121	Primary Nickel and Cobalt
307.3122	Secondary Nickel
307.3123	Primary Precious Metals and Mercury
307.3124	Secondary Precious Metals
307.3125	Primary Rare Earth Metals
307.3126	Secondary Tantalum

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.3127	Secondary Tin
307.3128	Primary and Secondary Titanium
307.3129	Secondary Tungsten and Cobalt
307.3130	Secondary Uranium
307.3131	Primary Zirconium and Hafnium

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section

307.3301	Steam Electric Power Generating
----------	---------------------------------

SUBPART Y: FERROALLOY MANUFACTURING

Section

307.3401	Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402	Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3403	Slag Processing
307.3404	Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices
307.3405	Other Calcium Carbide Furnaces
307.3406	Electrolytic Manganese Products
307.3407	Electrolytic Chromium

SUBPART Z: LEATHER TANNING AND FINISHING

Section

307.3500	General Provisions
307.3501	Hair Pulp, Chrome Tan, Retan-Wet Finish
307.3502	Hair Save, Chrome Tan, Retan-Wet Finish
307.3503	Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3504	Retan-Wet Finish-Sides
307.3505	No Beamhouse
307.3506	Through-the-Blue
307.3507	Shearling
307.3508	Pigskin
307.3509	Retan-Wet Finish-Splits
307.3590	Potassium Ferricyanide Titration Method

SUBPART BA: GLASS MANUFACTURING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section

307.3601	Insulation Fiberglass
307.3602	Sheet Glass Manufacturing
307.3603	Rolled Glass Manufacturing
307.3604	Plate Glass Manufacturing
307.3605	Float Glass Manufacturing
307.3606	Automotive Glass Tempering
307.3607	Automotive Glass Laminating
307.3608	Glass Container Manufacturing
307.3610	Glass Tubing (Danner) Manufacturing
307.3611	Television Picture Tube Envelope Manufacturing
307.3612	Incandescent Lamp Envelope Manufacturing
307.3613	Hand Pressed and Blown Glass Manufacturing

SUBPART BB: ASBESTOS MANUFACTURING

Section

307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
307.3704	Asbestos Paper (Elastomeric Binder)
307.3705	Asbestos Millboard
307.3706	Asbestos Roofing
307.3707	Asbestos Floor Tile
307.3708	Coating or Finishing of Asbestos Textiles
307.3709	Solvent Recovery
307.3710	Vapor Absorption
307.3711	Wet Dust Collection

SUBPART BC: RUBBER MANUFACTURING

Section

307.3801	Tire and Inner Tube Plants
307.3802	Emulsion Crumb Rubber
307.3803	Solution Crumb Rubber
307.3804	Latex Rubber
307.3805	Small-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3806	Medium-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3807	Large-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3808	Wet Digestion Reclaimed Rubber

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 307.3809 Pan, Dry Digestion, and Mechanical Reclaimed Rubber
- 307.3810 Latex-Dipped, Latex-Extruded, and Latex-Molded Rubber
- 307.3811 Latex Foam

SUBPART BD: TIMBER PRODUCTS PROCESSING

Section

- 307.3900 General Provisions
- 307.3901 Barking
- 307.3902 Veneer
- 307.3903 Plywood
- 307.3904 Dry Process Hardboard
- 307.3905 Wet Process Hardboard
- 307.3906 Wood Preserving – Water Borne or Nonpressure
- 307.3907 Wood Preserving – Steam
- 307.3908 Wood Preserving – Boulton
- 307.3909 Wet Storage
- 307.3910 Log Washing
- 307.3911 Sawmills and Planing Mills
- 307.3912 Finishing
- 307.3913 Particleboard Manufacturing
- 307.3914 Insulation Board
- 307.3915 Wood Furniture and Fixture Production without Water Wash Spray Booths or without Laundry Facilities
- 307.3916 Wood Furniture and Fixture Production with Water Wash Spray Booths or with Laundry Facilities

SUBPART BE: PULP, PAPER, AND PAPERBOARD

Section

- 307.4000 General Provisions
- 307.4001 Dissolving Kraft
- 307.4002 Bleached Papergrade Kraft and Soda
- 307.4003 Unbleached Kraft
- 307.4004 Dissolving Sulfite
- 307.4005 Papergrade Sulfite
- 307.4006 Semi-Chemical
- 307.4007 Mechanical Pulp
- 307.4008 Non-Wood Chemical Pulp
- 307.4009 Secondary Fiber Deink

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.4010	Secondary Fiber Non-Deink
307.4011	Fine and Lightweight Papers from Purchased Pulp
307.4012	Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp
307.4013	Groundwood-Thermo-Mechanical (Repealed)
307.4014	Groundwood-CMN Papers (Repealed)
307.4015	Groundwood-Fine Papers (Repealed)
307.4016	Soda (Repealed)
307.4017	Deink (Repealed)
307.4018	Nonintegrated-Fine Papers (Repealed)
307.4019	Nonintegrated-Tissue Papers (Repealed)
307.4020	Tissue From Wastepaper (Repealed)
307.4021	Papergrade Sulfite (Drum Wash) (Repealed)
307.4022	Unbleached Kraft and Semi-Chemical (Repealed)
307.4023	Wastepaper-Molded Products (Repealed)
307.4024	Nonintegrated-Lightweight Papers (Repealed)
307.4025	Nonintegrated-Filter and Nonwoven Papers (Repealed)
307.4026	Nonintegrated-Paperboard (Repealed)

SUBPART BF: BUILDERS' PAPER AND BOARD MILLS

Section

307.4101	Builder's Paper and Roofing Felt (Repealed)
----------	---

SUBPART BG: MEAT PRODUCTS

Section

307.4201	Simple Slaughterhouse
307.4202	Complex Slaughterhouse
307.4203	Low-Processing Packinghouse
307.4204	High-Processing Packinghouse
307.4205	Small Processor
307.4206	Meat Cutter
307.4207	Sausage and Luncheon Meats Processor
307.4208	Ham Processor
307.4209	Canned Meats Processor
307.4210	Renderer

SUBPART BH: METAL FINISHING

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 307.4300 General Provisions
- 307.4301 Metal Finishing

SUBPART BL: CENTRALIZED WASTE TREATMENT

- Section
- 307.4700 General Provisions
- 307.4701 Metals Treatment and Recovery
- 307.4702 Oils Treatment and Recovery
- 307.4703 Organics Treatment and Recovery
- 307.4704 Multiple Waste Streams

SUBPART BN: PHARMACEUTICAL MANUFACTURING

- Section
- 307.4900 General Provisions
- 307.4901 Fermentation Products
- 307.4902 Extraction Products
- 307.4903 Chemical Synthesis Products
- 307.4904 Mixing/Compounding and Formulation
- 307.4905 Research (Repealed)

SUBPART BQ: TRANSPORTATION EQUIPMENT CLEANING

- Section
- 307.5200 General Provisions
- 307.5201 Tank Trucks and Intermodal Tank Containers Transporting Chemical and Petroleum Cargos
- 307.5202 Rail Tank Cars Transporting Chemical and Petroleum Cargos
- 307.5203 Tank Barges and Ocean/Sea Tankers Transporting Chemical and Petroleum Cargos
- 307.5204 Tanks Transporting Food Grade Cargos

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

- Section
- 307.5301 Asphalt Emulsion
- 307.5302 Asphalt Concrete
- 307.5303 Asphalt Roofing
- 307.5304 Linoleum and Printed Asphalt Felt

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART BS: WASTE COMBUSTORS

Section
307.5401 Commercial Hazardous Waste Combustor

SUBPART BT: LANDFILLS

Section
307.5500 General Provisions
307.5501 RCRA Subtitle C Hazardous Waste Landfill
307.5502 RCRA Subtitle D Non-Hazardous Waste Landfill

SUBPART BU: PAINT FORMULATING

Section
307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

Section
307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section
307.6500 General Provisions
307.6501 Organic Pesticide Chemicals Manufacturing
307.6502 Metallo-Organic Pesticides Chemicals Manufacturing
307.6503 Pesticide Chemicals Formulating and Packaging
307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments

SUBPART CG: CARBON BLACK MANUFACTURING

Section
307.6801 Carbon Black Furnace Process
307.6802 Carbon Black Thermal Process
307.6803 Carbon Black Channel Process
307.6804 Carbon Black Lamp Process

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART CJ: BATTERY MANUFACTURING

Section

- 307.7100 General Provisions
- 307.7101 Cadmium
- 307.7102 Calcium
- 307.7103 Lead
- 307.7104 Leclanche
- 307.7105 Lithium
- 307.7106 Magnesium
- 307.7107 Zinc

SUBPART CL: PLASTICS MOLDING AND FORMING

Section

- 307.7300 General Provisions
- 307.7301 Contact Cooling and Heating Water
- 307.7302 Cleaning Water
- 307.7303 Finishing Water

SUBPART CM: METAL MOLDING AND CASTING

Section

- 307.7400 General Provisions
- 307.7401 Aluminum Casting
- 307.7402 Copper Casting
- 307.7403 Ferrous Casting
- 307.7404 Zinc Casting

SUBPART CN: COIL COATING

Section

- 307.7500 General Provisions
- 307.7501 Steel Basis Material
- 307.7502 Galvanized Basis Material
- 307.7503 Aluminum Basis Material
- 307.7504 Canmaking

SUBPART CO: PORCELAIN ENAMELING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Section
307.7600 General Provisions
307.7601 Steel Basis Material
307.7602 Cast Iron Basis Material
307.7603 Aluminum Basis Material
307.7604 Copper Basis Material

SUBPART CP: ALUMINUM FORMING

- Section
307.7700 General Provisions
307.7701 Rolling With Neat Oils
307.7702 Rolling With Emulsions
307.7703 Extrusion
307.7704 Forging
307.7705 Drawing With Neat Oils
307.7706 Drawing With Emulsions or Soaps

SUBPART CQ: COPPER FORMING

- Section
307.7800 General Provisions
307.7801 Copper Forming
307.7802 Beryllium Copper Forming

SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

- Section
307.7901 Semiconductor
307.7902 Electronic Crystals
307.7903 Cathode Ray Tube
307.7904 Luminescent Materials

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

- Section
307.8100 General Provisions
307.8101 Lead-Tin-Bismuth Forming
307.8102 Magnesium Forming
307.8103 Nickel-Cobalt Forming

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.8104	Precious Metals Forming
307.8105	Refractory Metals Forming
307.8106	Titanium Forming
307.8107	Uranium Forming
307.8108	Zinc Forming
307.8109	Zirconium-Hafnium Forming
307.8110	Metal Powders

307.APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1735, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10867, effective August 14, 2001; amended in R03-13 at 27 Ill. Reg. 15095, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3076, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10661, effective July 13, 2004; amended in R05-4/R05-15 at 29 Ill. Reg. _____, effective _____.

SUBPART BD: TIMBER PRODUCTS PROCESSING

Section 307.3900 General Provisions

- a) Applicability. This Subpart BD applies to any timber products processing

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

operation, and any plant producing insulation board with wood as the major raw material, which introduces or may introduce process wastewater pollutants into a POTW.

- b) General definitions. The Board incorporates by reference 40 CFR 429.11 (2004), as amended at 69 Fed. Reg. 45944, 46045 (July 30, 2004)(2003). This incorporation includes no later amendments or editions.

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

SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section 307.4900 General Provisions

- a) Applicability. This Subpart BN applies to any pharmaceutical manufacturing facility that introduces or may introduce process wastewater pollutants into a POTW. The Board incorporates by reference 40 CFR 439.0 (2004). This incorporation includes no later amendments or editions.
- b) General definitions. The Board incorporates by reference 40 CFR 439.1 (2004)(2003). This incorporation includes no later amendments or editions.
- c) Monitoring requirements. The Board incorporates by reference 40 CFR 439.2 and Appendix A (2004)(2003). This incorporation includes no later amendments or editions.
- d) General pretreatment standards. The Board incorporates by reference 40 CFR 439.3 (2004)(2003). This incorporation includes no later amendments or editions.
- e) General limitation or standard for pH. The Board incorporates by reference 40 CFR 439.4 (2004)(2003). This incorporation includes no later amendments or editions.

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

Section 307.4902 Extraction Products

- a) Applicability. This Section applies to discharges resulting from the manufacture of pharmaceuticals by extraction.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) Specialized definitions. The Board incorporates by reference 40 CFR 439.21 ~~(2004)(2003)~~. This incorporation includes no later amendments or editions.
- c) Existing sources.
- 1) The Board incorporates by reference 40 CFR 439.26 ~~(2004)(2003)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources.
- 1) The Board incorporates by reference 40 CFR 439.27 ~~(2004)(2003)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 26, 1982.

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

Section 307.4903 Chemical Synthesis Products

- a) Applicability. This Section applies to discharges resulting from the manufacture of pharmaceuticals by chemical synthesis.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 439.31 ~~(2004)(2003)~~. This incorporation includes no later amendments or editions.
- c) Existing sources.
- 1) The Board incorporates by reference 40 CFR 439.36 ~~(2004)(2003)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources.
- 1) The Board incorporates by reference 40 CFR 439.37 ~~(2004)(2003)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 26, 1982.

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

SUBPART BQ: TRANSPORTATION EQUIPMENT CLEANING

Section 307.5201 Tank Trucks and Intermodal Tank Containers Transporting Chemical and Petroleum Cargos

- a) Applicability. This Section applies to discharges resulting from the cleaning of tank trucks and intermodal tank containers that have been used to transport chemical or petroleum cargos.
- b) Specialized definitions. None.
- c) Existing sources.
 - 1) The Board incorporates by reference 40 CFR 442.15 ~~(2004)(2003)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources.
 - 1) The Board incorporates by reference 40 CFR 442.16 ~~(2004)~~, as amended

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| at 70 Fed. Reg. 5058 (Feb. 1, 2005)(2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
104.101	Amendment
104.104	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 93-1061
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments respond to Public Act 93-1061 regarding the enforcement of an unpaid arrearage or delinquency upon the emancipation of a child covered by an order for child support.

In related proposed amendments at 89 Ill. Adm. Code 160, revisions are being made on administrative support orders to advise the obligor that if there is an unpaid arrearage or delinquency owed upon emancipation of the covered child, the periodic amount required for current support will continue as an obligation until the amount due is paid in full. Other changes affect income withholding notices that are served upon the obligor's payor concerning withholdings related to unpaid arrearages or delinquencies.

Sections 104.101 and 104.104 address hearing provisions concerning administrative support orders and petitions to contest income withholding. The proposed changes to these Sections add necessary cross-references to the proposed provisions at 89 Ill. Adm. Code 160, as described above.

- 6) Will this rulemaking replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide policy Objective: These proposed amendments do not affect units of local government.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

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

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments that appears in this issue of the *Illinois Register* on page 2735:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.510 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 92-163
- 5) Complete description of the subjects and issues involved: These proposed amendments pertain to the Health Benefits for Workers with Disabilities (HBWD) program, under which persons with disabilities who return to work or whose earnings increase, and who would otherwise lose medical assistance, are allowed to pay premiums and in doing so "buy-in" for coverage under the Department's Medical Assistance Program. The Medicaid Buy-In Program Revolving Fund was created under Public Act 92-0163 as a special fund in the State Treasury consisting of paid premiums related to HBWD.

Pursuant to Public Act 92-163, these proposed amendments establish the uses for which the Department may expend funds from the Medicaid Buy-In Program Revolving Fund. The rule changes give the Department broad authority to use the funds to support administration of HBWD including providing personal assistance services to HBWD enrollees who need them at their work-sites.

- 6) Will this rulemaking replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
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)

- 10) Statement of Statewide policy Objective: These proposed amendments do not affect units of local government.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

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

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: July 2004

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 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 PROPOSED 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 PROPOSED 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 PROPOSED 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 PROPOSED 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 PROPOSED AMENDMENT

Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 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; peremptory 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; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory 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; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory 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; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory 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; peremptory 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 PROPOSED 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 PROPOSED 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 PROPOSED 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; amended at 29 Ill. Reg. _____, effective _____.

SUBPART I: SPECIAL PROGRAMS

Section 120.510 Health Benefits for Workers with Disabilities

- a) To be eligible for medical assistance under Health Benefits for Workers with Disabilities, an individual must meet all of the following eligibility requirements:
- 1) Cooperate in establishing eligibility as described in Section 120.308.
 - 2) Meet citizenship/immigration status as described in Section 120.310.
 - 3) Meet residency requirements as described in Section 120.311.
 - 4) Be disabled as described in Section 120.314.
 - 5) Assign rights to medical support and collection of payment as described in Section 120.319.
 - 6) Furnish a Social Security number(s) as described in Section 120.327.
 - 7) Be 16 through 64 years of age.
 - 8) Have countable monthly income at or below 200 percent of the Federal Poverty Level.
 - 9) Have non-exempt assets at or below \$10,000.
 - 10) Be employed pursuant to subsection (l)(1) of this Section or qualify for an exception as described in subsection (l)(2) of this Section.
 - 11) Pay a premium pursuant to subsections (m) and (n) of this Section.
- b) An individual shall not be determined eligible if the individual is otherwise eligible for medical assistance without a spenddown.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- c) An individual who is otherwise eligible for medical assistance with a spenddown, who meets the requirements of this Section, shall have the option of enrolling in medical assistance with a spenddown or Health Benefits for Workers with Disabilities.
- d) An individual's eligibility shall be terminated if the individual no longer meets the requirements of this Section.
- e) Certain assets shall be exempt from consideration in determining eligibility in accordance with Section 120.381.
- f) The earned and unearned income of the following persons shall be counted when determining eligibility, except as specified in subsections (g), (h) and (i) of this Section.
 - 1) Income of the individual.
 - 2) Income of the spouse.
 - 3) Unearned income of a dependent child under the age of 18 years who is included in the income standard (see Section 120.20) because it is to the advantage of the individual.
- g) Monthly unearned income shall be counted as described in Sections 120.330 through 120.345 and Sections 120.350, 120.355, 120.371 and 120.376.
- h) Monthly earned income shall be considered as described in Sections 120.360, 120.361, 120.371, 120.372, 120.373 and 120.375.
- i) The Department shall exempt earned income as provided in Section 120.362(a) and (b)(1). In addition, work related expenses that are allowed as deductions for AABD MANG as described in Section 120.370 shall be deducted.
- j) Application Process
 - 1) Individuals can apply by completing an application provided by the Department and submitting it to an address specified by the Department.
 - 2) The application must meet all requirements found at 89 Ill. Adm. Code

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

110.10(a), (c), (e) and (i).

- k) Authorization of Medical Assistance Eligibility
 - 1) Medical assistance coverage will not be provided for any month for which eligibility is established unless a premium is paid in accordance with subsections (m) and (n) of this Section.
 - 2) Subject to subsections (k)(2)(A), (B) and (C) of this Section, the applicant may choose to receive medical assistance for months prior to the initial month of prospective eligibility as determined in accordance with subsections (m) and (n) of this Section.
 - A) Eligibility will be effective no earlier than the third month before the month of application if the applicant received covered medical services during that period and would have been eligible if he or she had applied for Health Benefits for Workers with Disabilities.
 - B) Months of backdated coverage selected must be consecutive and must be continuous with the initial month of prospective eligibility.
 - C) Monthly premiums must be paid for all the months of coverage.
- l) Individuals Considered Employed
 - 1) For purposes of this program, an individual shall be considered employed if the individual provides verification that current payment under the Federal Insurance Contributions Act (FICA) or Illinois Municipal Retirement Fund (IMRF) has been made on behalf of the individual.
 - 2) Under the following circumstances, an individual may be enrolled in this program without providing evidence of employment as described in subsection (l)(1) of this Section:
 - A) Individuals who are not employed at the time of application, but who can verify that they will be employed within 60 days, may be enrolled but will not be considered eligible until they begin employment and pay the appropriate premium in accordance with subsections (m) and (n) of this Section.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- B) Individuals who become unable to work for medical reasons after enrollment in this program who wish to remain in the program. Such individuals:
 - i) Must report to the Department within 30 days after the first day that they were unable to work.
 - ii) Must provide a physician's written statement that they are unable to work, but that the anticipated date for the return to work is within 90 days after the first day they were unable to work.
 - iii) Must pay premiums in accordance with subsections (m) and (n) of this Section for the months during which they do not work.
 - C) Individuals who cease employment for any other reason may continue to be enrolled for 30 days after the employment ends provided they pay premiums in accordance with subsections (m) and (n) of this Section for the period during which they do not work.
- 3) Eligibility shall be terminated:
- A) If an individual determined to be employed according to subsection (1)(2)(A) of this Section does not provide evidence of employment pursuant to subsection (1)(1) of this Section within 30 days after enrollment.
 - B) If an individual is unable to work for medical reasons, as described in subsection (1)(2)(B) of this Section, for 90 days or more.
 - C) If an individual ceases employment for any other reason (subsection (1)(2)(C) of this Section) and does not obtain new employment within 30 days after cessation of employment.
- m) Premiums
- 1) The Department must receive payment of the monthly premium for an applicant's initial prospective month of eligibility before the applicant can

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

be enrolled in this program. If payment of the premium is received by the 20th day of the month, the initial month of prospective eligibility shall begin the first day of the following month. (For example, if the premium payment is received on February 20, coverage shall begin on March 1. If the premium payment is received after February 20, coverage shall begin on April 1.)

- 2) Premiums for months of backdated coverage must be paid within 90 days after the date of the notice of eligibility approval.
 - 3) Subsequent premiums are due on the last day of the month prior to the month of coverage.
 - 4) If payment of the premium is not received in full by the end of the month following the due date of the premium, coverage will terminate effective the end of the second month following the due date and collection action may be initiated by the Department for the unpaid premiums for months of coverage.
- n) Determination of Premium Amount
- 1) Premiums shall be based upon an individual's combined gross unearned and countable earned income as determined at the point of application or review or redetermination of eligibility.
 - 2) The Department shall reset a premium prospectively based on verified income.
 - 3) Premium amounts shall be established as set forth in the following monthly premium table.

		Gross Unearned Income				
		\$0 to \$250	\$251 to \$500	\$501 to \$750	\$751 to \$1000	Over \$1000
Countable Earned Income	\$0 -\$250	----	\$19	\$38	\$56	\$ 75
	\$250-\$500	\$ 6	\$25	\$44	\$63	\$ 81
	\$501-\$750	\$13	\$31	\$50	\$69	\$ 88
	\$751-\$1000	\$19	\$38	\$56	\$75	\$ 94
	Over \$1000	\$25	\$44	\$63	\$81	\$100

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- o) Medicaid Buy-In Program Revolving Fund (see 305 ILCS 5/12-10.6)
- 1) The Medicaid Buy-In Revolving Fund consists of premiums paid by eligible individuals under this Section.
 - 2) Monies in the Fund may be used to pay costs incurred by the Department for:
 - A) Administering the Health Benefits for Workers with Disabilities (HBWD) program, including, but not limited to, staff, equipment, travel, outreach activities and other operating costs.
 - B) Personal assistance services (PAS) provided at an individual's work site. PAS under the HBWD program is limited to individuals who do not already receive PAS, have a need for such services on the basis of a disability as described in Section 120.314, and, except for their income and non-exempt assets, would be eligible for the Community Care Program as described at 89 Ill. Adm. Code 240. The need, amount and duration of PAS will be assessed through a determination of need process.

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.295 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed changes provide additional funding under Critical Hospital Adjustment Payments for hospitals that qualify as high volume Medicaid providers. This funding is necessary to ensure continued access to quality health care for the Department's medical assistance clients. CHAP spending is expected to increase by approximately \$10 million as a result of these changes.
- 6) Will these proposed amendments replace emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.40	Amendment	December 10, 2004 (28 Ill. Reg. 15719)
148.85	Amendment	February 4, 2005 (29 Ill. Reg. 1782)
148.90	Amendment	February 4, 2005 (29 Ill. Reg. 1782)
148.95	Amendment	February 4, 2005 (29 Ill. Reg. 1782)
148.100	Amendment	February 4, 2005 (29 Ill. Reg. 1782)
148.103	Amendment	February 4, 2005 (29 Ill. Reg. 1782)
148.110	Amendment	February 4, 2005 (29 Ill. Reg. 1782)
148.112	Amendment	February 4, 2005 (29 Ill. Reg. 1782)

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

(217)524-0081

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

Any interested persons may review these proposed amendments on the Internet at <http://www.dpaininois.com/publicnotice/>. Access to the Internet is available through any local public library. In addition, the amendments may be reviewed at the Illinois Department of Human Services' local offices (except in Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 100 West Randolph Street, Suite 10-300, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements at 42 CFR 447.205.

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

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded hospitals will be affected

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

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

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section	
148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	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 PROPOSED AMENDMENT

- 148.170 Population of Over Three Million
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 PROPOSED 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 PROPOSED 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 PROPOSED 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 expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; 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; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. _____, effective _____.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.295 Critical Hospital Adjustment Payments (CHAP)

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

- a) Trauma Center Adjustments (TCA)

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

 - 1) Level I Trauma Center Adjustment.
 - A) Criteria. Illinois hospitals that, on the first day of July in the CHAP rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment.
 - B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) of this Section shall receive an adjustment as follows:
 - i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of \$21,365.00 per Medicaid trauma admission in the CHAP base period.
 - ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of \$14,165.00 per Medicaid trauma admission in the CHAP base period.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 2) Level II Rural Trauma Center Adjustment. Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the first day of July in the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of \$11,565.00 per Medicaid trauma admission in the CHAP base period.
 - 3) Level II Urban Trauma Center Adjustment. Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the first day of July in the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$11,565.00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:
 - A) The hospital is located in a county with no Level I trauma center; and
 - B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the first day of July in the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3) of this Section; or the hospital is not located in an HPSA and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3) of this Section.
- b) Rehabilitation Hospital Adjustment (RHA)
- Illinois hospitals that, on the first day of July in the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), and that are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:
- 1) Treatment Component. All hospitals defined in subsection (b) of this Section shall receive \$4,215.00 per Medicaid Level I rehabilitation admission in the CHAP base period.
 - 2) Facility Component. All hospitals defined in subsection (b) of this Section shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- A) Hospitals with fewer than 60 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of ~~\$343,881.00~~\$229,360.00 in the CHAP rate period.
 - B) Hospitals with 60 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of ~~\$813,830.00~~\$527,528.00 in the CHAP rate period.
- 3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) of this Section that are located in an HPSA on July 1, 1999, shall receive \$276.00 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.
- c) Direct Hospital Adjustment (DHA) Criteria
- 1) Qualifying Criteria
Hospitals may qualify for the DHA under this subsection (c) under the following categories:
 - A) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals and long term stay hospitals, all other hospitals located in Health Service Area (HSA) 6 that either:
 - i) were eligible for Direct Hospital Adjustments under the CHAP program as of July 1, 1999, and had a Medicaid inpatient utilization rate (MIUR) equal to or greater than the statewide mean in Illinois on July 1, 1999;
 - ii) were eligible under the Supplemental Critical Hospital Adjustment Payment (SCHAP) program as of July 1, 1999, and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999; or
 - iii) were county owned hospitals as defined in 89 Ill. Adm. Code 148.25(b)(1)(A), and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- B) Illinois hospitals located outside of HSA 6 that had an MIUR greater than 60 percent on July 1, 1999, and an average length of stay less than ten days. The following hospitals are excluded from qualifying under this subsection (c)(1)(B): children's hospitals; psychiatric hospitals; rehabilitation hospitals; and long term stay hospitals.
- C) Children's hospitals, as defined under 89 Ill. Adm. Code 149.50(c)(3), on July 1, 1999.
- D) Illinois teaching hospitals, with more than 40 graduate medical education programs on July 1, 1999, not qualifying in subsection (c)(1)(A), (B), or (C) of this Section.
- E) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals qualifying in subsection (c)(1)(A), (B), (C) or (D) of this Section, all other hospitals located in Illinois that had an MIUR equal to or greater than the mean plus one-half standard deviation on July 1, 1999, and provided more than 15,000 Total days.
- F) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A), (B), (C), (D), or (E) of this Section, all other hospitals that had an MIUR greater than 40 percent on July 1, 1999, and provided more than 7,500 Total days and provided obstetrical care as of July 1, 2001.
- G) Illinois teaching hospitals with 25 or more graduate medical education programs on July 1, 1999, that are affiliated with a Regional Alzheimer's Disease Assistance Center as designated by the Alzheimer's Disease Assistance Act [410 ILCS 405/4], that had an MIUR less than 25 percent on July 1, 1999, and provided 75 or more Alzheimer days for patients diagnosed as having the disease.
- H) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

subsection (c)(1)(A) through (c)(1)(G) of this Section, all other hospitals that had an MIUR greater than 50 percent on July 1, 1999.

D) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsections (c)(1)(A) through (c)(1)(H) of this Section, all other hospitals that had an MIUR greater than 45 percent on July 1, 1999 and a CMIUR greater than 55 percent on July 1, 1999.

2) DHA Rates

A) For hospitals qualifying under subsection (c)(1)(A) of this Section, the DHA rates are as follows:

- i) Hospitals that have a Combined MIUR that is equal to or greater than the Statewide mean Combined MIUR, but less than one standard deviation above the Statewide mean Combined MIUR, will receive \$69.00 per day for hospitals that do not provide obstetrical care and \$105.00 per day for hospitals that do provide obstetrical care.
- ii) Hospitals that have a Combined MIUR that is equal to or greater than one standard deviation above the Statewide mean Combined MIUR, but less than one and one-half standard deviation above the Statewide mean Combined MIUR, will receive \$105.00 per day for hospitals that do not provide obstetrical care and \$142.00 per day for hospitals that do provide obstetrical care.
- iii) Hospitals that have a Combined MIUR that is equal to or greater than one and one-half standard deviation above the Statewide mean Combined MIUR, but less than two standard deviations above the Statewide mean Combined MIUR, will receive \$124.00 per day for hospitals that do not provide obstetrical care and \$160.00 per day for hospitals that do provide obstetrical care.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

four days will have their rate increased by ~~\$281.75~~\$182.25 per day.

x) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an MIUR greater than 60 percent will have their rate increased by ~~\$281.00~~\$202.00 per day.

xi) Hospitals receiving payments under subsection (c)(2)(A)(iv) of this Section that have an MIUR greater than 70 percent and have more than 20,000 days will have their rate increased by \$98.00 per day.

xii) Hospitals with an MIUR greater than 55 percent, a CMIUR greater than 75 percent, one or more graduate medical education programs, and an average length of stay under 4.2 days will have their rate increased by \$21.50 per day.

C) Hospitals qualifying under subsection (c)(1)(B) of this Section will receive the following rates:

i) Qualifying hospitals will receive a rate of \$421.00 per day.

ii) Qualifying hospitals with more than 1,500 Obstetrical days will have their rate increased by \$369.00 per day.

D) Hospitals qualifying under subsection (c)(1)(C) of this Section will receive the following rates:

i) Hospitals will receive a rate of \$28.00 per day.

ii) Hospitals located in Illinois and outside of HSA 6 that have an MIUR greater than 60 percent will have their rate increased by \$55.00 per day.

iii) Hospitals located in Illinois and inside HSA 6 that have an MIUR greater than 80 percent will have their rate increased by \$573.00 per day.

iv) Hospitals that are not located in Illinois that have an MIUR greater than 45 percent will have their rate increased by

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

\$32.00 per day for hospitals that have fewer than 4,000 Total days; or ~~\$514.00~~~~\$246.00~~ per day for hospitals that have more than 4,000 Total days but fewer than 8,000 Total days; or ~~\$312.00~~~~\$178.00~~ per day for hospitals that have more than 8,000 Total days.

- v) Hospitals with more than 3,200 Total admissions will have their rate increased by ~~\$333.50~~~~\$248.00~~ per day.
- E) Hospitals qualifying under subsection (c)(1)(D) of this Section will receive the following rates:
- i) Hospitals will receive a rate of \$41.00 per day.
 - ii) Hospitals with an MIUR between 18 percent and 19.75 percent will have their rate increased by an additional \$14.00 per day.
 - iii) Hospitals with an MIUR equal to or greater than 19.75 percent will have their rate increased by an additional \$87.00 per day.
 - iv) Hospitals with a combined MIUR that is equal to or greater than 35 percent will have their rate increased by an additional \$41.00 per day.
- F) Hospitals qualifying under subsection (c)(1)(E) of this Section will receive ~~\$233.25~~~~\$188.00~~ per day.
- G) Hospitals qualifying under subsection (c)(1)(F) of this Section will receive a rate of \$55.00 per day.
- H) Hospitals that qualify under subsection (c)(1)(G) of this Section will receive the following rates:
- i) Hospitals with an MIUR greater than 19.75 percent will receive a rate of \$69.00 per day.
 - ii) Hospitals with an MIUR equal to or less than 19.75 percent will receive a rate of \$11.00 per day.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- I) Hospitals qualifying under subsection (c)(1)(H) of this Section will receive a rate of \$268.00 per day.
- J) Hospitals qualifying under subsection (c)(1)(I) of this Section will receive a rate of \$157.75 per day.
- K) J) Hospitals that qualify under subsection (c)(1)(A)(iii) of this Section will have their rates multiplied by a factor of two. The payments calculated under this Section to hospitals that qualify under subsection (c)(1)(A)(iii) of this Section may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations. A portion of the payments calculated under this Section may be classified as disproportionate share adjustments for hospitals qualifying under subsection (c)(1)(A)(iii) of this Section.
- 3) DHA Payments
- A) Payments under this subsection (c) will be made at least quarterly, beginning with the quarter ending December 31, 1999.
- B) Payment rates will be multiplied by the Total days.
- C) Total Payment Adjustments
- i) For the CHAP rate period occurring in State fiscal year 20052004, total payments will equal the methodologies described in subsection (c)(2) of this Section. For the period April 1, 20052004, to June 30, 20052004, payment will equal the State fiscal year 20052004 amount less the amount the hospital received under DHA for the quarters ending September 30, 20042003, December 31, 20042003, and March 31, 20052004.
- ii) For CHAP rate periods occurring after State fiscal year 20052004, total payments will equal the methodologies described in subsection (c)(2) of this Section.
- d) Rural Critical Hospital Adjustment Payments (RCHAP)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

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

- 1) the product of \$1,367.00 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or
 - 2) the product of \$138.00 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.
- e) **Total CHAP Adjustments**
Each eligible hospital's critical hospital adjustment payment shall equal the sum of the amounts described in subsections (a), (b), (c) and (d) of this Section. The critical hospital adjustment payments shall be paid at least quarterly.
- f) **Critical Hospital Adjustment Limitations**
Hospitals that qualify for trauma center adjustments under subsection (a) of this Section shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) of this Section, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) of this Section. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.
- g) **Critical Hospital Adjustment Payment Definitions**
The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:
- 1) "Alzheimer days" means total paid days contained in the Department's paid claims database with a ICD-9-CM diagnosis code of 331.0 for dates of service occurring in State fiscal year 2001 and adjudicated through June 30, 2002.
 - 2) "CHAP base period" means State Fiscal Year 1994 for CHAP calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP calculated for the July 1, 1996, CHAP rate period; etc.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 3) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.
- 4) "Combined MIUR" means the sum of Medicaid Inpatient Utilization Rate (MIUR) as of July 1, 1999, and as defined in Section 148.120(k)(5), plus the Medicaid obstetrical inpatient utilization rate, as described in Section 148.120(k)(6), as of July 1, 1999.
- 5) "Medicaid general care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.
- 6) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.
- 7) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (g)(5) of this Section.
- 8) "Medicaid obstetrical care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with Diagnosis Related Grouping (DRG) of 370 through 375; and specifically excludes Medicare/Medicaid crossover claims.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 9) "Medicaid trauma admission" means those claims billed as admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.3, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99.
- 10) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.
- 11) "RCHAP general care admissions" means Medicaid General Care Admissions, as defined in subsection (g)(4) of this Section, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.
- 12) "RCHAP obstetrical care admissions" means Medicaid Obstetrical Care Admissions, as defined in subsection (g)(7) of this Section, with a Diagnosis Related Grouping (DRG) of 370 through 375, occurring in the CHAP base period.
- 13) "Total admissions" means total paid admissions contained in the Department's paid claims database, including obstetrical admissions multiplied by two and excluding Medicare crossover admissions, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.
- 14) "Total days" means total paid days contained in the Department's paid claims database, including obstetrical days multiplied by two and

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

excluding Medicare crossover days, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.

- 15) "Total obstetrical days" means hospital inpatient days for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; V27 through V27.9; V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
160.60	Amendment
160.75	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 93-1061
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments respond to Public Act 93-1061 regarding the enforcement of an arrearage or delinquency upon the emancipation of a child covered by an order for child support.

Changes to Section 160.60 revise administrative support orders to advise the obligor that if there is an unpaid arrearage or delinquency owed upon emancipation of the covered child, the periodic amount required for current support will continue as an obligation until the amount due is paid in full.

Section 160.75 is being revised to provide changes on income withholding notices that are served upon the obligor's payor concerning withholdings related to unpaid arrearages or delinquencies.

Related changes concerning petitions for hearings and conduct of hearings are also being proposed at 89 Ill. Adm. Code 104.

- 6) Will this rulemaking replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

(217)524-0081

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

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

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Employers of child support obligors may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: Payors of obligors may be directed to withhold unpaid arrearages or delinquencies.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: January 2005

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments that appears in this issue of the *Illinois Register* on page 2743:

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) Section Number: 1600.55 Proposed Action:
New Section
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) A Complete Description of the Subjects and Issues Involved: A new rule is being promulgated, in accordance with Section 15-157, to allow participants in the defined benefit plans to make contributions for military service.
- 6) Will this proposed amendment replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Dan M. Slack
General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600
UNIVERSITIES RETIREMENT

SUBPART A: MISCELLANEOUS PROCEDURES

Section	
1600.10	Definitions
1600.20	Dependency of Beneficiaries
1600.30	Crediting Interest on Employee Contributions and Other Reserves
1600.40	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.55	Election to Make Contributions Covering Periods of Military Leave
1600.60	Sick Leave Accrual Schedule
1600.70	Procedures to be followed in Medical Evaluation of Disability Claims
1600.80	Rules of Practice-Nature and Requirements of Formal Hearings
1600.90	Excess Benefit Arrangement
1600.100	Freedom of Information Act
1600.110	Open Meetings Act
1600.120	Twenty Percent Limitation on Final Rate of Earnings Increases
1600.130	Procurement
1600.137	Overpayment Recovery
1600.140	Making Preliminary Estimated Payments

SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	
1600.150	Definitions
1600.151	Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152	Curing Minor Deficiencies
1600.153	Filing a QILDRO with the System
1600.154	Modified QILDROs
1600.155	Benefits Affected by a QILDRO
1600.156	Effect of a Valid QILDRO

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

- 1600.157 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1600.158 Alternate Payee's Address
- 1600.159 Electing Form of Payment
- 1600.160 Automatic Annual Increases
- 1600.161 Expiration of a QILDRO
- 1600.162 Reciprocal Systems QILDRO Policy Statement
- 1600.163 Providing Benefit Information for Divorce Purposes

1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by 40 ILCS 5/15-177.

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. _____, effective _____.

SUBPART A: MISCELLANEOUS PROCEDURES

Section 1600.55 Election to Make Contributions Covering Periods of Military Leave

- a) Under Section 15-157(d) of the Illinois Pension Code [40 ILCS 5/15-157(d)], if the Board, by rule, permits, and subject to such conditions and limitations as may be specified in those rules, a participant may make other additional contributions of such percentage of earnings or amounts as the participant shall elect in a written notice received by the Board.
- b) "Military leave", as used in this Section, means periods during which a participant is placed on leave by an employer for active duty in the uniformed services of the United States while a participating employee under this System; and

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

- 1) returns to employment covered by this System at the expiration of the leave, or within 30 days after the termination of a disability that occurs during the leave; or
 - 2) is precluded from meeting the conditions set forth in subsection (b)(1) because of disability or death.
- c) A participant may elect to make contributions to the System for any period of military leave or portion thereof, as designated by the participant. The contributions must be made at the rates provided in subsections (a) through (c) of Section 15-157 of the Illinois Pension Code [40 ILCS 5/15-157(a)-(c)] based upon the participant's basic compensation on the last date as a participating employee prior to the military leave.
- d) The participant may make contributions while on military leave. No contributions may be made for military leave under this Section after the earliest of the following:
- 1) the date of receipt of a retirement annuity;
 - 2) the date of receipt of a disability retirement allowance;
 - 3) the date of the participant's death; or
 - 4) a period beginning with the date of reemployment that is no longer than three times the period of military service, but not to exceed 5 years.
- e) If the participant makes a contribution under this Section, but is later found to have failed to meet the conditions set forth in this Section, the payment made shall be refunded without interest.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Employee Walkways in Railroad Yards
- 2) Code Citation: 92 Ill. Adm. Code 1546
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1546.10	New Section
1546.20	New Section
1546.110	New Section
1546.120	New Section
1546.130	New Section
1546.140	New Section
1546.150	New Section
- 4) Statutory Authority: Implementing and authorized by Section 18c-7401.1 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401.1 and 18c-1202]
- 5) Effective date of rules: February 15, 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 rules, including any material incorporated by reference, is on file in the agency's principal office and available for public inspection at Illinois Commerce Commission, Transportation Division, 527 East Capitol Avenue, Springfield, IL 62701.
- 9) Notice of Proposal published in Illinois Register: September 10, 2004; 28 Ill. Reg. 12533
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: Based on a Recommendation issued by the Joint Committee on Administrative Rules at its October 12, 2004 meeting, Section 1546.140 was revised to remove language allowing the Section to be waived upon the showing that compliance will impose an undue hardship on the rail carrier. The revised language is as follows:

Section 1546.140 Waivers

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

A rail carrier may petition the Commission for a waiver of any section of this part pursuant to Section 18c-7403 of the Illinois Commercial Transportation Law.

In addition, minor typographical and technical nonsubstantive changes have been made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rules currently in effect? No. Companion emergency rules expired on January 28, 2005.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: These rules implement Public Act 93-0791, codified at 625 ILCS 5/18c-7401.1, which mandates that the Commission adopt rules regarding safe walkways for railroad workers in areas where work is regularly performed on the ground.
- 16) Information and questions regarding these adopted rules shall be directed to:

Steven L. Matrisch
Office of Transportation Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

(217) 782-6447
smatrisc@icc.state.il.us

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: RAIL CARRIERSPART 1546
EMPLOYEE WALKWAYS IN RAILROAD YARDS

SUBPART A: GENERAL RULES

Section	
1546.10	Scope
1546.20	General Requirements

SUBPART B: STANDARDS

Section	
1546.110	New Yard Tracks
1546.120	Other Tracks
1546.130	Compliance
1546.140	Waivers
1546.150	Enforcement

AUTHORITY: Implementing and authorized by Section 18c-7401.1 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401.1 and 18c-1202].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 12722, effective September 1, 2004, for a maximum of 150 days; emergency expired January 28, 2005; adopted at 29 Ill. Reg. 2682, effective February 15, 2005.

SUBPART A: GENERAL RULES

Section 1546.10 Scope

- a) This Part prescribes that rail carriers must provide walkways adjacent to those portions of yard tracks constructed after February 15, 2005 where rail carrier employees frequently work on the ground performing switching activities.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- b) This Part applies to all new construction after February 15, 2005 and to the reconstruction of yard tracks accomplished after the date on which this Part becomes effective.
- c) This Part does not apply to tracks constructed in industry yards owned by an entity other than a rail carrier.

Section 1546.20 General Requirements

- a) Walkways may be surfaced with asphalt, concrete, planking, grating, native material, crushed material, or other similar material. When crushed material is used, 100% of the material must be capable of passing through a 1½" square sieve opening and 90-100% of the material must be capable of passing through a 1" square sieve opening, provided, however, a de minimus variation shall not be a violation of this Part in an instance where the rail carrier has made a good faith effort to comply with the percentage requirements. Smaller crushed material is preferable. It should be used where drainage and durability issues do not arise. Material that is ¾" or less in size is recommended for switching lead tracks.
- b) Walkways must have a reasonably uniform surface and must be maintained in a safe condition without compromising track drainage.
- c) Cross slopes for walkways shall not exceed 1" of elevation for each 8" of horizontal length in any direction.
- d) Walkways shall be a minimum width of 2 feet.
- e) Walkways within the scope of this Part shall be kept reasonably free of spilled fuel oil, sand, posts, rocks, and other hazards or obstructions.

SUBPART B: STANDARDS

Section 1546.110 New Yard Tracks

- a) Rail carriers shall provide walkways adjacent to those portions of yard tracks constructed after February 15, 2005 where rail carrier employees frequently work on the ground performing switching activities.
- b) For purposes of this Part, frequently shall mean at least 5 days per week, 1 shift

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

per day.

Section 1546.120 Other Tracks

- a) In cases where the Commission finds, after notice and hearing, that rail carrier employees who frequently work adjacent to a portion of track performing switching activities are exposed to safety hazards due to the lack of a walkway or to the condition of a walkway constructed before February 15, 2005 the Commission may order a rail carrier to construct a walkway adjacent to a portion of track where employees are performing switching activities, or require a rail carrier to modify an existing walkway in conformance with the standards set forth in Section 1546.110 within a reasonable period of time.
- b) For purposes of this Part, "frequently" shall mean at least 5 days per week, 1 shift per day or any other period deemed "frequently" enough by the Commission to warrant an order pursuant to this Part.

Section 1546.130 Compliance

Rail carriers shall be excused from complying with this Part during maintenance activities or any period of heavy rain or snow, derailments, rock and earth slides, washouts and similar weather or seismic conditions, and during a reasonable period afterwards to allow a return to compliance.

Section 1546.140 Waivers

A rail carrier may petition the Commission for a waiver of any Section of this Part pursuant to Section 18c-7403 of the Illinois Commercial Transportation Law.

Section 1546.150 Enforcement

- a) No formal complaint of an alleged violation of this Part may be filed until the filing party has attempted to address the alleged allegations with the rail carrier. Any complaint of an alleged violation of this Part shall contain a written statement that the filing party has made a reasonable, good faith attempt to address the alleged violation with the rail carrier.
- b) All formal complaints filed with the Commission shall be resolved pursuant to procedures set forth in 83 Ill. Adm. Code 200.170.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Numbers:
50.230
50.320
- Adopted Action:
Amendment
Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13]
- 5) Effective Date of Amendments: February 4, 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: July 16, 2004; 28 Ill. Reg. 9816
- 10) Has JCAR Issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No changes were made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No. The companion emergency rulemaking expired November 27, 2004.
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
50.210	Amendment	28 Ill. Reg. 14737; November 12, 2004
50.230	Amendment	28 Ill. Reg. 14737; November 12, 2004
50.233	New Section	28 Ill. Reg. 14737; November 12, 2004

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

15) Summary and purpose of amendments: Pursuant to provisions of Public Act 93-361, this rulemaking updates the child care income eligibility guidelines based on the State median income for the current fiscal year.

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

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

(217) 785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

- Section
- 50.101 Incorporation by Reference
- 50.110 Participant Rights and Responsibilities
- 50.120 Notification of Available Services
- 50.130 Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

- Section
- 50.210 Child Care
- 50.220 Method of Providing Child Care
- 50.230 Child Care Eligibility
- 50.235 Income Eligibility Criteria
- 50.240 Qualified Provider
- 50.250 Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES

- Section
- 50.310 Fees for Child Care Services
- 50.320 Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care

SUBPART D: CHILD CARE ABUSE AND NEGLECT

- Section
- 50.410 Provider Eligibility
- 50.420 Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section	
50.510	Great START Program
50.520	Method of Providing the Wage Supplement
50.530	Eligibility
50.540	Employer Responsibility
50.550	Notification of Eligibility
50.560	Phase-in of Wage Supplement Scale
50.570	Wage Supplement Scale
50.580	Evaluation

AUTHORITY: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005.

SUBPART B: APPLICABILITY

Section 50.230 Child Care Eligibility

- a) Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

b) Parents and other relatives eligible to receive child care services include:

- 1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency who have been approved for child care benefits by the Department and who meet the monthly income ceilings in subsection (b)(2) of this Section.
- 2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose monthly incomes do not exceed the following amounts by family size:

Family Size	Gross Monthly Income
2	\$1,960 <u>\$1,885</u>
3	\$2,421 <u>\$2,328</u>
4	\$2,882 <u>\$2,772</u>
5	\$3,344 <u>\$3,215</u>
6	\$3,805 <u>\$3,658</u>
7	\$3,891 <u>\$3,741</u>
8	\$3,978 <u>\$3,825</u>

The above income guidelines will be indexed annually so that the thresholds are no less than 50% of the most current State Median Income for each family size.

- 3) Families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of the first Associate Degree and/or the first Bachelor's Degree) whose monthly income does not exceed the monthly income ceilings in subsection (b)(2) of this Section. Qualifying families are eligible to receive child care services needed to attend literacy and other adult basic education, English as a Second Language, GED preparation, and vocational training for up to 24 non-consecutive months with no work requirement, after which they must work a monthly average of at least 20 hours per week in paid employment. Child care provided to a teen parent to obtain a high school degree, or its equivalent, does not count against this 24-month limit. Qualifying families are eligible to receive child care services to attend a 2

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

or 4 year college degree program if they work a monthly average of at least 10 hours per week in paid employment or a monthly average of at least 20 hours per week in a combination of paid employment and unpaid, educationally-required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Child care services shall be available during time periods that are reasonably related to the following activities performed outside the home: paid work, self-employment and education or training activity, including class hours and research, laboratory, library and transportation time. Families with a work requirement shall receive the same grace periods between jobs as persons who receive services pursuant to subsection (b)(2) of this Section. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income when added to the income of the other person does not exceed the monthly income ceiling in subsection (b)(2) of this Section for that family size.

- 4) Relatives (other than parents) who receive child-only TANF or General Assistance (GA) benefits as Representative Payee for children in need of care while they work outside the home.
- c) All families must be residents of Illinois.
 - d) Payment for child care services to eligible parents may begin:
 - 1) if care was provided at the time and all eligibility factors are met, on either:
 - A) the date of the parent's signature; or
 - B) one week (seven calendar days) prior to the stamped date of receipt by the Department or its agents, whichever is later; or
 - 2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being provided and all eligibility factors are met.
 - e) Eligibility ceases 10 calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 29 Ill. Reg. 2687, effective February 4, 2005)

SUBPART C: PAYMENT FEES

Section 50.320 Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time CareFamily Size 2

<u>Monthly Income</u>	<u>1</u> <u>Child</u>	<u>1</u> <u>Child</u>
	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>
\$ 0 - 327	\$ 4.33	\$ 1.00
328 - 491	13.00	3.00
492 - 654	21.67	5.00
655 - 818	34.66	8.00
819 - 981	47.66	11.00
982 - 1,145	65.00	15.00
1,146 - 1,308	86.66	20.00
1,309 - 1,472	108.33	25.00
1,473 - 1,636	134.32	31.00
1,637 - 1,799	160.32	37.00
1,800 - 1,960	186.32	43.00

Family Size 3

<u>Monthly Income</u>	<u>1</u> <u>Child</u>	<u>1</u> <u>Child</u>	<u>2</u> <u>Children</u>	<u>2</u> <u>Children</u>
	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>
\$ 0 - 423	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00
424 - 606	13.00	3.00	17.33	4.00
607 - 808	21.67	5.00	30.33	7.00
809 - 1,010	34.66	8.00	52.00	12.00
1,011 - 1,212	47.66	11.00	69.33	16.00

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

<u>1,213 - 1,414</u>	<u>65.00</u>	<u>15.00</u>	<u>95.33</u>	<u>22.00</u>
<u>1,415 - 1,616</u>	<u>86.66</u>	<u>20.00</u>	<u>147.32</u>	<u>34.00</u>
<u>1,617 - 1,818</u>	<u>108.33</u>	<u>25.00</u>	<u>190.65</u>	<u>44.00</u>
<u>1,819 - 2,020</u>	<u>134.32</u>	<u>31.00</u>	<u>233.98</u>	<u>54.00</u>
<u>2,021 - 2,222</u>	<u>160.32</u>	<u>37.00</u>	<u>277.31</u>	<u>64.00</u>
<u>2,223 - 2,421</u>	<u>186.32</u>	<u>43.00</u>	<u>320.64</u>	<u>74.00</u>

Family Size 4

	<u>1</u> <u>Child</u>	<u>1</u> <u>Child</u>	<u>2</u> <u>Children</u>	<u>2</u> <u>Children</u>	<u>3</u> <u>Children</u>	<u>3</u> <u>Children</u>
<u>Monthly Income</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>
<u>\$ 0 - 481</u>	<u>\$ 4.33</u>	<u>\$ 1.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>
<u>482 - 722</u>	<u>13.00</u>	<u>3.00</u>	<u>17.33</u>	<u>4.00</u>	<u>17.33</u>	<u>4.00</u>
<u>723 - 962</u>	<u>21.67</u>	<u>5.00</u>	<u>30.33</u>	<u>7.00</u>	<u>34.66</u>	<u>8.00</u>
<u>963 - 1,203</u>	<u>34.66</u>	<u>8.00</u>	<u>52.00</u>	<u>12.00</u>	<u>52.00</u>	<u>12.00</u>
<u>1,204 - 1,443</u>	<u>47.66</u>	<u>11.00</u>	<u>69.33</u>	<u>16.00</u>	<u>73.66</u>	<u>17.00</u>
<u>1,444 - 1,684</u>	<u>65.00</u>	<u>15.00</u>	<u>95.33</u>	<u>22.00</u>	<u>99.66</u>	<u>23.00</u>
<u>1,685 - 1,924</u>	<u>86.66</u>	<u>20.00</u>	<u>147.32</u>	<u>34.00</u>	<u>151.66</u>	<u>35.00</u>
<u>1,925 - 2,165</u>	<u>108.33</u>	<u>25.00</u>	<u>190.65</u>	<u>44.00</u>	<u>194.99</u>	<u>45.00</u>
<u>2,166 - 2,405</u>	<u>134.32</u>	<u>31.00</u>	<u>233.98</u>	<u>54.00</u>	<u>238.32</u>	<u>55.00</u>
<u>2,406 - 2,646</u>	<u>160.32</u>	<u>37.00</u>	<u>277.31</u>	<u>64.00</u>	<u>281.65</u>	<u>65.00</u>
<u>2,647 - 2,882</u>	<u>186.32</u>	<u>43.00</u>	<u>320.64</u>	<u>74.00</u>	<u>324.98</u>	<u>75.00</u>

Family Size 5

	<u>1</u> <u>Child</u>	<u>1</u> <u>Child</u>	<u>2</u> <u>Children</u>	<u>2</u> <u>Children</u>	<u>3</u> <u>Children</u>	<u>3</u> <u>Children</u>	<u>4</u> <u>Children</u>	<u>4</u> <u>Children</u>
<u>Monthly</u> <u>Income</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>
<u>\$ 0 - 558</u>	<u>\$ 4.33</u>	<u>\$ 1.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>
<u>559 - 837</u>	<u>13.00</u>	<u>3.00</u>	<u>17.33</u>	<u>4.00</u>	<u>17.33</u>	<u>4.00</u>	<u>21.67</u>	<u>5.00</u>
<u>838 - 1,116</u>	<u>21.67</u>	<u>5.00</u>	<u>30.33</u>	<u>7.00</u>	<u>34.66</u>	<u>8.00</u>	<u>34.66</u>	<u>8.00</u>
<u>1,117 - 1,395</u>	<u>34.66</u>	<u>8.00</u>	<u>52.00</u>	<u>12.00</u>	<u>52.00</u>	<u>12.00</u>	<u>56.33</u>	<u>13.00</u>
<u>1,396 - 1,674</u>	<u>47.66</u>	<u>11.00</u>	<u>69.33</u>	<u>16.00</u>	<u>73.66</u>	<u>17.00</u>	<u>77.99</u>	<u>18.00</u>
<u>1,675 - 1,953</u>	<u>65.00</u>	<u>15.00</u>	<u>95.33</u>	<u>22.00</u>	<u>99.66</u>	<u>23.00</u>	<u>103.99</u>	<u>24.00</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

<u>1,954 - 2,232</u>	<u>86.66</u>	<u>20.00</u>	<u>147.32</u>	<u>34.00</u>	<u>151.66</u>	<u>35.00</u>	<u>155.99</u>	<u>36.00</u>
<u>2,233 - 2,511</u>	<u>108.33</u>	<u>25.00</u>	<u>190.65</u>	<u>44.00</u>	<u>194.99</u>	<u>45.00</u>	<u>199.32</u>	<u>46.00</u>
<u>2,512 - 2,790</u>	<u>134.32</u>	<u>31.00</u>	<u>233.98</u>	<u>54.00</u>	<u>238.32</u>	<u>55.00</u>	<u>242.65</u>	<u>56.00</u>
<u>2,791 - 3,069</u>	<u>160.32</u>	<u>37.00</u>	<u>277.31</u>	<u>64.00</u>	<u>281.65</u>	<u>65.00</u>	<u>285.98</u>	<u>66.00</u>
<u>3,070 - 3,344</u>	<u>186.32</u>	<u>43.00</u>	<u>320.64</u>	<u>74.00</u>	<u>324.98</u>	<u>75.00</u>	<u>329.31</u>	<u>76.00</u>

Family Size 6

	<u>1</u> <u>Child</u>	<u>1</u> <u>Child</u>	<u>2</u> <u>Children</u>	<u>2</u> <u>Children</u>	<u>3</u> <u>Children</u>	<u>3</u> <u>Children</u>	<u>4</u> <u>Children</u>	<u>4</u> <u>Children</u>
<u>Monthly</u> <u>Income</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>
<u>\$ 0 - 635</u>	<u>\$ 4.33</u>	<u>\$ 1.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>
<u>636 - 952</u>	<u>13.00</u>	<u>3.00</u>	<u>17.33</u>	<u>4.00</u>	<u>17.33</u>	<u>4.00</u>	<u>21.67</u>	<u>5.00</u>
<u>953 - 1,270</u>	<u>21.67</u>	<u>5.00</u>	<u>30.33</u>	<u>7.00</u>	<u>34.66</u>	<u>8.00</u>	<u>34.66</u>	<u>8.00</u>
<u>1,271 - 1,587</u>	<u>34.66</u>	<u>8.00</u>	<u>52.00</u>	<u>12.00</u>	<u>52.00</u>	<u>12.00</u>	<u>56.33</u>	<u>13.00</u>
<u>1,588 - 1,905</u>	<u>47.66</u>	<u>11.00</u>	<u>69.33</u>	<u>16.00</u>	<u>73.66</u>	<u>17.00</u>	<u>77.99</u>	<u>18.00</u>
<u>1,906 - 2,222</u>	<u>65.00</u>	<u>15.00</u>	<u>95.33</u>	<u>22.00</u>	<u>99.66</u>	<u>23.00</u>	<u>103.99</u>	<u>24.00</u>
<u>2,223 - 2,540</u>	<u>86.66</u>	<u>20.00</u>	<u>147.32</u>	<u>34.00</u>	<u>151.66</u>	<u>35.00</u>	<u>155.99</u>	<u>36.00</u>
<u>2,541 - 2,857</u>	<u>108.33</u>	<u>25.00</u>	<u>190.65</u>	<u>44.00</u>	<u>194.99</u>	<u>45.00</u>	<u>199.32</u>	<u>46.00</u>
<u>2,858 - 3,175</u>	<u>134.32</u>	<u>31.00</u>	<u>233.98</u>	<u>54.00</u>	<u>238.32</u>	<u>55.00</u>	<u>242.65</u>	<u>56.00</u>
<u>3,176 - 3,492</u>	<u>160.32</u>	<u>37.00</u>	<u>277.31</u>	<u>64.00</u>	<u>281.65</u>	<u>65.00</u>	<u>285.98</u>	<u>66.00</u>
<u>3,493 - 3,805</u>	<u>186.32</u>	<u>43.00</u>	<u>320.64</u>	<u>74.00</u>	<u>324.98</u>	<u>75.00</u>	<u>329.31</u>	<u>76.00</u>

	<u>5</u> <u>Children</u>	<u>5</u> <u>Children</u>
<u>Monthly</u> <u>Income</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>
<u>\$ 0 - 635</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>
<u>636 - 952</u>	<u>21.67</u>	<u>5.00</u>
<u>953 - 1,270</u>	<u>39.00</u>	<u>9.00</u>
<u>1,271 - 1,587</u>	<u>60.66</u>	<u>14.00</u>
<u>1,588 - 1,905</u>	<u>82.33</u>	<u>19.00</u>
<u>1,906 - 2,222</u>	<u>108.33</u>	<u>25.00</u>
<u>2,223 - 2,540</u>	<u>160.32</u>	<u>37.00</u>
<u>2,541 - 2,857</u>	<u>203.65</u>	<u>47.00</u>
<u>2,858 - 3,175</u>	<u>246.98</u>	<u>57.00</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

3,176 - 3,492 290.31 67.00
3,493 - 3,805 333.64 77.00

Family Size 7

	<u>1</u> <u>Child</u>	<u>1</u> <u>Child</u>	<u>2</u> <u>Children</u>	<u>2</u> <u>Children</u>	<u>3</u> <u>Children</u>	<u>3</u> <u>Children</u>	<u>4</u> <u>Children</u>	<u>4</u> <u>Children</u>
<u>Monthly</u> <u>Income</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>
<u>\$ 0 - 649</u>	<u>\$ 4.33</u>	<u>\$ 1.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>
<u>650 - 974</u>	<u>13.00</u>	<u>3.00</u>	<u>17.33</u>	<u>4.00</u>	<u>17.33</u>	<u>4.00</u>	<u>21.67</u>	<u>5.00</u>
<u>975 - 1,299</u>	<u>21.67</u>	<u>5.00</u>	<u>30.33</u>	<u>7.00</u>	<u>34.66</u>	<u>8.00</u>	<u>34.66</u>	<u>8.00</u>
<u>1,300 - 1,623</u>	<u>34.66</u>	<u>8.00</u>	<u>52.00</u>	<u>12.00</u>	<u>52.00</u>	<u>12.00</u>	<u>56.33</u>	<u>13.00</u>
<u>1,624 - 1,948</u>	<u>47.66</u>	<u>11.00</u>	<u>69.33</u>	<u>16.00</u>	<u>73.66</u>	<u>17.00</u>	<u>77.99</u>	<u>18.00</u>
<u>1,949 - 2,273</u>	<u>65.00</u>	<u>15.00</u>	<u>95.33</u>	<u>22.00</u>	<u>99.66</u>	<u>23.00</u>	<u>103.99</u>	<u>24.00</u>
<u>2,274 - 2,598</u>	<u>86.66</u>	<u>20.00</u>	<u>147.32</u>	<u>34.00</u>	<u>151.66</u>	<u>35.00</u>	<u>155.99</u>	<u>36.00</u>
<u>2,599 - 2,922</u>	<u>108.33</u>	<u>25.00</u>	<u>190.65</u>	<u>44.00</u>	<u>194.99</u>	<u>45.00</u>	<u>199.32</u>	<u>46.00</u>
<u>2,923 - 3,247</u>	<u>134.32</u>	<u>31.00</u>	<u>233.98</u>	<u>54.00</u>	<u>238.32</u>	<u>55.00</u>	<u>242.65</u>	<u>56.00</u>
<u>3,248 - 3,572</u>	<u>160.32</u>	<u>37.00</u>	<u>277.31</u>	<u>64.00</u>	<u>281.65</u>	<u>65.00</u>	<u>285.98</u>	<u>66.00</u>
<u>3,573 - 3,891</u>	<u>186.32</u>	<u>43.00</u>	<u>320.64</u>	<u>74.00</u>	<u>324.98</u>	<u>75.00</u>	<u>329.31</u>	<u>76.00</u>

	<u>5</u> <u>Children</u>	<u>5</u> <u>Children</u>	<u>6</u> <u>Children</u>	<u>6</u> <u>Children</u>
<u>Monthly</u> <u>Income</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>
<u>\$ 0 - 649</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>
<u>650 - 974</u>	<u>21.67</u>	<u>5.00</u>	<u>21.67</u>	<u>5.00</u>
<u>975 - 1,299</u>	<u>39.00</u>	<u>9.00</u>	<u>39.00</u>	<u>9.00</u>
<u>1,300 - 1,623</u>	<u>60.66</u>	<u>14.00</u>	<u>65.00</u>	<u>15.00</u>
<u>1,624 - 1,948</u>	<u>82.33</u>	<u>19.00</u>	<u>86.66</u>	<u>20.00</u>
<u>1,949 - 2,273</u>	<u>108.33</u>	<u>25.00</u>	<u>112.66</u>	<u>26.00</u>
<u>2,274 - 2,598</u>	<u>160.32</u>	<u>37.00</u>	<u>164.65</u>	<u>38.00</u>
<u>2,599 - 2,922</u>	<u>203.65</u>	<u>47.00</u>	<u>207.98</u>	<u>48.00</u>
<u>2,923 - 3,247</u>	<u>246.98</u>	<u>57.00</u>	<u>251.31</u>	<u>58.00</u>
<u>3,248 - 3,572</u>	<u>290.31</u>	<u>67.00</u>	<u>294.64</u>	<u>68.00</u>
<u>3,573 - 3,891</u>	<u>333.64</u>	<u>77.00</u>	<u>337.97</u>	<u>78.00</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Family Size 8

	<u>1</u> <u>Child</u>	<u>1</u> <u>Child</u>	<u>2</u> <u>Children</u>	<u>2</u> <u>Children</u>	<u>3</u> <u>Children</u>	<u>3</u> <u>Children</u>	<u>4</u> <u>Children</u>	<u>4</u> <u>Children</u>
<u>Monthly</u> <u>Income</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>
<u>\$ 0 - 664</u>	<u>\$ 4.33</u>	<u>\$ 1.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>
<u>665 - 996</u>	<u>13.00</u>	<u>3.00</u>	<u>17.33</u>	<u>4.00</u>	<u>17.33</u>	<u>4.00</u>	<u>21.67</u>	<u>5.00</u>
<u>997 - 1,328</u>	<u>21.67</u>	<u>5.00</u>	<u>30.33</u>	<u>7.00</u>	<u>34.66</u>	<u>8.00</u>	<u>34.66</u>	<u>8.00</u>
<u>1,329 - 1,660</u>	<u>34.66</u>	<u>8.00</u>	<u>52.00</u>	<u>12.00</u>	<u>52.00</u>	<u>12.00</u>	<u>56.33</u>	<u>13.00</u>
<u>1,661 - 1,992</u>	<u>47.66</u>	<u>11.00</u>	<u>69.33</u>	<u>16.00</u>	<u>73.66</u>	<u>17.00</u>	<u>77.99</u>	<u>18.00</u>
<u>1,993 - 2,323</u>	<u>65.00</u>	<u>15.00</u>	<u>95.33</u>	<u>22.00</u>	<u>99.66</u>	<u>23.00</u>	<u>103.99</u>	<u>24.00</u>
<u>2,324 - 2,655</u>	<u>86.66</u>	<u>20.00</u>	<u>147.32</u>	<u>34.00</u>	<u>151.66</u>	<u>35.00</u>	<u>155.99</u>	<u>36.00</u>
<u>2,656 - 2,987</u>	<u>108.33</u>	<u>25.00</u>	<u>190.65</u>	<u>44.00</u>	<u>194.99</u>	<u>45.00</u>	<u>199.32</u>	<u>46.00</u>
<u>2,988 - 3,319</u>	<u>134.32</u>	<u>31.00</u>	<u>233.98</u>	<u>54.00</u>	<u>238.32</u>	<u>55.00</u>	<u>242.65</u>	<u>56.00</u>
<u>3,320 - 3,651</u>	<u>160.32</u>	<u>37.00</u>	<u>277.31</u>	<u>64.00</u>	<u>281.65</u>	<u>65.00</u>	<u>285.98</u>	<u>66.00</u>
<u>3,652 - 3,978</u>	<u>186.32</u>	<u>43.00</u>	<u>320.64</u>	<u>74.00</u>	<u>324.98</u>	<u>75.00</u>	<u>329.31</u>	<u>76.00</u>

	<u>5</u> <u>Children</u>	<u>5</u> <u>Children</u>	<u>6</u> <u>Children</u>	<u>6</u> <u>Children</u>	<u>7</u> <u>Children</u>	<u>7</u> <u>Children</u>
<u>Monthly</u> <u>Income</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>	<u>Monthly</u> <u>Co-Pay</u>	<u>Weekly</u> <u>Co-Pay</u>
<u>\$ 0 - 664</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>	<u>\$ 8.67</u>	<u>\$ 2.00</u>
<u>665 - 996</u>	<u>21.67</u>	<u>5.00</u>	<u>21.67</u>	<u>5.00</u>	<u>26.00</u>	<u>6.00</u>
<u>997 - 1,328</u>	<u>39.00</u>	<u>9.00</u>	<u>39.00</u>	<u>9.00</u>	<u>43.33</u>	<u>10.00</u>
<u>1,329 - 1,660</u>	<u>60.66</u>	<u>14.00</u>	<u>65.00</u>	<u>15.00</u>	<u>65.00</u>	<u>15.00</u>
<u>1,661 - 1,992</u>	<u>82.33</u>	<u>19.00</u>	<u>86.66</u>	<u>20.00</u>	<u>90.99</u>	<u>21.00</u>
<u>1,993 - 2,323</u>	<u>108.33</u>	<u>25.00</u>	<u>112.66</u>	<u>26.00</u>	<u>116.99</u>	<u>27.00</u>
<u>2,324 - 2,655</u>	<u>160.32</u>	<u>37.00</u>	<u>164.65</u>	<u>38.00</u>	<u>168.99</u>	<u>39.00</u>
<u>2,656 - 2,987</u>	<u>203.65</u>	<u>47.00</u>	<u>207.98</u>	<u>48.00</u>	<u>212.32</u>	<u>49.00</u>
<u>2,988 - 3,319</u>	<u>246.98</u>	<u>57.00</u>	<u>251.31</u>	<u>58.00</u>	<u>255.65</u>	<u>59.00</u>
<u>3,320 - 3,651</u>	<u>290.31</u>	<u>67.00</u>	<u>294.64</u>	<u>68.00</u>	<u>298.98</u>	<u>69.00</u>
<u>3,652 - 3,978</u>	<u>333.64</u>	<u>77.00</u>	<u>337.97</u>	<u>78.00</u>	<u>342.31</u>	<u>79.00</u>

Gross Monthly Income

+

\$ 0 - 327

\$ 4.33

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

328—491	13.00
492—654	21.67
655—818	34.66
819—981	47.66
982—1,145	65.00
1,146—1,308	86.66
1,309—1,472	108.33
1,473—1,636	134.32
1,637—1,799	160.32
1,800—1,885	186.32

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 3

<u>Gross Monthly Income</u>	<u>1</u>	<u>2</u>
\$—0—423	\$—4.33	\$—8.67
424—606	13.00	17.33
607—808	21.67	30.33
809—1,010	34.66	52.00
1,011—1,212	47.66	69.33
1,213—1,414	65.00	95.33
1,415—1,616	86.66	147.32
1,617—1,818	108.33	190.65
1,819—2,020	134.32	233.98
2,021—2,222	160.32	277.31
2,223—2,328	186.32	320.64

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 4

<u>Gross Monthly Income</u>	<u>1</u>	<u>2</u>	<u>3</u>
\$—0—481	\$—4.33	\$—8.67	\$—8.67
482—722	13.00	17.33	17.33
723—962	21.67	30.33	34.66
963—1,203	34.66	52.00	52.00
1,204—1,443	47.66	69.33	73.66
1,444—1,684	65.00	95.33	99.66
1,685—1,924	86.66	147.32	151.66
1,925—2,165	108.33	190.65	194.99

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

2,166—2,405	134.32	233.98	238.32
2,406—2,646	160.32	277.31	281.65
2,647—2,772	186.32	320.64	324.98

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 5

<u>Gross Monthly Income</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
\$ 0—558	\$ 4.33	\$ 8.67	\$ 8.67	\$ 8.67
559—837	13.00	17.33	17.33	21.67
838—1,116	21.67	30.33	34.66	34.66
1,117—1,395	34.66	52.00	52.00	56.33
1,396—1,674	47.66	69.33	73.66	77.99
1,675—1,953	65.00	95.33	99.66	103.99
1,954—2,232	86.66	147.32	151.66	155.99
2,233—2,511	108.33	190.65	194.99	199.32
2,512—2,790	134.32	233.98	238.32	242.65
2,791—3,069	160.32	277.31	281.65	285.98
3,070—3,215	186.32	320.64	324.98	329.31

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 6

<u>Gross Monthly Income</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
\$ 0—635	\$ 4.33	\$ 8.67	\$ 8.67	\$ 8.67	\$ 8.67
636—952	13.00	17.33	17.33	21.67	21.67
953—1,270	21.67	30.33	34.66	34.66	39.00
1,271—1,587	34.66	52.00	52.00	56.33	60.66
1,588—1,905	47.66	69.33	73.66	77.99	82.33
1,906—2,222	65.00	95.33	99.66	103.99	108.33
2,223—2,540	86.66	147.32	151.66	155.99	160.32
2,541—2,857	108.33	190.65	194.99	199.32	203.65
2,858—3,175	134.32	233.98	238.32	242.65	246.98
3,176—3,492	160.32	277.31	281.65	285.98	290.31
3,493—3,658	186.32	320.64	324.98	329.31	333.64

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 7

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Gross Monthly Income	1	2	3	4	5	6
\$ 0—649	\$ 4.33	\$ 8.67	\$ 8.67	\$ 8.67	\$ 8.67	\$ 8.67
650—974	13.00	17.33	17.33	21.67	21.67	21.67
975—1,299	21.67	30.33	34.66	34.66	39.00	39.00
1,300—1,623	34.66	52.00	52.00	56.33	60.66	65.00
1,624—1,948	47.66	69.33	73.66	77.99	82.33	86.66
1,949—2,273	65.00	95.33	99.66	103.99	108.33	112.66
2,274—2,598	86.66	147.32	151.66	155.99	160.32	164.65
2,599—2,922	108.33	190.65	194.99	199.32	203.65	207.98
2,923—3,247	134.32	233.98	238.32	242.65	246.98	251.31
3,248—3,572	160.32	277.31	281.65	285.98	290.31	294.64
3,573—3,741	186.32	320.64	324.98	329.31	333.64	337.97

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 8

Gross Monthly Income	1	2	3	4	5	6	7
\$ 0—664	\$ 4.33	\$ 8.67	\$ 8.67	\$ 8.67	\$ 8.67	\$ 8.67	\$ 8.67
665—996	13.00	17.33	17.33	21.67	21.67	21.67	26.00
997—1,328	21.67	30.33	34.66	34.66	39.00	39.00	43.33
1,329—1,660	34.66	52.00	52.00	56.33	60.66	65.00	65.00
1,661—1,992	47.66	69.33	73.66	77.99	82.33	86.66	90.99
1,993—2,323	65.00	95.33	99.66	103.99	108.33	112.66	116.99
2,324—2,655	86.66	147.32	151.66	155.99	160.32	164.65	168.99
2,656—2,987	108.33	190.65	194.99	199.32	203.65	207.98	212.32
2,988—3,319	134.32	233.98	238.32	242.65	246.98	251.31	255.65
3,320—3,651	160.32	277.31	281.65	285.98	290.31	294.64	298.98
3,652—3,825	186.32	320.64	324.98	329.31	333.64	337.97	342.31

(Source: Amended at 29 Ill. Reg. 2687, effective February 4, 2005)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of amendments: This rulemaking is being adopted in accordance with an option provided under Title IV of the federal Farm Bill (HR 2646-The Food Stamp Reauthorization Act of 2002). Under this provision, states may provide 5 months of transitional food stamp (TFS) benefits to families that leave welfare without requiring the families to reapply or submit any additional paperwork or information.

These TFS benefit amounts will be calculated based on the food stamp allotment the TANF household received the month before TANF assistance ended, minus the amount of unearned income from the terminated TANF grant and adjusted for any household members who have left the home. The amount of TFS benefits will stay the same for the entire 5-month period unless during the 5-month TFS period a member leaves the household or the household reapplies and is approved for TANF. Households who believe that they are eligible to receive more food stamp benefits will have the option to reapply under regular food stamp program rules at any time during the 5-month TFS period.

As a result of this rulemaking, food stamp benefits will be provided to households that no longer participate in TANF for a 5-month period without requiring the households to report changes in circumstances. If the household's TANF assistance is terminated as a result of an increase in earned and/or unearned income, the increase will not be considered during the 5-month TFS period.

Extended food stamp benefits are being provided to assist households to move towards self-sufficiency. This rulemaking will also decrease the workload on staff by eliminating the need to process reported change information during this transitional period. This policy change will also reduce errors associated with households reporting and not reporting changes.

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

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

(217) 785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

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

SUBPART A: APPLICATION PROCEDURES

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

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

SUBPART D: ELIGIBILITY STANDARDS

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

SUBPART E: HOUSEHOLD CONCEPT

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

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

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

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

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

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

- 121.160 Persons Required to Participate
- 121.162 Program Requirements

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

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

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; peremptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; peremptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2701, effective February 4, 2005.

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.108 Transitional Food Stamp (TFS) Benefits

- a) For households receiving TANF and food stamps, Transitional Food Stamp (TFS) benefits shall be provided to TANF households whose TANF assistance is being terminated.
- b) Households that lose TANF assistance for one of the following reasons will not be eligible for TFS benefits:
 - 1) noncompliance with TANF requirements;
 - 2) moving out of State; or
 - 3) inability to locate.
- c) Households are eligible to receive TFS benefits for 5 months beginning with the month of TANF termination.
- d) The TFS monthly benefit amount will be calculated based on the food stamp allotment the TANF household received the month before TANF assistance ended, minus the amount of unearned income from the terminated TANF grant and adjusted for any household members who have left the home.
- e) The amount of TFS benefits will stay the same for the 5-month TFS period unless during the 5-month TFS period a member leaves the household or the household reapplies and is approved for TANF.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- f) Other changes reported by the household or changes known to the Department during the 5-month TFS period will not affect the amount of TFS benefits. A household will not be required to report changes during the TFS period.
- g) Households who believe they are eligible for more food stamp benefits have the option to reapply and have their eligibility determined under regular food stamp program rules (see 89 Ill. Adm. Code 121).
- h) A household may reapply at any time during the 5-month TFS period. If a household reapplies during the TFS period:
- 1) an interview will be scheduled; and
 - 2) a notice will be given to the household to provide required verifications within 10 days.
- i) The application for recertification will be denied and TFS benefits will continue until the end of the TFS period if the household:
- 1) fails to complete the interview process;
 - 2) fails to submit required verifications within the 10-day timeframe (see subsection (h)(2) of this Section);
 - 3) is determined to be ineligible for the program; or
 - 4) is determined eligible for the regular food stamp program (see 89 Ill. Adm. Code 121), but is entitled to benefits lower than the TFS benefit amount.
- j) If a household is determined eligible for the regular food stamp program (see 89 Ill. Adm. Code 121), its new certification period will begin the month following the month in which the household submitted the application for recertification.
- k) A notice will be sent to the household when the TANF termination is processed to inform the household:
- 1) of the TFS period;
 - 2) of the amount of TFS benefits;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 3) that changes will not have to be reported or verified during the TFS period;
 - 4) that, if the household has a change in circumstances that may result in an increase in benefits, such as a decrease in income or an increase in expenses or household size, the household may reapply under regular food stamp program rules (see 89 Ill. Adm. Code 121);
 - 5) that, if a member leaves the household, TFS benefits will be adjusted;
 - 6) that, if the household reapplies and is approved for TANF, TFS benefits will be terminated and a recertification will be required;
 - 7) that, if the household chooses not to reapply and the reported changes result in a decrease in food stamp benefits, no action will be taken to decrease benefits until the TFS period has ended.
- 1) Prior to the end of the TFS period, a notice will be sent to the household informing them to reapply. If the household fails to reapply, their food stamp benefits will be discontinued at the end of the TFS period.

(Source: Added at 29 Ill. Reg. 2701, effective February 4, 2005)

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 5050
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
5050.10	Amended
5050.20	Amended
5050.30	Amended
5050.100	Amended
5050.200	Amended
APPENDIX A	New
- 4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05].
- 5) Effective Date of Amendments: February 3, 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 at the Board of Higher Education's office and is available for public inspection.
- 9) Notice of Proposal published in the Illinois Register: Prior publication of internal rules in the *Illinois Register* is not required.
- 10) Has JCAR issued a Statement of Objection to these Amendments? Prior review of internal rule by JCAR is not required.
- 11) Differences between proposal and final version: Not applicable
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Not applicable
- 13) Will these amendments replace any emergency amendments currently in place? No
- 14) Are there any amendments pending on this Part? No

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and purpose of amendments: To update the Board of Higher Education's internal rules.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Sandi Gillilan, Agency Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, 2nd Floor
Springfield, IL 62701

217-557-7352

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

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER III: BOARD OF HIGHER EDUCATION

PART 5050
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

- Section
- 5050.10 Individual or Group Requests for Making Presentations to the Board
- 5050.20 Proposals for New Board Policies or Amendments to Existing Policy
- 5050.30 Information Requests

SUBPART B: RULEMAKING

- Section
- 5050.100 Rulemaking Procedures

SUBPART C: ORGANIZATION

- Section
- 5050.200 Organization of Illinois Board of Higher Education

5050.APPENDIX A Organization Chart

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05].

SOURCE: Adopted and codified at 8 Ill. Reg. 16822, effective August 30, 1984; amended at 29 Ill. Reg. _____, effective February 3, 2005.

SUBPART A: PUBLIC INFORMATION

Section 5050.10 Individual or Group Requests for Making Presentations to the Board

- a) General Public
 - 1) A representative of the general public may request the opportunity to

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

make a presentation, provided that his/her request is made to the Board Secretary no later than three (3) business days prior to in writing by letter to the Chairperson or Executive Director no later than fifteen (15) days prior to the Board meeting for which the request to make a presentation is made, except as an emergency might require.

- 2) ~~Presentations shall be made in written form either as an outline, a brief, or a full report, submitted to the Executive Director for the distribution to the Board in advance of appearance.~~
- 23) Appearance, if approved by the Chairperson, will be subject to reasonable time limits. The party whose request for appearance is approved will be notified in advance of the appointed time and place.
- 34) The time of appearances which have been approved will be scheduled as the Board agenda permits or as the Chairperson deems appropriate.

b) Institutional Staff

- 1) All communications to the Board regarding matters of institutional concern (only such matters which are not resolved by the institution ~~or system~~) from faculty, staff, and students of the institutions will be submitted simultaneously to the institutional president or appropriate institutional office, to the appropriate system head and to the Chairperson of the Board and Executive Director in order that they may be informed of the nature of the communications. Exceptions to this communications pattern will occur only under extraordinary circumstances.
- 2) The Chairpersons of the Faculty Advisory Council~~Committee~~, the Student Advisory Committee, the Independent College and University Nonpublic Advisory Committee, the Council of Community College Presidents and the Proprietary Schools and Colleges Advisory Committee shall have the opportunity to speak at each Board meeting on matters pertinent to their groups.
- 3) Special guests in attendance at Board meetings may be introduced with the permission of the Board Chairperson.

(Source: Amended at 29 Ill. Reg. _____, effective February 3, 2005)

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 5050.20 Proposals for New Board Policies or Amendments to Existing Policy

- a) Any proposal by third parties purporting to advance a new policy or alter or amend an existing policy of the Board must be submitted in writing, indicating the precise nature of the proposed change, accompanied by research data of supportive rationale.
- b) Any such proposed change of policy should be given the Chairperson or Executive Director who shall, in turn, present the policy proposal to the Board as a whole.

AGENCY NOTE: The above procedures are for the information and guidance of all who may wish to make presentations to the Illinois State Board of Higher Education. The Board reserves the right to decline or restrict presentations, to refer requests to existing or ad hoc committees of the Boardboard, to establish the conditions under which presentations may be made, or to waive restrictions if circumstances warrant.

(Source: Amended at 29 Ill. Reg. _____, effective February 3, 2005)

Section 5050.30 Information Requests

Requests for information or assistance from the Illinois Board of Higher Education should be directed to the Executive Director, Illinois Board of Higher Education, 431 East Adams Street, Second Floor~~4 West Old Capitol Square~~, Springfield, Illinois 62701-1418.

(Source: Amended at 29 Ill. Reg. _____, effective February 3, 2005)

SUBPART B: RULEMAKING

Section 5050.100 Rulemaking Procedures

- a) New rules, amendments or repealers will be initiated at the direction of the Board or its Executive Director, and may result in some cases from statutory changes, court decisions, or suggestions from interested individuals or advisory committees. Proposed new rules, amendments or repealers ~~first~~ will be presented at an open public meeting of the Board prior to publication in the Illinois Register.
- b) Following Board approval, proposed rules, amendments or repealers will be published in the Illinois Register. During the 45-day "first notice" period,

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

interested persons or agencies may provide comments.

- c) Review of proposed rules, amendments or repealers by the Joint Committee on Administrative Rules (~~JCAR~~) will take place during the "second notice" period. The Joint Committee on Administrative Rules~~JCAR~~ will review any comments on the rules which were submitted to the issuing agency by interested individuals or agencies.
- d) Proposed new rules, amendments or repealers which have met the requirements for public input and Joint Committee on Administrative Rules review, will be adopted at a second public meeting of the Board.
- e) Individuals or organizations proposing the creation, amendment or repeal of a rule may do so by writing to the ~~Chairperson~~Chairman or Executive Director of the Illinois Board of Higher Education~~IBHE~~ at 431 East Adams Street, Second Floor~~4 West Old Capitol Square~~, Springfield, Illinois 62701-1418. The written statement should include specific language, and in the case of existing rules, cite the specific rule to be amended or repealed. Justification for the proposal shall also be included.

(Source: Amended at 29 Ill. Reg. _____, effective February 3, 2005)

SUBPART C: ORGANIZATION

Section 5050.200 Organization of Illinois Board of Higher Education

- a) The Illinois Board of Higher Education, the state coordinating agency for public and private postsecondary education, is composed of 15 members: ten members appointed by the Governor with the consent of the Senate, a member appointed by the Governor to represent public universities, a member appointed by the Governor to represent independent institutions, the Chairman of the Illinois Community College Board, the Chairman of the Illinois Student Assistance Commission, the respective chairmen of the four public university governing boards and the public community college board, and a ~~nonvoting~~ student member selected by the recognized student advisory committee to the IBHE.
- b) There are five standing advisory committees to the Board: the Faculty Advisory ~~Council~~Committee, the Independent College and University~~Nonpublic~~ Advisory Committee, the Proprietary ~~Schools and Colleges~~ Advisory Committee, the Student Advisory Committee, and the Council of Community College

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~Presidents Commission of Scholars~~. In addition, ~~two~~~~three~~ members of the Illinois Board of Higher Education serve with ~~two~~~~three~~ members of the Illinois State Board of Education, two members of the Illinois Community College Board, and two members of the Illinois Workforce Investment Board on a Joint Education Committee (JEC). The JEC was created to address issues of common interest to both elementary/secondary and postsecondary education.

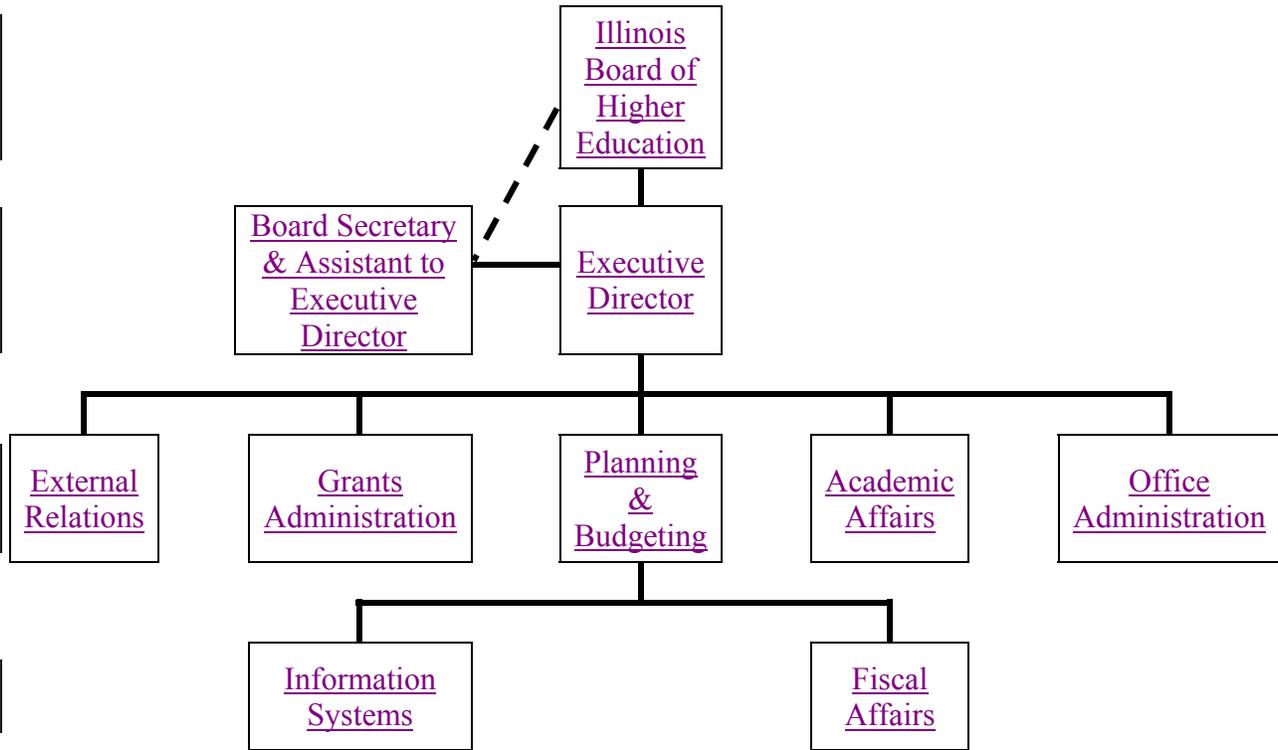
- c) The Board is supported by a staff headed by an Executive Director who serves at the pleasure of the Board. The organizational structure is illustrated by function on the chart labeled Appendix of this Part.~~The staff is organized into the Executive Area and four major functional areas, each headed by a deputy director. The functional areas are: Fiscal Affairs, Academic Affairs, Governmental Relations and Policy Studies.~~
- d) To the extent practicable, Board meetings will be held on the first Tuesday of every other month. The Board shall convene at least six times per year. The annual meeting schedule shall be adopted by the Board at its last meeting of the calendar year for the following calendar year. The meeting calendar shall be posted on the Board's web site (www.ibhe.org). Special or additional meetings may be held on call of the Chairman, or upon a call signed by at least 6 members, or upon call of the Governor [110 ILCS 205/4]. All Board meetings shall be conducted in accordance with the Open Meetings Act [5 ILCS 120/1.01].
- e) A Vice-Chairperson shall be elected by the Board. The Vice-Chairperson shall preside at all meetings in the absence of the Chairperson. In the absence of the Chairperson and the Vice-Chairperson at any regular meeting, the members present shall designate one of those in attendance to serve as acting Chairperson for that meeting only.

(Source: Amended at 29 Ill. Reg. _____, effective February 3, 2005)

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 5050.APPENDIX A Organization Chart



(Source: Added at 29 Ill. Reg. _____, effective February 3, 2005)

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Access to Public Information
- 2) Code Citation: 2 Ill. Adm. Code 5051
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
5051.10	Amended
5051.100	Amended
5051.110	Amended
5051.300	Amended
5051.410	Amended
5051.APPENDIX A	Amended
5051.APPENDIX B	New
- 4) Statutory Authority: Implementing the Freedom of Information Act [5 ILCS 140] and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05].
- 5) Effective Date of Amendments: February 3, 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 incorporated by reference, is on file at the Board of Higher Education's office and is available for public inspection.
- 9) Notice of proposal published in the Illinois Register: Prior publication of internal rules in the *Illinois Register* is not required.
- 10) Has JCAR issued a Statement of Objections to these amendments? Prior review of internal rule by JCAR is not required.
- 11) Differences between proposal and final version: Not applicable
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Not applicable
- 13) Will these amendments replace any emergency rules currently in place? No
- 14) Are there any amendments pending on this Part? No

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and purpose of amendments: To update the Board of Higher Education's internal rules.
- 16) Information and questions regarding these adopted amendment shall be directed to:

Sandi Gillilan, Agency Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, 2nd Floor
Springfield, IL 62701

217-557-7352

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

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER III: BOARD OF HIGHER EDUCATION

PART 5051
ACCESS TO PUBLIC INFORMATION

SUBPART A: INTRODUCTION

- Section
- 5051.10 Summary and Purpose
- 5051.20 Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

- Section
- 5051.100 Person to Whom Requests are Submitted
- 5051.110 Form and Content of Requests

SUBPART C: PROCEDURES FOR IBHE RESPONSE TO REQUESTS
FOR PUBLIC RECORDS

- Section
- 5051.200 Timeline for IBHE Response
- 5051.210 Types of Responses

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

- Section
- 5051.300 Appeal of a Denial
- 5051.310 Executive Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS

- Section
- 5051.400 Inspection of Records at IBHE Office
- 5051.410 Copies of Public Records
- 5051.420 General Materials Available from the Freedom of Information Officer

- 5051.APPENDIX A Fee Schedule for Duplication of Public Records

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

5051.APPENDIX B Request for Public Records

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and authorized by Section 9.05 of the Board of Higher Education Act[110 ILCS 205/9.05].

SOURCE: Adopted and codified at 8 Ill. Reg. 16769, effective September 4, 1984; amended at 29 Ill. Reg. 2721, effective February 3, 2005.

SUBPART A: INTRODUCTION

Section 5051.10 Summary and Purpose

- a) These rules are established to implement the provisions of the Freedom of Information Act [5 ILCS 140/1 et seq.](P.A. 83-1013, effective July 1, 1984, Supp. to Ill. Rev. Stat. 1983, ch. 116, par. 201 et seq.). The purpose of these rules is to support the policy of providing public access to the public records in the possession of the Illinois Board of Higher Education while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.
- b) These rules create a procedure by which the public may request and obtain public records. Therefore, they are being filed in accordance with Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5.15](Ill. Rev. Stat. 1991, ch. 127, par. 1005-15).

(Source: Amended at 29 Ill. Reg. 2721, effective February 3, 2005)

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 5051.100 Person to Whom Requests are Submitted

Requests for public records shall be submitted to the Freedom of Information Officer of the IBHE. Requests shall be submitted to the following address:

Freedom of Information Officer
Illinois Board of Higher Education
431 East Adams Street, Second Floor
500 Reisch Building
4 West Old Capitol Square
Springfield, Illinois 62701-1418
ATTN: FOIA Request

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 29 Ill. Reg. 2721, effective February 3, 2005)

Section 5051.110 Form and Content of Requests

- a) Requests made in accordance with the FOIA and these rules shall~~may~~ be ~~made~~ in writing ~~or orally~~. A person making a request shall, whenever possible, use the standardized request form provided by the Board attached as Appendix B of these rules. A copy of the request form is available on the Board's web site (www.ibhe.org).
- ~~b) Oral requests will be handled expeditiously. However, the required response time and the appeal procedures contained in the FOIA and these rules shall not apply to oral requests.~~
- be) A request for public records shall contain the following information:
 - 1) The full name, address and telephone number of the person requesting the records.
 - 2) Specific description of the public records sought.
 - 3) Whether the request is for inspection of public records, copies of public records, or both.
 - 4) Original signature of the requestor.

(Source: Amended at 29 Ill. Reg. 2721, effective February 3, 2005)

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 5051.300 Appeal of a Denial

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

Executive Director
Illinois Board of Higher Education
[431 East Adams Street, Second Floor](#)

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~500 Reisch Building~~
~~4 West Old Capitol Square~~
Springfield, Illinois 62701-1418
ATTN: FOIA Appeal

- b) The notice of appeal shall include a copy of the original request, a copy of the denial, and a statement of the reasons why the appeal should be granted.

(Source: Amended at 29 Ill. Reg. 2721, effective February 3, 2005)

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS

Section 5051.410 Copies of Public Records

- a) Copies of public records shall be provided only upon payment of any charges which are due.
- b) Charges for copies of public records shall be assessed in accordance with the "Fee Schedule for Duplication of Public Records" attached as an Appendix [A](#) to these rules.
- c) Charges shall be waived if the request is from a State agency, a constitutional officer or a member of the General Assembly. Charges may be waived in any other case where the Freedom of Information Officer determines that the waiver serves the public interest and in all cases where the total of material requested does not exceed ten pages.

(Source: Amended at 29 Ill. Reg. 2721, effective February 3, 2005)

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 5051.APPENDIX A Fee Schedule for Duplication of Public Records

<u>Type of Duplication</u>	<u>Per-Copy Charge</u>
Paper copy from paper original (possibly different charges for different sizes)	\$.25 <u>per page</u>
Paper copy from microfiche original (possibly different charges for different sizes)	.50
Print-outs of databases <u>Computer printout—paper</u> (additional charges possible for computer time, programming or special reports)	\$.50 per page <u>1.00</u>
Audio tape/ <u>Microfiche original</u> (different charges for different lengths)	<u>Commercial Cost of Reproduction</u> <u>5.00</u> (min.)

Some records possessed by the Illinois Board of Higher Education are in book or pamphlet form. A charge may be assessed for such material based upon the cost of such material incurred by the Board of Higher Education. When it is necessary to have any documents reproduced outside of the agency, the cost to the agency for that reproduction will be the fee charged to the person requesting records.

(Source: Amended at 29 Ill. Reg. 2721, effective February 3, 2005)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Universities Retirement
 - 2) Code Citation: 80 Ill.Adm.Code 1600
 - 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
1600.121	New Section
 - 4) Statutory Authority: 40 ILCS 5/15-177
 - 5) Effective Date of Amendment: March 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 material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
 - 9) Notices of Proposed Published in the Illinois Register: March 5, 2004; 28 Ill. Reg. 4161
 - 10) Has JCAR issued a Statement of Objection to this amendment? No
 - 11) Differences between proposal and final version:
In addition to various technical changes, the final version includes a transition period described under subsection (g).
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
 - 13) Will this amendment replace any emergency amendment currently in effect? No
 - 14) Are there any amendments pending on this Part? Yes
- | | | |
|-----------------------|------------------------|--------------------------------------|
| <u>Section Number</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
| 1600.55 | New Section | 29 Ill. Reg._____; February 18, 2005 |
- 15) Summary and Purpose of Amendment: A new rule to clarify what type of employee is eligible to have his or her final rate of earnings calculation based on the high-four-year

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

calculation and the final 48-month calculation. This rule is necessary to comply with the statutes that govern this System.

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

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

(217) 378-8877 or (217) 378-8855

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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEMPART 1600
UNIVERSITIES RETIREMENT

SUBPART A: MISCELLANEOUS PROCEDURES

Section	
1600.10	Definitions
1600.20	Dependency of Beneficiaries
1600.30	Crediting Interest on Employee Contributions and Other Reserves
1600.40	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.60	Sick Leave Accrual Schedule
1600.70	Procedures to be followed in Medical Evaluation of Disability Claims
1600.80	Rules of Practice-Nature and Requirements of Formal Hearings
1600.90	Excess Benefit Arrangement
1600.100	Freedom of Information Act
1600.110	Open Meetings Act
1600.120	Twenty Percent Limitation on Final Rate of Earnings Increases
<u>1600.121</u>	<u>Determination of Final Rate of Earnings Period</u>
1600.130	Procurement
1600.137	Overpayment Recovery
1600.140	Making Preliminary Estimated Payments

SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	
1600.150	Definitions
1600.151	Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152	Curing Minor Deficiencies
1600.153	Filing a QILDRO with the System
1600.154	Modified QILDROs
1600.155	Benefits Affected by a QILDRO
1600.156	Effect of a Valid QILDRO
1600.157	QILDROs Against Persons Who Became Members Prior to July 1, 1999

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

1600.158	Alternate Payee's Address
1600.159	Electing Form of Payment
1600.160	Automatic Annual Increases
1600.161	Expiration of a QILDRO
1600.162	Reciprocal Systems QILDRO Policy Statement
1600.163	Providing Benefit Information for Divorce Purposes

1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by 40 ILCS 5/15-177.

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; amended at 29 Ill. Reg. 2677, effective March 1, 2005.

SUBPART A: MISCELLANEOUS PROCEDURES

Section 1600.121 Determination of Final Rate of Earnings Period

- a) Section 15-112 of the Illinois Pension Code [40 ILCS 5/15-112] defines an employee's final rate of earnings by reference to average annual earnings over either the last 48 months of consecutive service or the 4 consecutive academic years during which the employee's earnings were highest. This Section establishes a mechanism for determining the period of employment that is used to calculate an employee's final rate of earnings. This Section is not intended to provide guidance on any other aspect of determining the amount of the final rate of earnings.
- b) For all employees, the System will calculate the average annual earnings during the 4 consecutive academic years of service in which his or her earnings were the highest. The academic year for an employee begins on the first day of the fall term of his or her employer and ends on the day before the first day of the next fall term. For example, if the first day of the employer's fall term is August 15,

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

then the academic year begins on August 15 and ends: on the following August 14 if the next fall term begins August 15; August 12 if the next fall term begins August 13; or on the following August 17 if the next fall term begins August 18. If the employer does not have an academic program divided into terms, the academic year begins on September 1 and ends on the following August 31. For all employees except those identified in subsection (c) of this Section, the final rate of earnings will be that amount calculated under this subsection (b).

- c) For an employee who is paid on an hourly basis or who receives an annual salary in installments during 12 months of each academic year, the System will also calculate average annual earnings during the 48 consecutive calendar month period ending with the last day of final termination of employment. The final rate of earnings for an employee identified under this subsection (c) will be the larger of the calculation under this subsection (c) or the calculation under subsection (b).
- d) An employee paid on an "hourly basis" is an employee who is paid per hour worked.
- e) An "annual salary" is a salary paid over 12 months for work to be performed during all 12 months of the academic year. The System will determine if an employee receives an annual salary by looking at the period for which services were performed, not the period over which salary payments were received, and, in determining annual salary, will not consider payment for summer teaching or any additional contracts for summer school, overloads, or any other extra services. For example, an academic employee who receives a contract to teach 9 or 10 months of the academic year, but who chooses to be paid over 12 months, is not receiving an annual salary. For further example, an academic employee who receives a contract to teach less than 12 months of the academic year plus a contract to teach summer school is not receiving an annual salary even though he or she may perform work for 12 months and be paid over 12 months as a result of teaching summer school.
- f) In determining an employee's "earnings", the system allocates earnings to the period in which the corresponding work was performed. Earnings are not determined by when the payment is made. For example, an employee has a 9-month contract to teach from September through May and will be paid \$90,000. The employee has the option of receiving payment over 9 months (September through May at \$10,000 per month) or over 12 months (September through August at \$7,500 per month). The payment method chosen does not change the employee's earnings. If the employee chooses to receive payment over 9 months

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

or over 12 months, the earnings and the period to which they are allocated does not change. For further example, the same employee receives a contract to teach summer school during the following June, July and August and will be paid \$15,000. The employee has earnings during each of those 3 months of \$5,000. If the employee was receiving the prior 9-month contract payments during the summer, as well as \$5,000 each month for the summer contract, the payments to the employee would be \$12,500 during June, July and August, but the earnings would be \$5,000 in each month. For further example, if the employee received a lump sum payment in October of \$15,000 for the summer contract, that payment is not "earnings" in October, but is "earnings" allocated to the summer months.

- g) This Section is effective beginning March 1, 2005. However, a participant who, on March 1, 2005, is within his or her final rate of earnings period prior to retirement may have his or her final earnings calculated under either subsection (b) or subsection (c), even if subsection (c) would not otherwise be applicable to that participant.

(Source: Added at 29 Ill. Reg. 2677, effective March 1, 2005)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
104.101	Amendment
104.104	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 93-1061
- 5) Effective Date: February 7, 2005
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: February 7, 2005
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking is being filed pursuant to Public Act 93-1061, which was effective on January 1, 2005. These amendments update hearing rules in accordance with related amendments at 89 Ill. Adm. Code 160 on the satisfaction of unpaid arrearages or delinquencies concerning child support obligations, after a child attains the age of majority. Immediate implementation of these amendments is necessary to meet the requirements of the Act.
- 10) Complete Description of the Subjects and Issues Involved: These emergency amendments respond to Public Act 93-1061 regarding the enforcement of an unpaid arrearage or delinquency upon the emancipation of a child covered by an order for child support.

In related emergency amendments at 89 Ill. Adm. Code 160, revisions are being made on administrative support orders to advise the obligor that if there is an unpaid arrearage or delinquency owed upon emancipation of the covered child, the periodic amount required for current support will continue as an obligation until the amount due is paid in full. Other changes affect income withholding notices that are served upon the obligor's payor concerning withholdings related to unpaid arrearages or delinquencies.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Sections 104.101 and 104.104 address hearing provisions concerning administrative support orders and petitions to contest income withholding. The emergency changes to these Sections add necessary cross-references to the emergency provisions at 89 Ill. Adm. Code 160, as described above.

- 11) Are there any other amendments pending on this Part? No
- 12) Statement of Statewide policy Objective: These emergency amendments neither create nor expand any State mandate affecting units of local government.
- 13) Information and questions regarding these 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 Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONSPART 104
PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEALS

Section

104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

104.100	Support Order, Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
| <u>EMERGENCY</u>	
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments
104.104	Conduct of Other Hearings

| EMERGENCY

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 104.105 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders
- 104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR HEARINGS

Section

- 104.200 Applicability
- 104.202 Definitions
- 104.204 Notice of Denial of An Application
- 104.206 Notice of Intent to Recover Money
- 104.207 Notice of Contested Paternity Hearing
- 104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
- 104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action
- 104.210 Right to Hearing
- 104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
- 104.212 Prior Factual Determinations
- 104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship
- 104.215 Notice of Formal Conference
- 104.216 Formal Conference on Recovery of Money
- 104.217 Purpose of Formal Conference
- 104.220 Notice of Hearing
- 104.221 Issues at Hearings
- 104.225 Legal Counsel
- 104.226 Appearance of Attorney or Other Representative
- 104.230 Notice, Service and Proof of Service
- 104.231 Form of Papers
- 104.235 Discovery
- 104.240 Conduct of Hearings
- 104.241 Amendments
- 104.242 Motions
- 104.243 Subpoenas
- 104.244 Burden of Proof
- 104.245 Witness at Hearings
- 104.246 Evidence at Hearings

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

104.247	Cross-Examination
104.248	Disqualification of Hearing Officers
104.249	Genetic Testing in Contested Paternity Hearings
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments During Pendency of Proceedings
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section	
104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section	
104.400	Suspected Intentional Violation of the Program
104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures
104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SUBPART F: INCORPORATION BY REFERENCE

Section

104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p.80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

5351, effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. 17743, effective November 27, 2002; amended at 27 Ill. Reg. 5853, effective March 24, 2003; amended at 27 Ill. Reg. 13771, effective August 1, 2003; amended at 28 Ill. Reg. 2735, effective February 1, 2004; emergency amendment at 29 Ill. Reg. 2735, effective February 7, 2005, for a maximum of 150 days.

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section 104.101 Petition for Hearing**EMERGENCY**

- a) Any client or responsible relative aggrieved by an administrative support order entered, or any responsible relative aggrieved by a determination of past-due support or determination of the share of jointly-owned funds made by the Department may petition for a hearing for release from or modification of the order or to contest the determination.
- b) The petition under subsection (a) above shall be filed within 30 days after the date of mailing of such order or determination. The day immediately subsequent to the mailing of the order or determination shall be considered as the first day; and the day such petition is received by the Department shall be considered as the last day in computing the 30 day appeal period.
- c) Any responsible relative in a case with an administrative support order may petition the Department for a hearing to contest withholding, or to correct a term contained in an income withholding notice or a National Medical Support Notice, or to modify, suspend or terminate an income withholding notice or a National Medical Support Notice for the reasons provided in 89 Ill. Adm. Code 160.75(d), (e), ~~and~~ (j) and (n).
- d) The petition to modify, suspend, terminate, or correct a term contained in an income withholding notice may be filed at any time and the petition to contest withholding or the National Medical Support Notice, shall be filed within 20 days after the date of service of the copy of the income withholding notice or the National Medical Support Notice upon the responsible relative. The day immediately subsequent to the day of service of the copy of the notice shall be considered as the first day; and the day such petition is received by the Department shall be considered as the last day in computing the 20 day appeal

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

period.

- e) The Department shall, upon receipt of a petition, provide for a hearing to be held, except as provided in Section 104.103(b).

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 2735, effective February 7, 2005, for a maximum of 150 days)

Section 104.104 Conduct of Other Hearings**EMERGENCY**

- a) Hearings on petitions to contest withholding, or to modify, suspend, terminate, or correct a term contained in an administrative income withholding notice or an administrative National Medical Support Notice, shall be governed by Section 104.102, except that subsections (a)(2) and (c) shall not apply, and the following terms as used therein are redefined:
- 1) "administrative support order" shall mean an administrative income withholding notice or an administrative National Medical Support Notice.
 - 2) "liability" shall mean the accuracy of the income withholding notice or the National Medical Support Notice, or the accuracy of the delinquency amount stated in the income withholding notice based upon the administrative support order, or the force and effect to be given to such income withholding notice, each as referred to for judicial orders for withholding in 89 Ill. Adm. Code 160.75(d), (e), ~~and~~ (j) ~~and~~ (n), or for judicial National Medical Support Notices under 89 Ill. Adm. Code 160.75(m).
- b) The Department shall limit any relief granted to the types of relief authorized for use within judicial orders for withholding in 89 Ill. Adm. Code 160.75(d), (e), ~~and~~ (j) ~~and~~ (n), and for judicial National Medical Support Notices under 89 Ill. Adm. Code 160.75(m).

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 2735, effective February 7, 2005, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
160.60	Amendment
160.75	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 93-1061
- 5) Effective Date: February 7, 2005
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: February 7, 2005
- 8) A copy of the emergency amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking is being filed pursuant to Public Act 93-1061, which was effective on January 1, 2005. These amendments provide for the satisfaction of unpaid arrearages or delinquencies concerning child support obligations, after a child attains the age of majority. Immediate implementation of these amendments is necessary to meet the requirements of the Act.
- 10) Complete Description of the Subjects and Issues Involved: These emergency amendments respond to Public Act 93-1061 regarding the enforcement of an unpaid arrearage or delinquency upon the emancipation of a child covered by an order for child support.

Changes to Section 160.60 revise administrative support orders to advise the obligor that if there is an unpaid arrearage or delinquency owed upon emancipation of the covered child, the periodic amount required for current support will continue as an obligation until the amount due is paid in full.

Section 160.75 is being revised to provide changes on income withholding notices that are served upon the obligor's payor concerning withholdings related to unpaid arrearages or delinquencies.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Related emergency changes concerning petitions for hearings and conduct of hearings are also being filed at 89 Ill. Adm. Code 104.

- 11) Are there any other amendments pending on this Part? No
- 12) Statement of Statewide policy Objective: These emergency amendments neither create nor expand any State mandate affecting units of local government.
- 13) Information and questions regarding these 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 Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONSPART 160
CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

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

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

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

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section

- 160.70 Enforcement of Support Orders

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

160.71 Credit for Payments Made Directly to the Title IV-D Client

160.75 Withholding of Income to Secure Payment of Support

EMERGENCY

160.77 Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies

160.80 Amnesty – 20% Charge (Repealed)

160.85 Diligent Efforts to Serve Process

160.88 State Case Registry

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section

160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section

160.95 State Disbursement Unit

160.100 Distribution of Child Support for TANF Recipients

160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services

160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled

160.130 Distribution of Intercepted Federal Income Tax Refunds

160.132 Distribution of Child Support for Non-TANF Clients

160.134 Distribution of Child Support For Interstate Cases

160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases

160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section

160.140 Statement of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

160.150 Department Review of Distribution of Child Support for TANF Recipients

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

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

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

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380, effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days.

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS**Section 160.60 Establishment of Support Obligations****EMERGENCY**

- a) Definitions
 - 1) "FSS" means any Family Support Specialist performing assigned duties, his supervisory staff and any other person assigned responsibility by the Director of the Department.
 - 2) "Service" or "Served" means notice given by personal service, certified mail, restricted delivery, return receipt requested, or by any method provided by law for service of summons. (See Sections 2-203 and 2-206 of the Code of Civil Procedure [735 ILCS 5/2-203 and 2-206].)
 - 3) "Support Statutes" means the following:
 - A) Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X];
 - B) The Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5];
 - C) The Non-Support Punishment Act [750 ILCS 16];
 - D) The Uniform Interstate Family Support Act [750 ILCS 22];
 - E) The Illinois Parentage Act of 1984 [750 ILCS 45]; and
 - F) Any other statute in another state which provides for child support.
 - 4) "Retroactive support" means support for a period prior to the date a court or administrative support order is entered.
 - 5) "Child's needs" means the cost of raising a child as detailed by either:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- A) the custodial parent's statement of the associated costs, including, but not limited to, providing a child with: food, shelter, clothing, schooling, recreation, transportation and medical care; or
 - B) the Department's standard for the costs of raising a child as calculated by averaging the estimated annual expenditures on a child by husband-wife families for all income levels as reported in Table 1 "Estimated annual expenditures on a child by husband-wife families, overall United States" of the USDA Expenditures on Children and Families Annual Report (United States Center for Nutrition Policy and Promotion, 3101 Park Center Drive, Room 1034, Alexandria, Virginia 22302) (May 2003). This standard takes into account average actual costs of providing a child with: food, shelter, clothing, schooling, recreation, transportation and medical care in a manner consistent with health and well being as set forth in this Part.
 - C) The formula used to calculate the Department's monthly Standard of Need is: Total Average Expenditures, divided by the number of people in the household, divided by the number of years from birth until the age of majority (18 years of age in Illinois), divided by two (obligation for one parent) equals the monthly support obligation.
- b) Responsible Relative Contact
- 1) Timing and Purpose of Contact
 - A) The Department shall contact and interview responsible relatives in Title IV-D cases to establish support obligations, following the IV-D client interview.
 - B) The purpose of contact and interview shall be to obtain relevant facts, including income information (for example, paycheck stubs, income tax returns) necessary to determine the financial ability of such relatives for use in obtaining stipulated, consent and other court orders for support and in entering administrative support orders, pursuant to the support statutes.
 - 2) At least ten working days in advance of the interview, the Department shall notify each responsible relative contacted of his support obligation,

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

by ordinary mail, which notice shall contain the following:

- A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is sought or other information identifying such persons, such as a prior court number;
 - C) that the responsible relative has a legal obligation to support the named persons;
 - D) the date, time, place and purpose of the interview and that the responsible relative may be represented by counsel; and
 - E) that the responsible relative should bring specified information regarding his income and resources to the interview.
- 3) The Department shall notify each Title IV-D client of the date, time and place of the responsible relative interview and that the client may attend if he or she chooses.

c) Determination of Financial Ability

- 1) In cases handled under subsection (d) of this Section, the Family Support Specialist shall determine the amount of child support and enter an administrative support order on the following basis:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	28%
3	32%
4	40%
5	45%
6 or more	50%

- A) "Net Income" is the total of all income from all sources, minus the following deductions:
 - i) Federal income tax (properly calculated withholding or estimated payments);

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- ii) State income tax (properly calculated withholding or estimated payments);
 - iii) Social Security (FICA payments);
 - iv) Mandatory retirement contributions required by law or as a condition of employment;
 - v) Union dues;
 - vi) Dependent and individual health/hospitalization insurance premiums;
 - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
 - ix) Medical expenditures necessary to preserve life or health; and
 - x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- B) The deductions in subsections (c)(1)(A)(viii), (ix) and (x) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders which contain provisions for an automatic increase in the support obligation upon termination of such payment period.
- 2) In de novo hearings provided for in subsection (d)(5)(H) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall determine the minimum amount of child support as follows:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	28%

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

3	32%
4	40%
5	45%
6 or more	50%

- A) "Net Income" is the total of all income from all sources, minus the following deductions:
- i) Federal income tax (properly calculated withholding or estimated payments);
 - ii) State income tax (properly calculated withholding or estimated payments);
 - iii) Social Security (FICA payments);
 - iv) Mandatory retirement contributions required by law or as a condition of employment;
 - v) Union dues;
 - vi) Dependent and individual health/hospitalization insurance premiums;
 - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
 - ix) Medical expenditures necessary to preserve life or health; and
 - x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- B) The deductions in subsections (c)(2)(A)(viii), (ix) and (x) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders that contain provisions for an automatic increase in the support

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

obligation upon termination of such payment period.

- C) The above guidelines shall be applied in each case unless the Department finds that application of the guidelines would be inappropriate after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:
- i) the financial resources and needs of the child;
 - ii) the financial resources and needs of the custodial parent;
 - iii) the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;
 - iv) the physical and emotional condition of the child, and his educational needs; and
 - v) the financial resources and needs of the non-custodial parent.
- D) Each order requiring support that deviates from the guidelines shall state the amount of support that would have been required under the guidelines. The reason or reasons for the variance from the guidelines shall be included in the order.
- 3) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the amount of child support due in accord with Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505].
- 4) All orders for support shall include a provision for the health care coverage of the child. In all cases where health insurance coverage is not being furnished by the responsible relative to a child to be covered by a support order, the Department shall enter administrative, or request the court to enter support, orders requiring the relative to provide such coverage when a child can be added to an existing insurance policy at reasonable cost or indicating what alternative arrangement for health insurance coverage is being provided. Net income shall be reduced by the cost thereof in determining the minimum amount of support to be ordered.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 5) When proceeding under subsection (d) of this Section, the Department shall, in any event, notwithstanding other provisions of this subsection (c) and regardless of the amount of the responsible relative's net income, order the responsible relative to pay child support of at least \$10.00 per month.
- 6) In cases where the net income of the responsible relative cannot be determined because of default or any other reason, the Department shall order or request the court to order the responsible relative to pay retroactive support for the prior period in the amount of the child's needs as defined by subsection (a)(5)(A) or (B) of this Section.
- 7) The final order in all cases shall state the support level in dollar amounts.
- 8) If there is no net income because of the unemployment of a responsible relative who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving cash assistance in Illinois, the Department, when proceeding under subsection (d) of this Section, shall order, or, when proceeding under subsection (e) of this Section, shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives. In TANF cases, the Department shall order, when proceeding under subsection (d) of this Section, or, when proceeding under subsection (e) of this Section, shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- 9) The Department shall enter administrative support orders, or request the court to enter support orders, that include a provision requiring the responsible relative to notify the Department, within seven days:
 - A) of any new address of the responsible relative;
 - B) of the name and address of any new employer or source of income of the responsible relative;
 - C) of any change in the responsible relative's Social Security Number;

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- D) whether the responsible relative has access to health insurance coverage through the employer or other group coverage; and
 - E) if so, the policy name and number and the names of persons covered under the policy.
- 10) The Department shall enter administrative support orders, or request the court to enter support orders, that include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. The provision of a termination date in the order shall not prevent the order from being modified.
- 11) The Department shall enter administrative support orders, or request the court to enter support orders, that include a statement that if there is an unpaid arrearage or delinquency equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency.
- 12)11) The Department shall enter administrative support orders, or request the court to enter support orders, that include provisions for retroactive support when appropriate.
- A) In cases handled under subsection (d) of this Section, the Department shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties' separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock).
 - B) In de novo hearings provided for in subsection (d)(5)(H) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall order the period of retroactive support to begin with

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

the later of two years prior to the date of entry of the administrative support order or the date of the married parties separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock), unless, in cases where the child was born out of wedlock, the hearing officer, after having examined the factors set forth in Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505] decides that another date is more appropriate.

- C) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the date retroactive support is to commence in accord with Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X], Sections 510 and 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510 and 505], and Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14].

d) Administrative Process

1) Use of Administrative Process

- A) Unless otherwise directed by the Department, the FSS shall establish support obligations of responsible relatives through the administrative process set forth in this subsection (d), in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:
- i) presumed paternity as set forth in Section 5 of the Illinois Parentage Act of 1984 [750 ILCS 45/5] and support is sought from one or both parents;
 - ii) alleged paternity and support is sought from the mother;
 - iii) an administrative paternity order entered under Section 160.61 and support is sought from the man determined to be the child's father, or from the mother, or both;
 - iv) an establishment of parentage in accordance with Section 6 of the Illinois Parentage Act of 1984 [750 ILCS 45/6]; and

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- v) an establishment of parentage under the laws of another state, and support is sought from the child's father, or from the mother, or both.
- B) In addition to those items specified in subsection (b)(2) of this Section, the notice of support obligation shall inform the responsible relative of the following:
- i) that the responsible relative may be required to pay retroactive support as well as current support; and
 - ii) that in its initial determination of child support under subsection (c) of this Section, the Department will only consider factors listed in subsections (c)(1)(A)(i) through (x) of this Section; and
 - iii) that the Department will enter an administrative support order based only on those factors listed in subsections (c)(1)(A)(i) through (x) of this Section; and
 - iv) that in order for the Department to consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and
 - v) that both the client and the responsible relative have a right to request a de novo hearing within 30 days after the mailing or delivery of an administrative support order, at which time a Department hearing officer may consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]; and
 - vi) that unless the client and/or the responsible relative requests a de novo hearing within 30 days after the order's mailing or delivery, the administrative support order will

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

become a final enforceable order of the Department; and

- vii) that upon failure of the responsible relative to appear for the interview or to provide necessary information to determine net income, an administrative support order may be entered by default or the Department may seek court determination of financial ability based upon the guidelines.
- 2) The FSS shall determine the ability of each responsible relative to provide support in accordance with subsection (c) of this Section when such relative appears in response to the notice of support obligation and provides necessary information to determine net income. An administrative support order shall be entered which shall incorporate the resulting support amount therein. The FSS shall also determine (and incorporate in the administrative support order) the amount of retroactive support the responsible relative shall be required to pay by applying the relative's current net income (unless the relative provides necessary information to determine net income for the prior period) to the support guidelines in accordance with subsection (c) of this Section.
- 3) Failure to Appear
- A) In instances in which the responsible relative fails to appear in response to the notice of support obligation or fails to provide necessary information to determine net income, the FSS shall enter an administrative support order by default, except as provided in subsection (d)(3)(D) of this Section. The terms of the order shall be based upon the needs of the child for whom support is sought, as defined by subsection (a)(5) of this Section. No default order shall be entered when a responsible relative fails to appear at the interview unless the relative shall have been served as provided by law with a notice of support obligation.
 - B) The FSS may issue a subpoena to a responsible relative who fails to appear for interview, or who appears and furnishes income information, when the FSS has information from the Title IV-D client, the relative's employer or any other reliable source indicating that:
 - i) financial ability, as determined from the guidelines

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

contained in subsection (c) of this Section, exceeds the amount indicated in case of default, as indicated in subsection (d)(3)(A) of this Section; or

- ii) income exceeds that reported by the relative.
- C) The FSS will not issue a subpoena under subsection (d)(3)(B) of this Section where the information from the Title IV-D client, the responsible relative's employer or other source concerning the relative's financial ability is verified through documentation such as payroll records, paycheck stubs or income tax returns.
- D) In instances in which the relative fails or refuses to accept or fully respond to a Department subpoena issued to him pursuant to subsection (d)(3)(B) of this Section, the FSS may enter a temporary administrative support order by default, in accordance with subsection (d)(3)(A) of this Section, and may then, after investigation and determination of the responsible relative's financial ability to support, utilizing existing State and federal sources (for example, Illinois Department of Employment Security), client statements, employer statements, or the use of the Department's subpoena powers, enter a support order in accord with subsection (c)(1) of this Section.
- 4) The Department shall register, enforce or modify an order entered by a court or administrative body of another state, and make determinations of controlling order where appropriate, in accordance with the provisions of the Uniform Interstate Family Support Act [750 ILCS 22].
- 5) An administrative support order shall include the following:
- A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is ordered;
 - C) the beginning date, amount and frequency of support;
 - D) any provision for health insurance coverage ordered under subsection (c)(4) of this Section;

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- E) the total retroactive support obligation and the beginning date, amount (which shall not be less than 20 percent of the current support amount) and frequency of payments to be made until the retroactive support obligation is paid in full;
- F) the amount of any arrearage that has accrued under a prior support order and the beginning date, amount (which shall not be less than 20 percent of the support order) and frequency of payments to be made until the arrearage is paid in full;
- G) a provision requiring that support payments be made to the State Disbursement Unit;
- H) a statement informing the client and the responsible relative that they have 30 days from the date of mailing of the administrative support order in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102 and subsection (c)(2) of this Section, except that for orders entered as a result of a decision after a de novo hearing, the statement shall inform the client and the responsible relative that the order is a final administrative decision of the Department and that review is available only in accord with provisions of the Administrative Review Law [735 ILCS 5/Art III];
- I) except where the order was entered as a result of a decision after a de novo hearing, a statement that the order was based upon the factors listed in subsection (c)(1)(A) of this Section and that in order to have the Department consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and
- J) in each administrative support order entered or modified on or after January 1, 2002, a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of nine percent per

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

annum.

- 6) Every administrative support order entered on or after July 1, 1997, shall include income withholding provisions based upon and containing the same information as prescribed in Section 160.75. The Department shall also prepare and serve income withholding notices after entry of an administrative support order and effect income withholding in the same manner as prescribed in Section 160.75.
 - 7) The Department shall provide to each client and each responsible relative a copy of each administrative support order entered, no later than 14 days after entry of such order, by:
 - A) delivery at the conclusion of an interview where financial ability to support was determined. An acknowledgment of receipt signed by the client or relative or a written statement identifying the place, date and method of delivery signed by the Department's representative shall be sufficient for purposes of notice to that person.
 - B) regular mail to the party not receiving personal delivery where the relative fails or refuses to accept delivery, where either party does not attend the interview, or the orders are entered by default.
 - 8) In any case where the administrative support process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original county, the administrative support case shall remain in the original county unless a transfer to the other county in which the custodial parent and the non-marital child reside is requested by either party or the Department and the hearing officer assigned to the original county finds that a change of venue would be equitable and not unduly hamper the administrative support process.
 - 9) In any case in which an administrative support order is entered to establish and enforce an arrearage only, and the responsible relative's current support obligation has been terminated, the administrative support order shall require the responsible relative to pay a periodic amount equal to the terminated current support amount until the arrearage is paid in full.
- e) Judicial Process

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) The Department shall refer Title IV-D cases for court action to establish support obligations of responsible relatives, pursuant to the support statutes (see subsection (a)(3) of this Section) in matters requiring the determination of parentage (except when paternity is to be determined administratively under Section 160.61), when the court has acquired jurisdiction previously and in instances described in subsection (d)(3)(D) of this Section, and as otherwise determined by the Department.
- 2) The Department shall prepare and transmit pleadings and obtain or affix appropriate signature thereto, which pleadings shall include, but not be limited to, petitions to:
 - A) intervene;
 - B) modify;
 - C) change payment path;
 - D) establish an order for support;
 - E) establish retroactive support;
 - F) establish past-due support;
 - G) establish parentage;
 - H) obtain a rule to show cause;
 - I) enforce judicial and administrative support orders; and
 - J) combinations of the above.
- 3) Department legal representatives shall request that judicial orders for support require payments to be made to the State Disbursement Unit in accordance with Section 10-10.4 of the Illinois Public Aid Code [305 ILCS 5/10-10.4], Section 507.1 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/507.1], Section 320 of the Uniform Interstate Family Support Act [750 ILCS 22/320], Section 21.1 of the Illinois Parentage Act of 1984 [750 ILCS 45/21.1] and Section 25 of the Non-Support Punishment Act [750 ILCS 16/25].

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- f) Petitions for Release from Administrative Support Orders – Extraordinary Remedies
- 1) Notwithstanding the statements required by subsections (d)(5)(H) and (d)(5)(I) of this Section, more than 30 days after the entry of an administrative support order under subsection (d) of this Section, a party aggrieved by entry of an administrative order may petition the Department for release from the order on the same grounds as are provided for relief from judgments under Section 2-1401 of the Code of Civil Procedure.
 - 2) Petitions under this subsection (f) must:
 - A) cite a meritorious defense to entry of the order;
 - B) cite the exercise of due diligence in presenting that defense to the Department;
 - C) be filed no later than two years following the entry of the administrative paternity order, except that times listed below shall be excluded in computing the two years:
 - i) time during which the person seeking relief is under legal disability;
 - ii) time during which the person seeking relief is under duress;
 - iii) time during which the ground for relief is concealed from the person seeking relief;
 - D) be supported by affidavit or other appropriate showing as to matters not supported by the record.
 - 3) Notice of the filing of the petition must be given and a copy of the petition must be served on the other parent, caretaker or responsible relative by certified mail, return receipt requested, or by any manner provided by law for service of process. The filing of a petition under this subsection (f) does not affect the validity of the administrative order.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.75 Withholding of Income to Secure Payment of Support**EMERGENCY**

- a) Definitions
The definitions contained in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15], are incorporated herein by reference.
- b) Entry of Order for Support Containing Income Withholding Provisions; Income Withholding Notice
 - 1) The Department, through its legal representative, shall request that when entering an order for support the court include in the order the following income withholding provisions, as required by law:
 - A) that an income withholding notice be prepared by the Department and served immediately upon any payor of the obligor, unless a written agreement is reached between and signed by both parties providing for an alternative arrangement, approved and entered into the record by the court, which ensures payment of support. In that case, the Department, through its legal representative, shall request that the order for support provide that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support; and
 - B) a dollar amount to be paid until payment in full of any delinquency that accrues after entry of the order for support; the dollar amount not to be less than 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the order for support; and
 - C) the obligor's Social Security Number disclosed to the court as required by law; and
 - D) if the obligor is not a United States citizen, the obligor's alien registration number, passport number, and home country's social security or national health number disclosed to the court as required by law.
 - 2) The income withholding notice prepared by the Department shall:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- A) be in the standard format prescribed by the federal Department of Health and Human Services; and
- B) state the date of entry of the order for support upon which the income withholding notice is based; and
- C) direct any payor to withhold the dollar amount required for current support under the order for support; and
- D) direct any payor to withhold the dollar amount required to be paid periodically under the order for support for payment of the amount of any arrearage stated in the order for support; and
- E) state the amount of the payor income withholding fee as provided by law; and
- F) state that the amount actually withheld from the obligor's income for support and other purposes, including the payor's withholding fee, may not be in excess of the maximum amount permitted under the federal Consumer Credit Protection Act; and
- G) state the duties of the payor and the fines and penalties provided by law for failure to withhold and pay over income and for discharging, disciplining, refusing to hire, or otherwise penalizing the obligor because of the duty to withhold and pay over income; and
- H) state the rights, remedies, and duties of the obligor, as provided by law; and
- I) include the Social Security Numbers of the obligor, the obligee, and the child or children included in the order for support; and
- J) include the date withholding for current support terminates, which shall be the date of termination of the current support obligation set forth in the order for support; and
- K) contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office, except that the failure to contain the signature of the obligee

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

or the printed name and telephone number of the authorized representative of the public office shall not affect the validity of the income withholding notice; and

- L) direct any payor to pay over amounts withheld for payment of support to the State Disbursement Unit.
- 3) Notwithstanding the exception to immediate income withholding referred to in subsection (b)(1)(A) of this Section, if the court finds at the time of any hearing that an arrearage has accrued, the Department, through its legal representative, shall request that the court order immediate service of an income withholding notice upon the payor, as required by law.
- c) Service of Income Withholding Notice
- 1) If the order for support requires immediate service of an income withholding notice, the Department shall serve the notice on the payor within two business days after the date the order is received if the payor's address is known on that date, or, if the address is unknown on that date, within two business days after locating the payor's address. If the Department receives the payor's address from the Illinois Directory of New Hires, as established under Section 1801.1 of the Unemployment Insurance Act [820 ILCS 405/1801.1], the Department shall serve an income withholding notice and, where applicable, a National Medical Support Notice, on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.
 - 2) The Department may serve the income withholding notice on the payor or its superintendent, manager, or other agent by ordinary mail or certified mail, return receipt requested, by facsimile transmission or other electronic means, by personal delivery, or by any method provided by law for service of a summons. At the time of service on the payor and as notice that withholding has commenced, the Department shall serve a copy of the income withholding notice on the obligor by ordinary mail addressed to his or her last known address. A copy of the income withholding notice together with proofs of service on the payor and the obligor shall be filed by the Department with the Clerk of the Circuit Court.
 - 3) Notwithstanding the fact that the order for support, under the exception to

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

immediate withholding referred to in subsection (b)(1)(A) of this Section, provides that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support, the Department shall serve an income withholding notice on the payor prior to accrual of a delinquency if the obligor executes a written waiver of that condition and requests immediate service on the payor.

- 4) At any time after the initial service of an income withholding notice, the Department may serve any other payor of the obligor with the same income withholding notice without further notice to the obligor. A copy of the income withholding notice together with a proof of service on the other payor shall be filed with the Clerk of the Circuit Court.

d) Income Withholding After Accrual of Delinquency

- 1) The Department shall prepare and serve an income withholding notice within two business days after the date the obligor accrues a delinquency if the payor's address is known on that date, or, if the address is unknown on that date, within two business days after locating the payor's address. If the payor's address is unknown on the date the obligor accrues a delinquency, and the Department receives the payor's address from the Illinois Directory of New Hires, the Department shall serve an income withholding notice on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.
- 2) An income withholding notice prepared by the Department under subsection (d)(1) of this Section shall:
 - A) contain the information required under subsection (b)(2) of this Section; and
 - B) contain the total amount of the delinquency as of the date of the notice; and
 - C) direct the payor to withhold the dollar amount required to be withheld periodically under the order for support for payment of the delinquency; and
 - D) be served on the payor and the obligor in the manner provided in subsection (c)(2) of this Section.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 3) The obligor may contest withholding commenced under this subsection (d) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to:
 - A) a dispute concerning the existence or amount of the delinquency;
or
 - B) the identity of the obligor.
 - 4) The accrual of a delinquency as a condition for service of an income withholding notice, under the exception to immediate withholding referred to in subsection (b)(1)(A) of this Section, shall apply only to the initial service of an income withholding notice on a payor of the obligor.
- e) Initiated Withholding
- 1) Notwithstanding any other provision of this Section, if the court has not required that income withholding take effect immediately, the Department, pursuant to this subsection (e), may initiate withholding regardless of whether a delinquency has accrued, by preparing and serving an income withholding notice on the payor that contains the information required under subsection (b)(2) of this Section and states that the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) of this Section no longer ensures payment of support, and the reason or reasons why it does not.
 - 2) The income withholding notice and the obligor's copy of the income withholding notice shall be served as provided in subsection (c)(2) of this Section.
 - 3) The obligor may contest withholding commenced under this subsection (e) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to a dispute concerning the conditions in subsections (e)(3)(A) and (B) of this Section (it shall not be grounds for filing a petition that the obligor has made all payments due by the date of the petition):

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- A) whether the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) of this Section continues to ensure payment of support; or
 - B) the identity of the obligor.
- f) Petitions to Modify, Suspend or Terminate an Order for Withholding
- 1) At any time the Department, through its legal representative, may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension, or termination of the underlying order for support;
 - B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
 - C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery.
 - 2) The Department shall serve on the payor, in the manner provided for service of income withholding notices in subsection (c)(2) of this Section, a copy of any order entered pursuant to this subsection (f) that affects the duties of the payor.
 - 3) The Department may serve a notice on the payor to:
 - A) cease withholding of income for payment of current support for a child when the support obligation for that child has automatically ceased under the order for support through emancipation or otherwise; or
 - B) cease withholding of income for payment of delinquency or arrearage when the delinquency or arrearage has been paid in full.
 - 4) The notice provided for under subsection (f)(3) of this Section shall be served on the payor in the manner provided for service of income

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

withholding notices in subsection (c)(2) of this Section, and a copy shall be provided to the obligor and the obligee.

- g) **Additional Duties**

The Department shall provide notice to the payor and Clerk of the Circuit Court of any other support payment made, including but not limited to:

 - 1) an offset under federal or State law; or
 - 2) partial payment of the delinquency or arrearage or both.
- h) **Alternative Procedures for Service of an Income Withholding Notice**
 - 1) The procedures of this subsection (h) shall be used by the Department in any matter to serve an income withholding notice on a payor if:
 - A) For any reason the most recent order for support entered does not contain the income withholding provisions stated in subsection (b) of this Section, irrespective of whether a separate order for withholding was entered prior to July 1, 1997; and
 - B) The obligor has accrued a delinquency after entry of the most recent order for support.
 - 2) The Department shall prepare and serve the income withholding notice in accordance with the provisions of subsection (d) of this Section, except that the notice shall contain a periodic amount for payment of the delinquency equal to 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the most recent order for support.
 - 3) If the obligor requests in writing that income withholding become effective prior to the obligor accruing a delinquency under the most recent order for support, the Department shall prepare and serve an income withholding notice on the payor as provided in subsections (b) and (c) of this Section. In addition to filing proofs of service of the income withholding notice on the payor and the obligor, the Department shall file a copy of the obligor's written request for income withholding with the Clerk of the Circuit Court.
- i) **Notice to Payor**

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Whenever the Department serves an income withholding notice on a payor, notice of the following shall be included in or with the income withholding notice:

- 1) that the payor must begin deducting no later than the next payment of income which is payable or creditable to the obligor that occurs 14 days following the date the income withholding notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the payor;
- 2) that the payor must pay the amount withheld to the State Disbursement Unit within seven business days after the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;
- 3) that if the payor knowingly fails to pay any amounts withheld to the State Disbursement Unit within seven business days after the date the amount would have been paid or credited to the obligor, the payor is subject to a penalty of \$100 for each day that the withheld amount is not paid to the State Disbursement Unit after the period of seven business days has expired;
- 4) that the payor may combine all amounts withheld for the benefit of an obligee or public office into a single payment and transmit the payment with a listing of obligors from whom withholding has been effected;
- 5) that for each deduction the payor must provide the State Disbursement Unit at the time of transmittal, with the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;
- 6) that for withholding of income, the payor is entitled to a fee not to exceed \$5 per month to be taken from the income to be paid to the obligor;
- 7) that the amount actually withheld for support, the child's health insurance premium and payor withholding fee shall not exceed the maximum amount permitted under the federal Consumer Credit Protection Act. Income available for withholding shall be applied first to the current support obligation, then to any premium required for employer, labor union, or trade union-related health insurance coverage ordered under the order for support, and then to payment required on past due support obligations. If there is insufficient available income remaining to pay the full amount of the required health insurance premium after withholding of income for the current support obligation, then the remaining available

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

income shall be applied to payments required on past due support obligations;

- 8) require that whenever the obligor is no longer receiving income from the payor, the payor must return a copy of the income withholding notice to the Department and provide the obligor's last known address and the name and address of the obligor's new payor, if known;
 - 9) that withholding of income under the income withholding notice must be made without regard to any prior or subsequent garnishments, attachments, wage assignments, or any other claims of creditors;
 - 10) that the income withholding notice is binding upon the payor until service of an order of the court or a notice from the Department or Clerk of the Circuit Court;
 - 11) that the payor is subject to a fine of up to \$200 for discharging, disciplining or otherwise penalizing an obligor because of the duty to withhold income;
 - 12) that if the payor willfully fails to withhold or pay over income pursuant to a properly served income withholding notice that the payor is liable for the total amount that the payor willfully failed to withhold or pay over;
 - 13) that if the payor has been served with more than one income withholding notice pertaining to the same obligor, the payor shall allocate income available on a proportionate share basis, giving priority to current support payments; and
 - 14) that a payor who complies with an income withholding notice that is regular on its face is not subject to civil liability with respect to any individual, any agency, or any creditor of the obligor for conduct in compliance with the notice.
- j) Notice to Obligor
When the Department serves a copy of the income withholding notice on the obligor as required under this Section, notice of the following shall be included in or with the obligor's copy of the income withholding notice:
- 1) that income withholding has commenced;

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 2) the information provided to the payor under subsection (i) of this Section;
 - 3) the procedures and the permissible grounds for contesting withholding commenced under subsection (d), (e) or (h) of this Section, as applicable;
 - 4) that at any time the obligor may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension or termination of the underlying order for support; or
 - B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
 - C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery; or
 - D) correct a term contained in an income withholding notice to conform to that stated in the underlying order for support for:
 - i) the amount of current support;
 - ii) the amount of the arrearage;
 - iii) the periodic amount for payment of the arrearage; or
 - iv) the periodic amount for payment of the delinquency;
 - 5) that the obligor is required by law to notify the obligee, the Department, and the Clerk of the Circuit Court of any new address or payor within seven days after the change; and
 - 6) that where a payor willfully discharges, disciplines, refuses to hire or otherwise penalizes an obligor because of the duty to withhold income, the obligor may file a complaint with the court against the payor, and that the court may order employment or reinstatement of or restitution to the obligor, or may impose a fine upon the payor not to exceed \$200.
- k) Penalties

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

In cases where a payor willfully fails to withhold or pay over income, pursuant to a properly served income withholding notice, or otherwise fails to comply with any income withholding duties imposed by law, the Department, through its legal representatives, may request that the court:

- 1) enter judgment and direct the enforcement thereof for the total amount that the payor willfully failed to withhold or pay over;
 - 2) impose a penalty or fine upon the payor or invoke any other remedy allowed by law.
- l) Interstate Income Withholding
Within the timeframes specified in subsections (c)(1) and (d)(1) of this Section, and pursuant to the provisions of the Uniform Interstate Family Support Act [750 ILCS 22], the Department shall engage income withholding in cases in which the obligor is receiving income from a payor located in another state.
- m) Use of National Medical Support Notice to Enforce Health Insurance Coverage
- 1) When an order for support is being enforced by the Department under this Section, any requirement for health insurance coverage to be provided through an employer, including withholding of premiums from the income of the obligor, shall be enforced through use of a National Medical Support Notice.
 - 2) A National Medical Support Notice shall be served on the employer in the manner and under the circumstances provided for serving an income withholding notice under this Section, except that an order for support that conditions service of an income withholding notice on the obligor becoming delinquent in paying the order for support shall not prevent immediate service of a National Medical Support Notice by the Department. The Department may serve a National Medical Support Notice on an employer in conjunction with service of an income withholding notice. Service of an income withholding notice is not a condition for service of a National Medical Support Notice, however.
 - 3) At the time of service of a National Medical Support Notice on the employer, the Department shall serve a copy of the Notice on the obligor by ordinary mail addressed to the obligor's last known address. The Department shall file a copy of the National Medical Support Notice, together with proofs of service on the employer and the obligor, with the

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

clerk of the circuit court.

- 4) Within 20 business days after the date of a National Medical Support Notice, an employer served with the Notice shall transfer the severable notice to plan administrator to the appropriate group health plan providing any health insurance coverage for which the child is eligible. As required in the part of the National Medical Support Notice directed to the employer, the employer shall withhold any employee premium necessary for coverage of the child and shall send any amount withheld directly to the plan. The employer shall commence the withholding no later than the next payment of income that occurs 14 days after the date the National Medical Support Notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the employer. Notwithstanding the requirement to withhold premiums from the obligor's income, if the plan administrator informs the employer that the child is enrolled in an option under the plan for which the employer has determined that the obligor's premium exceeds the amount that may be withheld from the obligor's income due to the withholding limitation or prioritization contained in Section 35 of the Income Withholding for Support Act, the employer shall complete the appropriate item in the part of the National Medical Support Notice directed to the employer according to the instructions in the Notice and shall return that part to the Department.
- 5) If one of the following circumstances exists, an employer served with a National Medical Support Notice shall complete the part of the Notice directed to the employer in accordance with the instructions in the Notice and shall return that part to the Department within 20 business days after the date of the Notice:
 - A) The employer does not maintain or contribute to plans providing dependent or family health insurance coverage.
 - B) The obligor is among a class of employees that is not eligible for family health insurance coverage under any group health plan maintained by the employer or to which the employer contributes.
 - C) Health insurance coverage is not available because the obligor is no longer employed by the employer.
- 6) The administrator of a health insurance plan to whom an employer has

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

transferred the severable notice to plan administrator part of a National Medical Support Notice shall complete that part with the health insurance coverage information required under the instructions in the Notice and shall return that part to the Department within 40 business days after the date of the Notice.

- 7) The obligor may contest withholding under this Section based only on a mistake of fact and may contest withholding by filing a petition with the clerk of the circuit court within 20 days after service of a copy of the National Medical Support Notice on the obligor. The obligor must serve a copy of the petition on the Department at the address stated in the National Medical Support Notice. The National Medical Support Notice, including the requirement to withhold any required premium, shall continue to be binding on the employer until the employer is served with a court order resolving the contest or until notified by the Department.
- 8) Whenever the obligor is no longer receiving income from the employer, the employer shall return a copy of the National Medical Support Notice to the Department and shall provide information for the purpose of enforcing health insurance coverage under this Section.
- 9) The Department shall promptly notify the employer when there is no longer a current order for health insurance coverage in effect that the Department is responsible for enforcing.
- 10) Unless stated otherwise in this Section, all of the provisions of this Section relating to income withholding for support shall pertain to income withholding for health insurance coverage under a National Medical Support Notice, including but not limited to, the duties of the employer and obligor, and the penalties contained in Section 35 and Section 50 of the Income Withholding for Support Act. In addition, an employer who willfully fails to transfer the severable notice to plan administrator part of a National Medical Support Notice to the appropriate group health plan providing health insurance coverage for which a child is eligible, within 20 business days after the date of the Notice, is liable for the full amount of medical expenses incurred by or on behalf of the child which would have been paid or reimbursed by the health insurance coverage had the severable notice to plan administrator part of the Notice been timely transferred to the group health insurance plan. This penalty may be collected in a civil action that may be brought against the employer in favor of the obligee or the Department.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 11) When the administrator of a health insurance plan returns the severable notice to plan administrator portion of a National Medical Support Notice to the Department indicating that there is more than one option available for coverage of the child under the plan, the Department, within 20 days after the date the portion is returned, shall consult with the obligee, select from the available options, and inform the plan administrator of the option selected.

n) Unpaid Arrearage or Delinquency After Current Support Obligation Terminates

- 1) When current support terminates on the date stated in the order for support, or because the child attains the age of majority or is otherwise emancipated, and the amount previously required to be paid for current support of that child automatically continues as an obligation for periodic payment toward satisfaction of an unpaid arrearage or delinquency as provided by law, the Department may prepare and serve upon the obligor's payor an income withholding notice that:
- A) contains the information required in subsection (b)(2) of this Section;
- B) contains the total amount of the unpaid arrearage or delinquency as of the date of the notice; and
- C) directs the payor to withhold, as a periodic payment toward satisfaction of the unpaid arrearage or delinquency, the total of:
- i) the periodic amount required to be paid as current support immediately prior to the date the current support obligation terminated under the order or by the child becoming emancipated by age or otherwise, and
- ii) any periodic amount previously required for satisfaction of the arrearage or delinquency.
- 2) The income withholding notice and the copy of the income withholding notice shall be served as provided in subsection (c) of this Section.
- 3) The obligor may contest withholding under this subsection (n) by filing a petition to contest withholding with the Clerk of the Circuit Court within

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for contesting withholding shall be limited to:

- A) a dispute regarding the amount or existence of the unpaid arrearage or delinquency; or
- B) the accuracy of the periodic amount to be withheld; or
- C) the identity of the obligor.

o)† Refund of Improperly Withheld Amounts

The Department shall promptly refund to the obligor amounts found to have been improperly withheld from the obligor's income.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days)

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: 603.70 Emergency Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendment: February 22, 2005
- 6) If this emergency amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire: N/A
- 7) Date Filed with the Index Department: February 4, 2005
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: Yes
- 9) Reason for Emergency: The emergency amendment must be in effect prior to the opening of the 2005 thoroughbred racing, February 25, 2005.
- 10) A Complete Description of the Subjects and Issues Involved: This emergency rulemaking increases the maximum allowable dosage from 250 milligrams to 500 milligrams, which is consistent with the model rules approved by the Association of Racing Commissioners International. The post-race serum quantitative levels, as well as the penalties for excessive use, have been adjusted to reflect the dosage change. In addition, the 9 day waiting period for standardbred horses will be reduced to 7 days.
- 11) Are there any proposed amendments pending in this Part: Yes
- 12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 13) Information and questions regarding this amendment shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 7-701

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

Chicago, Illinois 60601

(312) 814-5017

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

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section

603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide

EMERGENCY

603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses and Retention of Samples
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests

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

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days.

Section 603.70 Furosemide**EMERGENCY**

- a) The Board recognizes that Exercise Induced Pulmonary Hemorrhage (EIPH) is almost universal in performance horses. The Board also recognizes that the diuretic furosemide is helpful in the management of the EIPH syndrome; this includes horses that already had a bleeding episode as well as horses that have not yet exhibited the epistaxis. In regulating the race day use of furosemide, the Board has placed strict controls on the dose, route and time the medication is administered. Additionally, Board security personnel monitors these horses during and after the administration. Advances in drug testing techniques permit the Board laboratory to quantitate post-race serum samples for furosemide, providing a thorough regulation of the drug. All of these measures are designed to prevent the misuse of furosemide.
- b) Veterinarian's List
 - 1) When a horse is added to the furosemide list, it shall be placed on the veterinarian's list and shall be ineligible to race for 14 days. The 14 day ineligibility period begins on the certification date defined in subsections (c)(1)(A), (B), (C), and (D). During this 14 day period, the horse shall not be permitted to race with or without furosemide. Before the horse shall be permitted to enter a race, it must qualify on furosemide by participating in a qualifying race or by performing an official workout without bleeding, to the satisfaction of the State Veterinarian. Horses must wait ~~79~~ days following the certification date before participating in a qualifying race.
 - 2) A horse bleeding while racing with furosemide shall be barred from racing for a minimum of 30 days.
 - 3) A horse bleeding a second time in any 12 month period while racing with furosemide shall be barred from racing for a minimum of 60 days.
 - 4) A horse bleeding a third time in any 12 month period while racing with furosemide shall be barred from racing for a minimum of 180 days or the remainder of the 12 month period, whichever is greater.

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

- 5) After the expiration of the barred periods in subsections (b)(2), (3) and (4), a horse must qualify on furosemide by participating in a qualifying race or performing an official workout without bleeding to the satisfaction of the State Veterinarian. Prior to the workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.
- c) Eligibility for Furosemide Treatment
- 1) A horse is eligible to race with furosemide if at least one of the following occurs:
 - A) It bleeds internally or externally in the presence of an official veterinarian, or if a veterinarian licensed by the State of Illinois attests in writing that he/she witnessed a bleeding episode. The State Veterinarian will then issue a bleeder certificate and place the horse on the furosemide list. The certification date shall be the day the bleeding episode was witnessed by or reported to the State Veterinarian;
 - B) A veterinarian licensed by the Board concludes that it will be in the best interest of a horse's health to race with furosemide. The trainer shall submit to the State Veterinarian a certificate signed by the licensed veterinarian requesting approval to place the horse on the furosemide list. The certification date shall be the day the State Veterinarian grants approval. This subsection (c)(1)(B) applies to thoroughbred horses only;
 - C) The trainer provides the Board or its designee with evidence that the horse bled in another racing jurisdiction. Acceptable evidence shall be a valid bleeder certificate approved by an official veterinarian. The certification date shall be the date shown on the bleeder certificate;
 - D) The trainer provides the Board or its designee with evidence that the horse has been running consistently, up to its last start, with furosemide in other racing jurisdictions as shown on the official past performance lines. Acceptable past performance lines for thoroughbreds and/or quarter horses shall be Equibase and/or

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

Racing Form. Acceptable past performance lines for harness horses shall be the official past performances of the United States Trotting Association (USTA) or Canadian Trotting Association (CTA) or the eligibility papers. The certification date shall be the earliest available date the horse shows running with furosemide on the official past performance lines. If the past performance lines of a horse show that the horse has been running on and off furosemide in other racing jurisdictions, the horse shall not be permitted to run with furosemide in Illinois, unless the occasions the horse ran without furosemide were due to rule restrictions imposed on the horse by those particular racing jurisdictions.

2) Signing a Furosemide Certification Affidavit

- A) The stewards may permit a horse to be treated with furosemide for one race if the certification described in subsection (c)(1)(A), (B), (C) or (D) is not available at the time the horse must be treated with furosemide. The trainer or his/her representative shall sign a Furosemide Certification Affidavit.
- B) Within 10 days after the race, the trainer of the horse shall produce for the stewards or their designee written certification from a state where the horse has bled or a statement in an official chart that the named horse bled following a race or a workout in that state. The certification date must comply with the 14 day requirement specified in subsection (b)(1).
- C) Any purse money earned by the horse in the race shall be held during the 10 day period.
- D) If the trainer fails to produce the evidence required in subsection (c)(2)(B), or if the certification date does not comply with the 14 day ineligibility period specified in subsection (b)(1), the stewards shall impose a fine of not less than \$200 and not more than \$1500 and/or suspend the trainer's license and shall redistribute the amount of any purse money earned by the horse.

d) Removal from Furosemide List

- 1) Once a horse is placed on the furosemide list, it must continue to race with

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

furosemide unless the removal from the list is approved by the stewards. The stewards may remove a horse from the furosemide list upon the written request of the trainer if the horse's performance is negatively affected by the use of furosemide, or upon the recommendation of the State Veterinarian if a horse has an adverse physiological reaction to furosemide.

- 2) Once removed from the furosemide list, a thoroughbred horse shall be ineligible to participate in a race for a minimum of 30 days. A harness horse shall be ineligible for a minimum of 14 days. The ineligibility period shall be counted from the day the stewards approve the removal of the horse from the furosemide list. Prior to starting in a race, a horse must participate without furosemide in a qualifying race or perform an official workout without bleeding. Prior to the qualifying race or workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the qualifying race or workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.

e) Administration of Furosemide

- 1) All horses on the furosemide list must be treated with furosemide in order to be permitted to participate in a race.
- 2) Furosemide shall be administered between 4 hours and 15 minutes and 3 hours and 45 minutes before post time of the race in which a horse is entered.
- 3) A Board licensed veterinarian shall administer not less than 150 mg and not more than ~~500~~250 mg of furosemide intravenously and shall verify the administration on prescribed affidavits before the post time of the first race.
- 4) The trainer or his/her licensed employee shall witness the furosemide administration.
- 5) The furosemide administration may take place in the horse's own stall or in a centralized location.
- 6) For violations of this subsection (e), the stewards shall scratch a horse

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

from the race and the trainer may be fined not less than \$200 and not more than \$500.

- f) Absence of Furosemide
In the event a horse listed on the furosemide list races without furosemide, the horse shall be disqualified and any purse money earned by the horse redistributed. In addition, the stewards may suspend or fine the trainer and/or veterinarian not less than \$200 and not more than \$1500.
- g) Excessive Use of Furosemide
- 1) The test level for furosemide shall not be in excess of 100~~60~~ nanograms (ng) per milliliter (ml) of serum or plasma.
 - ~~2)~~ ~~The first two times the laboratory reports an amount of furosemide equal to 61 ng-85 ng/ml, inclusive, the trainer shall receive a written warning. For each subsequent overage at this level by the same trainer, the trainer shall be fined no more than \$200.~~
 - ~~2)3)~~ ~~The first time the laboratory reports an amount of furosemide in excess of 100 nanograms, the trainer shall be fined \$250. equal to 86 ng-99 ng/ml inclusive, the trainer shall receive a written warning. For each subsequent overage at this level by the same trainer, the trainer shall be fined no more than \$500 and suspended not more than 30 days.~~
 - 3) The second time the laboratory reports an amount of furosemide in excess of 100 nanograms within 365 days after the first offense, the trainer shall be fined \$500.
 - 4) For a third or subsequent laboratory report of an amount of furosemide in excess of 100 nanograms within 365 days after the first offense, the trainer shall be fined \$1,000 and/or suspended for 15 days and the purse shall be redistributed.
 - ~~4)~~ ~~In the event a post-race sample contains an amount of furosemide greater than 99 ng/ml, the trainer shall be fined no more than \$2500 and/or suspended no more than 60 days and the purse shall be redistributed.~~
 - 5) When imposing penalties, the stewards shall consider the criteria in Section 603.160(b)(3), (4), (5) and (6) of this Part.

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

- h) Trainer's Responsibilities for Horses on the Furosemide List
 - 1) The trainer shall be responsible for:
 - A) providing the racing office at the time of entry with accurate information regarding the use of furosemide on horses he/she enters to race;
 - B) providing the information required for furosemide approval of his/her horses to Board staff coordinating the administration of furosemide;
 - C) notifying his/her veterinarian of furosemide horses and the date and times for race day treatment;
 - D) having horses on the furosemide list stabled at the barn and in the stall assigned by the Racing Secretary or his/her designee;
 - E) posting a "Security Stall" sign on the stalls of his/her horses entered to race (see 11 Ill. Adm. Code 436);
 - F) ensuring horses are treated with furosemide on race day at the prescribed time, witnessing the administration of furosemide and guarding the horse until the horse is taken to the paddock (see 11 Ill. Adm. Code 436).
 - 2) The stewards may suspend the trainer or assess a fine of no less than \$200 and no more than \$500 for violation of this subsection (h).
- i) Veterinarian's Responsibilities
 - 1) The practicing veterinarian shall be responsible for:
 - A) administering the proper furosemide medication and dose at the proper time to the proper horse.
 - B) providing Board staff, upon request, with any documentation related to horses that are stabled on approved facilities and medication samples and/or paraphernalia used to administer any

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

medication to a horse. Samples and/or paraphernalia may be sent to the Board laboratory for testing.

- 2) The stewards may suspend the veterinarian or assess a fine of no less than \$200 and no more than \$500 for violations of this subsection (i).
- j) Security
- 1) Each horse racing with furosemide shall be detained in a stall assigned by the Racing Secretary at least 4 hours and 15 minutes before the post time of the race in which it is entered, and shall remain in the stall until taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the "security stall" to engage in exercise blow-outs or warm-up heats.
 - 2) The barn area is a secure area and shall be under the supervision of the Board.
 - 3) No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, a report of the incident is to be made immediately to one of the State Veterinarians, the stewards or a Board investigator.
 - 4) Board staff may direct a veterinarian to take a blood sample immediately prior to the administration of furosemide to be submitted to the Board's laboratory for analysis.
 - 5) Board staff may collect from a veterinarian the syringe containing any medication about to be administered to a horse for testing at the Board laboratory.
- k) This Section shall apply to all horses entering in and competing in race meetings as defined in Section 3.07 of the Act [230 ILCS 5/3.07], as well as all horses shipping in from other racing jurisdictions, domestic or foreign.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Services
- 2) Code Citation: 89 Ill. Adm. Code 590
- 3) The Notice of Proposed Amendments being corrected appeared at 29 Ill. Reg. 1693, dated February 4, 2005.
- 4) The information being corrected reads as follows: The initial Notice page answer given to question (12)(A), concerning types of small businesses, small municipalities and not-for-profit corporations affected is in error.

The correct answer is:

Small business, small municipalities and not for profit corporations affected will be Readers and Note Takers.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payments
- 2) Code Citation: 89 Ill. Adm. Code 686
- 4) The Notice of Proposed Amendments being corrected appeared at 29 Ill. Reg. 1703, dated February 4, 2005.
- 4) The information being corrected reads as follows: The initial Notice page answer given to question (12) (A), concerning types of small businesses, small municipalities and not-for-profit corporations affected is in error.

The correct answer is:

Small business, small municipalities and not for profit corporations affected will be Personal Assistants.

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Low Income Home Energy Assistance Program
- 2) Code Citation: 47 Ill. Adm. Code 100
- 3) Date of Index Department Review: February 3, 2005
- 4) Headings and Section Numbers of the Part Being Recodified:

<u>Section Numbers</u>	<u>Headings</u>
100.10	Legislative Base
100.20	Purpose and Scope
100.30	Definitions
100.40	Local Administering Agency Designation
100.45	Local Administering Agency Application for Funding
100.50	Grant Termination
100.70	Administrative Requirements
100.80	Nondiscrimination
100.85	Dispute Procedures
100.90	Complaint Process
100.100	Incorporation by Reference
100.103	Energy Assistance Program
100.105	Allocation of Block Grant Funds
100.110	Assistance Available
100.113	Applicant Assistance
100.115	Summer Energy Assistance
100.120	Determination of Household Eligibility
100.220	Allocation of Funds
100.250	Minimum Program Requirements
100.260	Allowable Costs
100.270	Cost Restrictions
100.280	Standards and Techniques for Weatherization
100.290	Eligible Dwelling Units
100.APPENDIX A	LIHEAP Payment Matrix
100.APPENDIX C	Medical Certification
100.APPENDIX D	Assistance Level Chart Map

- 5) Outline of the Section Numbers and Headings of the Part as Recodified:

89 Ill. Adm. Code 109

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

<u>Section Numbers</u>	<u>Headings</u>
109.10	Legislative Base
109.20	Purpose and Scope
109.30	Definitions
109.40	Local Administering Agency Designation
109.50	Local Administering Agency Application for Funding
109.60	Grant Termination
109.70	Administrative Requirements
109.80	Nondiscrimination
109.90	Dispute Procedures
109.100	Complaint Process
109.110	Incorporation by Reference
109.200	Energy Assistance Program
109.210	Allocation of Block Grant Funds
109.220	Assistance Available
109.230	Applicant Assistance
109.240	Summer Energy Assistance
109.250	Determination of Household Eligibility
109.400	Allocation of Funds
109.410	Minimum Program Requirements
109.420	Allowable Costs
109.430	Cost Restrictions
109.440	Standards and Techniques for Weatherization
109.450	Eligible Dwelling Units
109.APPENDIX A	LIHEA P Payment Method
109.APPENDIX B	Medical Certification
109.APPENDIX C	Assistance Level Chart Map

6) Conversion Table of Present and Recodified Parts:

<u>Present Part (47 Ill. Adm. Code 100)</u>	<u>Recodified Part (89 Ill. Adm. Code 109)</u>
100.10	109.10
100.20	109.20
100.30	109.30
100.40	109.40
100.45	109.50
100.50	109.60
100.70	109.70
100.80	109.80

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

100.85	109.90
100.90	109.100
100.100	109.110
100.103	109.200
100.105	109.210
100.110	109.220
100.113	109.230
100.115	109.240
100.120	109.250
100.220	109.400
100.250	109.410
100.260	109.420
100.270	109.430
100.280	109.440
100.290	109.450
100.APPENDIX A	109.APPENDIX A
100.APPENDIX C	109.APPENDIX B
100.APPENDIX D	109.APPENDIX C

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

TITLE ~~8947~~: ~~SOCIAL SERVICES HOUSING AND COMMUNITY DEVELOPMENT~~
CHAPTER I: DEPARTMENT OF ~~PUBLIC AID~~
~~COMMERCE AND COMMUNITY AFFAIRS~~
SUBCHAPTER b: ~~ASSISTANCE PROGRAMS~~

PART ~~109400~~

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

109.10+100.10	Legislative Base
109.20+100.20	Purpose and Scope
109.30+100.30	Definitions
109.40+100.40	Local Administering Agency Designation
109.50+100.45	Local Administering Agency Application for Funding
109.60+100.50	Grant Termination
109.70+100.70	Administrative Requirements
109.80+100.80	Nondiscrimination
109.90+100.85	Dispute Procedures
109.100+100.90	Complaint Process
109.110+100.100	Incorporation by Reference

SUBPART B: ENERGY ASSISTANCE

Section

109.200+100.103	Energy Assistance Program
109.210+100.105	Allocation of Block Grant Funds
109.220+100.110	Assistance Available
109.230+100.113	Applicant Assistance
109.240+100.115	Summer Energy Assistance
109.250+100.120	Determination of Household Eligibility

SUBPART C: WEATHERIZATION

Section

109.400+100.220	Allocation of Funds
109.410+100.250	Minimum Program Requirements
109.420+100.260	Allowable Costs
109.430+100.270	Cost Restrictions

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

~~109.440~~~~100.280~~ Standards and Techniques for Weatherization
~~109.450~~~~100.290~~ Eligible Dwelling Units

~~109.100~~.APPENDIX A LIHEAP Payment Matrix
~~109.100~~.APPENDIX ~~B~~~~C~~ Medical Certification
~~109.100~~.APPENDIX ~~C~~~~D~~ Assistance Level Chart Map

AUTHORITY: Implementing and authorized by the Energy Assistance Act [305 ILCS 20], Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95], the Low-Income Home Energy Assistance Act of 1981 (42 USCA 8621) and Executive Order 2004-3.

SOURCE: Adopted and codified at 7 Ill. Reg. 2956, effective March 9, 1983; amended at 8 Ill. Reg. 8184, effective May 31, 1984; amended at 8 Ill. Reg. 16004, effective August 27, 1984; amended at 8 Ill. Reg. 20669, effective October 6, 1984; amended at 9 Ill. Reg. 10710, effective July 1, 1985; amended at 9 Ill. Reg. 18134, effective November 12, 1985; amended at 10 Ill. Reg. 8684, effective May 12, 1986; amended at 10 Ill. Reg. 21064, effective December 9, 1986; amended at 11 Ill. Reg. 682, effective December 18, 1986; recodified at 11 Ill. Reg. 4631; amended at 12 Ill. Reg. 757, effective December 23, 1987; amended at 12 Ill. Reg. 14639, effective September 6, 1988; amended at 12 Ill. Reg. 15530, effective September 19, 1988; amended at 13 Ill. Reg. 10827, effective June 27, 1989; amended at 13 Ill. Reg. 13568, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 17870, effective November 1, 1989, for a maximum of 150 days; emergency expired March 31, 1990; amended at 14 Ill. Reg. 13440, effective August 8, 1990; amended at 15 Ill. Reg. 3437, effective February 25, 1991; emergency amendment at 15 Ill. Reg. 14604, effective September 30, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3940, effective February 26, 1992; emergency amendment at 16 Ill. Reg. 17136, effective October 26, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 3836, effective March 5, 1993; amended at 27 Ill. Reg. 2123, effective January 24, 2003; emergency amendment at 27 Ill. Reg. 14838, effective September 2, 2003, for a maximum of 150 days; emergency expired January 29, 2004; recodified from the Department of Commerce and Economic Opportunity to the Department of Public Aid at 29 Ill. Reg. _____.

SUBPART A: GENERAL PROVISIONS

Section ~~109.10100.10~~ Legislative Base

- a) Federal
- 1) On July 31, 1981, Congress passed the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) which established seven block grant programs. These block grants replaced a large number of programs previously

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

administered by the federal government. The Omnibus Budget Reconciliation Act of 1981 also transferred primary responsibility for the administration of the block grant programs to the states and conferred substantial discretion on the states as to the use of block grant funds.

- 2) Title XXVI of the Omnibus Budget Reconciliation Act of 1981 established the Low-Income Home Energy Assistance Act of 1981 and replaced the Home Energy Assistance Act of 1980.
- 3) The Low-Income Home Energy Assistance Act of 1981 authorized the Low Income Home Energy Assistance Block Grant. States were eligible to receive funds under the Low Income Home Energy Assistance Block Grant on October 1, 1981.
- 4) On November 3, 1990, the Low-Income Home Energy Assistance Act of 1981 was amended by the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (P.L. 101-501).

b) State

On August 2, 1989, the Governor signed the Energy Assistance Act of 1989. The Governor has officially designated the Department of Commerce and Community Affairs as the official administering agency for the Energy Assistance Act of 1989, which includes the Low Income Home Energy Assistance Block Grant. On December 15, 1981, the Department of Commerce and Community Affairs submitted the application document to the U.S. Department of Health and Human Services. As part of the application, the State certified that it agreed to use funds available under the Low Income Home Energy Assistance Block Grant to provide assistance to eligible households to meet the costs of home energy. On July 24, 1991, the Governor signed an amendment to the Energy Assistance Act of 1989 [305 ILCS 20], as amended by P.A. 87-14, effective July 24, 1991. This amendment established the Low Income Home Energy Assistance Program (LIHEAP). On December 16, 1997, the Governor signed an amendment to the Energy Assistance Act of 1989, as amended by P.A. 86-127, Section 13, added by P.A. 90-561, Art. 7, Section 85, effective December 16, 1997. This amendment established the Supplemental Low-Income Energy Assistance Fund. On January 10, 2001, the Governor signed an amendment to the Energy Assistance Act of 1989, as amended by P.A. 86-127, Section 85, added by P.A. 91-936, effective January 10, 2001. This amendment provides the Department with the flexibility to establish annual eligibility levels up to a maximum of 150% of OMB Poverty

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

guidelines. [On April 1, 2004, responsibility for the administration of the Act was transferred to the Department of Public Aid.](#)

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section [109.20100.20](#) Purpose and Scope

- a) The LIHEAP has been established to carry out the provisions of the Energy Assistance Act ~~of 1989~~. The State will use the funds available under the Low Income Home Energy Assistance Block Grant to provide assistance to eligible households to meet the costs of home energy, and more specifically to provide:
- 1) assistance in the form of a cash payment made directly to the eligible household should that household purchase home energy as an undesignated portion of rent;
 - 2) payments to a home energy provider on behalf of the eligible household or direct to the household if its winter energy services are provided by a non-participating home energy provider;
 - 3) low cost weatherization and/or energy-related home repairs applied directly to an eligible household's residence; and
 - 4) emergency services to an eligible household in an energy-related life-or-health threatening situation.
- b) This Part specifies program guidelines whereby the Department will provide comprehensive energy and weatherization assistance to low-income citizens.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992)

Section [109.30100.30](#) Definitions

"Act": The Energy Assistance Act ~~of 1989~~ [305 ILCS 20].

"Customer of record": Any person who is receiving home energy services from a home energy provider and has agreed to pay for those services or did receive home energy services during the program year from a home energy provider and has not changed the home energy provider for that type of home energy service.

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

"Department": The Illinois Department of [Public Aid](#)~~Commerce and Community Affairs~~.

"Disabled Person": A person who is and who is expected to continue indefinitely to be subject to a physical, developmental, visual, hearing or mental disability, as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A].

"DOE": United States Department of Energy.

"Dwelling Unit": A house, including a stationary mobile home, an apartment, or a room or group of rooms occupied as separate, independent living quarters.

"Elderly Person": A person who is 60 years of age or older.

"Energy Crisis Intervention": Weather-related and supply shortage emergencies.

"Good Faith Effort": The household making payment to the household's energy vendors of 10% of the household's income for the past 90 days or 20% of the total amount owed for both primary and secondary utilities, whichever method is more beneficial to the household, but in no case less than \$75.

"Grant Agreement": The contractual agreement between the Department and Local Administering Agency, which includes the scope of work to be provided, the budget, and all terms and conditions of the contract.

"HHS": United States Department of Health and Human Services.

"Home Energy": A fuel used for space heating, space cooling, water heating, cooking or in electrical appliances in residential dwellings.

"Home Energy Provider": Any utility, municipal utility, cooperative utility, sole proprietorship, partnership, joint venture, corporation, company or other established business which provides primary and/or secondary energy, including fuel, to residential dwellings and has elected to participate in the LIHEAP. The primary energy provider is a home energy provider that provides the primary source of energy; and the secondary energy provider is a home energy provider that provides the secondary source of energy.

"Household": All individuals who occupy a dwelling unit.

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

"Household Income": Gross income received by all members of the household who are residing in the household at the time of application. Under the Energy Assistance Act of 1989, household income will be calculated for the past 30 days. Households applying for Weatherization Assistance who have not been approved to receive energy assistance under the Low-Income Home Energy Assistance Act of 1981, will have their income calculated for the past 12 months, in accordance with 10 CFR 440 (1995). Income does not include the following:

Payments for vocational rehabilitation transportation and maintenance;

Reimbursement for medical expenses;

Payments made to others on the household's behalf provided that such payments were not directed by the household (i.e., bills paid or purchases made by others);

Loans (including student loans);

Scholarships, subsistence amounts or student grants;

Assets drawn down as withdrawals from a bank;

Sale of property;

Sale of house or car;

Tax refunds;

Gifts;

One-time insurance payments or compensation for injury;

Non-cash income;

One-time payments (e.g., death-related benefits, Circuit Breaker Benefits);

Foster-grandparents and Senior Companions stipends;

Foster-parent reimbursement;

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

Food Stamps;

Workforce Investment Act of 1998 benefits;

Allowances, earnings and payments to individuals participating in programs under the Act; and

Earned income of dependent minors (children under 18).

"IHWAP": The Illinois Home Weatherization Assistance Program, referring to all components of the weatherization program that are designed to help low-income Illinois residents save fuel and money while increasing the comfort of their homes.

"Kitchen Facilities": An area used to store and prepare food.

"Landlord": A person that receives payment for the rental of his/her dwelling unit.

"Local Administering Agency (LAA)": A community action agency or other community-based organization or unit of general purpose local government or public agency which is authorized, in accordance with Section ~~109.40100.40~~, to administer LIHEAP funds received from the Department.

"Low-Income Home Energy Assistance Act of 1981": Established by the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), Title XXVI – Low Income Home Energy Assistance) and amended by the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (P.L. 101-501).

"Multi-Unit Building": A structure containing two or more dwelling units.

"Owner Occupied Building": A building in which the owner is a permanent resident in the building.

"Primary Energy Source": The energy or fuel type which is the heat source for the central heating system of the residence, or if the residence is not centrally heated, the energy or fuel type which constitutes the principal source of space heating.

"Program Year": The period in time starting September 1 and ending May 31 in

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

the following year.

"Public Utility": An entity that is defined as a public utility under Section 3-105 of the Public Utilities Act [220 ILCS 5/3-105] and is subject to regulation by the Illinois Commerce Commission (ICC).

"Rental Unit": A dwelling unit occupied by a person who pays rent for the use of the dwelling unit.

"Secondary Energy Source": Energy or fuel used for other than the primary source of heat. In order to receive a secondary direct vendor payment, the secondary energy source must be an integral part of the heating system or heat-related. An example of this would be the heat-related electricity that is used to operate the controls and distribution (fan) system of a furnace.

"Separate Independent Living Quarters": Living quarters in which the household members do not live and eat with any other persons in the structure and that have:

either direct access from the outside of the building or through a common hall; and

complete kitchen facilities for the exclusive use of the occupants.

"Single-Family Dwelling Unit": A structure containing no more than one dwelling unit.

"State": The State of Illinois.

"Subgrantee": A Local Administering Agency managing an energy assistance or weatherization project that receives a grant of funds awarded under this Part from the State.

"Unit of General Purpose Local Government": Any city, county, town, village or township.

"Weatherization Materials":

Caulking and weatherstripping of doors and windows;

Furnace efficiency modifications, including, but not limited to:

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

replacement burners, furnaces and permanently installed space heaters (including wood/coal burning stoves), or boilers or any combination thereof;

devices for minimizing energy loss through heating systems, chimney or venting devices;

products to improve the efficient circulation of heated water or air throughout the dwelling unit (e.g., fan systems, piping, and duct work); and

electrical or mechanical furnace ignition systems which replace standing gas pilot lights;

Clock thermostats;

Ceiling, attic, wall, floor, and duct insulation;

Water heater insulation;

Storm windows, multi-glazed windows and doors, heat-absorbing or heat-reflective window and door materials; and

The following insulating or energy conserving devices or technologies:

Items to improve attic ventilation;

Vapor barriers;

Materials used as a patch to reduce infiltration through the building envelope;

Water flow controllers;

Movable insulation systems for windows;

Material to construct vestibules;

Pipe and boiler insulation;

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

Heat exchangers;

Thermostat control systems;

Replacement windows and doors;

Materials used for water heater modifications which will result in improved energy efficiency;

Hot water heat pumps;

Waste heat recovery devices;

Materials used for heating and cooling systems tune-ups, repairs, and modifications which will result in improved energy efficiency; and

Materials used for boiler tune-ups, repairs, and modifications which will result in improved energy efficiency.

"Weatherization Project": A project conducted in a designated geographic area which undertakes the weatherization of dwelling units that are energy inefficient.

"Winter": The period from November 1 of any year through April 30 of the following year (Section (3)(d) of the Act).

"Winter Energy Services": Home energy provided during the six-month period of November through April of the following year.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

| **Section ~~109.40100.40~~ 109.40100.40 Local Administering Agency Designation**

- a) The following local entities are eligible to apply for designation as LAAs under the LIHEAP:
 - 1) Any organization which was officially designated as a Community Action Agency under the provisions of Section 210 of the Economic Opportunity Act of 1964, as amended.

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

- 2) Any non-profit private community organization determined by the Department to be capable of planning, conducting and administering an Energy Assistance or Weatherization Program according to the guidelines established by the Department in accordance with this Section.
 - 3) A unit or combination of units of general purpose local governments of the State.
- b) In designating LAAs, the Department will comply with those rules and regulations set forth in 45 CFR 96 (October 1, 1990 edition) and 10 CFR 440.15 (January 1, 1991 edition) which provide the federal standards governing LAA selection for the Energy Assistance Program (the HHS and the U.S. Department of Energy (~~{DOE}~~) weatherization assistance program). LAAs must be designated by the Department, in accordance with this Section, to operate the DOE funded component of the Illinois Home Weatherization Assistance Program (IHWAP) in order to be eligible to receive financial assistance for the IHWAP covered by this Part.
- c) When designating LAAs to carry out LIHEAP, the Department shall give special consideration in the designation of such agencies to any local public or private non-profit agency which was receiving federal funds under any low-income energy assistance program or weatherization program, if the agency demonstrates that it meets the requirements of Section 2605 (a)(2)(b)(6) of Title VII of the Low-Income Home Energy Assistance Act of 1981. Special consideration shall mean: when service and accounting capability measures are compared and found to be equal or within 20% of equal, the specially considered agency will be selected.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992)

Section 109.50100.45 Local Administering Agency Application for Funding

- a) To be eligible for financial assistance, a local agency must be designated by the Department to operate the Energy Assistance or Weatherization Program contained in this Part.
 - 1) Where a local agency has been designated by the Department, in accordance with Section 109.40100.40, to operate the Energy Assistance or Weatherization Program for a county or counties, only that designated

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

local agency may apply for financial assistance.

- 2) Where no local agency has been designated by the Department to operate these programs, that agency which is successful in its request for proposal bid to operate the aforementioned programs shall be awarded financial assistance under this Part. The proposal will be evaluated in accordance with 10 CFR 440.15(a) (1989) and Subparts A, B, C, D, E, F and H of 45 CFR 96 (1988).
- b) Applicants will be required to meet program and fiscal requirements prior to the submittal of an application for funding. Applications will not be processed nor grants awarded prior to the Department's review of the applicant's performance in the following four areas.
- 1) an effective outreach referral program (evidenced by services to clients in accordance with their incidence in the census-based client population of the service area);
 - 2) a continuing planning process and capability (evidenced by demonstrated applicant staff capability to complete federal and/or state grant applications and reporting documents containing qualitative and quantitative objectives);
 - 3) an accounting system in accordance with generally accepted accounting principles of the American Institute of Certified Public Accountants (AICPA) (1989), 1211 Avenue of the Americas, New York, NY 10036-8775; and
 - 4) an effective citizen participation/community involvement program.
- c) In preparing the application for funding assistance for programs contained in this Part, applicants will be required to submit the following items:
- 1) Application for Assistance: The Department will require the submittal of a form provided by the Department which requires the basic information needed for grant award documentation and for the Department's review purposes.
 - 2) Annual Work Program: The work program will narrate the activities as required by the Department to be undertaken utilizing the grant funds. The

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

work program must include at a minimum such items as provisions for staff, coordination with other delivery agencies and a description of how the agency intends to deliver its basic services.

- 3) Annual Budget: The applicant shall submit a grant budget by cost categories, on the budget summary form and detail sheets provided by the Department.
 - 4) Statement of Coordination: The grant applicant will be required to outline its program of coordination with other agencies and programs. The statement shall include coordination mechanisms established by the applicant and cite interagency agreements or contractual arrangements used in support of coordinated service delivery.
 - 5) Assurances and Certifications: In a form and manner provided by the Department, the applicant will be required to certify its compliance with all applicable state and federal laws and regulations as detailed in this Part dealing with the receipt and expenditure of grant monies, as provided on the grant application.
 - 6) Additional Grant Application Submittals: These include:
 - A) Name, address, telephone number of the agency responsible for administering the projects as well as signatures designating responsibility for the grants;
 - B) The "Notice of Grant Award" and grantee acceptance;
 - C) The "Method of Compensation, Fiscal Recording/Reporting Requirements";
 - D) The "Terms and Conditions Governing the Grant";
 - E) The "Scope of Work" which insures programmatic controls, such as training, staffing, outreach, and reporting; and
 - F) Any information which the Department deems necessary to clarify or document information provided in the application.
- d) The Department will use the following standards to select grantees for special

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

demonstration projects. The weight to be given to each standard will be dependent on the nature of the project, keeping in mind the Department's goal of equally representing all areas of the State.

- 1) The Department will consider the applicant's experience in the particular type of weatherization project to be implemented.
- 2) The Department will consider the qualifications of the applicant's personnel as related to the particular type of weatherization project to be implemented.
- 3) The Department will evaluate the methodology proposed by the applicant for completion of the project under consideration.
- 4) The Department will evaluate the ability of the applicant to complete the project under consideration as evidenced by factors specified in subsections (d)(1), (2), (3), (5) and (6).
- 5) The Department will evaluate the applicant's timetable for completion of the project both in terms of other applicants and whether or not the timetable appears to consist of a realistic statement of goals.
- 6) The Department will evaluate the applicant's budget both in comparison to other applicants and to determine whether or not the proposal is a realistic assessment of the costs of the project.

(Source: Former Section 100.45 recodified to Section 100.120 at 11 Ill. Reg. 4631, new Section adopted at 14 Ill. Reg. 13440, effective August 8, 1990)

Section ~~109.60~~100.50 Grant Termination

If the Department determines that it is in the best interests of the program to revoke the designation of a LAA, the designation of a new administering agency shall be made by the Department in consultation with the government (or combination of governments) which has jurisdiction over the entire community to be served by the program. The determination of the "best interests" of the program will depend on the agency's success in complying with the grant agreement.

- a) Any LAA, either established (i.e., local designation and state recognition) under the LIHEAP and/or IHWAP in accordance with the Low-Income Home Energy

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

Assistance Act of 1981 will be awarded continuing program administering responsibilities in its established jurisdiction unless the following shall occur:

- 1) written communication to the Department stating its desire to discontinue operation of the program;
 - 2) material failure by the LAA to comply with the Low-Income Home Energy Assistance Act of 1981, 10 CFR 440, 45 CFR 96, the provisions of the grant agreement, and the provisions of 47 Ill. Adm. Code 1 and [89 Ill. Adm. Code 109400](#). Material failure includes, but is not limited to, fraud, disallowance of costs which could render a LAA insolvent, and denial of access to records of grant-related transactions.
- b) Upon discovery of one of the conditions noted in subsection (a), the Department will take the following action:
- 1) The Department shall notify the LAA in writing of its initiation of the termination process and the reasons for termination. The notice will advise the LAA that, in accordance with this Part, it is entitled to a hearing. The LAA will be given fifteen (15) days from receipt of such notification to inform the Department that it wishes to exercise its right to a hearing. The hearing will be conducted within thirty (30) days of the original notification of initiation of the termination process. The notification shall also include:
 - A) a requirement that the LAA (in order to receive continued funding) shall agree to submit to a Department appointed official, throughout the termination process, to serve as a reviewer of all program-related expenditures which are reimbursable under Sections [109.70400.70](#) and [109.420400.260](#) of this Part) and which comply with the objectives and program activities specified in accordance with Subparts A and B of this Part; or
 - B) in the event the LAA does not agree to submit to the Department review specified in subsection (b)(1)(A), notice of funding suspension pending termination pursuant to this Part.
 - 2) The services of a hearing officer, who must be an attorney licensed to practice law in Illinois under Article VII of the Illinois Supreme Court Rules([Ill. Rev. Stat. 1989 and 1990 Supp., ch. 110A, pars. 701-774](#)), will

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

be obtained by the Department, as will the services of a certified shorthand reporter under the Illinois Certified Shorthand Reporters Act of 1984 (~~[215 ILCS 415]~~~~Ill. Rev. Stat. 1989, ch. 111, pars. 6201 et seq.~~). Notice of the actual hearing time and date will be provided, with proof of receipt of notice, to both the LAA and grantor agency at least ten (10) days prior to the hearing. The cost of the certified shorthand reporter and the original transcript of the proceedings shall be borne by the Department. The LAA shall bear the cost of its copy of the transcript of proceedings.

- c) The hearing shall be conducted in accordance with ~~8947~~ Ill. Adm. Code ~~10410~~. The report of the hearing officer will be sent via registered mail to both parties within thirty (30) days of the hearing's completion.
- d) The Director of the Department will review the hearing officer's recommendation and will base his/her decision on findings of fact and conclusions of laws that substantiate grant termination pursuant to this Section (~~see Section 100.50~~). The Department will notify the LAA in writing of the Department's final determination within thirty (30) days.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992)

Section ~~109.70100.70~~ Administrative Requirements

For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1 and as follows are applicable.

- a) Budget Modification
The LAA cannot be reimbursed for costs that exceed the total program or administrative cost category amounts.
 - 1) The LAA must, in writing, request of the Department a budget modification if expenditures exceed the approved budget.
 - 2) If the LAA wishes to make modifications to the Grant Agreement, the LAA must:
 - A) Submit a formal standardized written modification request to the Department prior to expenditure of funds in a manner other than the approved budget; or

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

- B) Exercise provisions contained in the "Program Specific Provisions" Section of the Grant Agreement.
- 3) The Department will approve modification requests if they are necessary to achieve program objectives; required by increases or decreases in program funding; or result in greater program cost efficiencies. If the Department approves the modification request, the LAA will be notified in writing of the change and effective date. If the Department rejects the modification, the Department will notify the LAA in writing of the reasons for denial.
- b) Reporting – An expenditure summary and payment request shall be submitted to the Department on or before the tenth calendar day of each month after the first month of the program year, using the format provided by the Department.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.80100.80 Nondiscrimination

- a) Equal Employment Opportunity
- 1) In carrying out the program, the Grantee shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, natural origin, ancestry, age, physical or mental handicap unrelated to ability, marital status, or unfavorable discharge from military service. The Grantee shall take affirmative action to insure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national origin, ancestry, age, physical or mental handicap unrelated to ability, marital status, or unfavorable discharge from military service. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other form of compensation; and selection for training, including apprenticeship. The Grantee shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The Grantee shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, ancestry, age, physical or mental handicap unrelated to ability, marital status, or unfavorable discharge from military service. The

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

Grantee shall incorporate the foregoing requirements of this subsection ~~paragraph~~ (a) in all of its contracts for program work.

- 2) The Grantee shall cause or require to be inserted in full in any contract and subcontract for work, or modification thereof, all applicable federal and state Equal Employment Opportunity provisions.
- b) Discrimination – The Grantee shall refrain from unlawful discrimination in employment and will undertake affirmative action to assure quality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [~~775 ILCS 5~~](~~Ill. Rev. Stat. 1985, ch. 68, pars 1-101 et seq.~~); Section 504 of the Rehabilitation Act of 1973 (29 USC U.S.C. 794); the Age Discrimination Act of 1975 (42 USC U.S.C. 6106-6107); and Title VI of the Civil Rights Act of 1964 (42 USC U.S.C. 2000d-2000d-7) (24 CFR 1.4 (1987)).

(Source: Amended at 12 Ill. Reg. 757, effective December 23, 1987)

Section 109.90100.85 Dispute Procedures

Applicants shall be provided with an opportunity for a fair administrative hearing when claims for energy assistance are denied or are not acted upon within prescribed timelines (see Section 109.250(d)100.120(d)), or if the applicant disputes the amount or type of assistance granted. LAAs shall inform each applicant of their right to the appeals process. The hearing and appeals process includes three levels of appeal: the informal conference, the state review, and the formal hearing.

- a) The Informal Conference
 - 1) This process consists of an initial informal conference held by a staff hearing officer of the LAA at which the applicant applied. This informal conference is designed to ensure that the applicant understands the reason(s) for the action taken by the LAA and to ensure that the application was processed in accordance with Section 109.250100.120.
 - 2) Any applicant receiving or denied energy assistance has a right to request an informal conference within thirty (30) days of receipt of a notice of a decision on the applicant's application.
 - 3) Any applicant who has submitted a completed application but has not been

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

notified of the application status within thirty (30) days of the date of a complete application, has a right to request an informal conference within sixty (60) days of the date the application was complete.

- 4) Any applicant requesting an informal conference shall be furnished the reason for the decision on the application and be allowed to review the documents leading to the decision prior to the informal conference.
- 5) The informal conference must:
 - A) be held at the application site closest to the applicant's residence or at the applicant's residence if they are confined;
 - B) be conducted by a LAA staff member who was not involved in the original decision (the LIHEAP coordinator may also attend);
 - C) be held within fifteen (15) calendar days of the receipt of request;
 - D) afford the applicant an opportunity to bring an interpreter and/or representative; and
 - E) allow the applicant to present oral and written testimony on his/her behalf.
- 6) The LAA will give the applicant a written statement at the end of the conference describing the result of the conference and citing the policy reasons for the decision. A copy of this report must be filed in the applicant's file.
- 7) In the event of a finding in support of an applicant, the LAA shall, within fifteen (15) days of the finding, process the application and notify the applicant and the home energy provider(s) in writing of the applicant's eligibility. In the case of an emergency assistance application, the LAA shall process the application and notify the applicant and the home energy provider(s) within forty-eight (48) hours. In the event of a disapproval, the LAA shall provide the applicant with a Request for State Review Form. The request must specify the LAA at which the household applied for assistance, whether the LAA has held an informal conference, and the reasons for requesting a state review.

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

b) State Review

A request for state review must be filed with the Department within thirty (30) days after the informal conference. If the request is timely made, the Department will appoint a state reviewing officer who will review the applicant's file and the informal conference report. A written decision will be made. The request is considered made on the day the request is received by the Department (per the date stamp on the correspondence). The Department will notify the LAA that a request for state review has been filed. The LAA must, within five (5) days of the request for state review, provide both the Department and the applicant with a full copy of the applicant's file. A state reviewing officer will review the file to determine if the application contains all information required in Section [109.250\(d\)](#) ~~100.120(d)~~ and all testimony presented at the informal conference. The state reviewing officer shall ascertain if the applicant was provided with a Request for State Review Form in accordance with subsection (a)(7) and determine if the informal conference decision regarding eligibility was correct (see Section [109.250](#) ~~100.120~~ for eligibility criteria). This determination will be made and a letter sent to the applicant and the LAA within fifteen (15) days of the request for state review. In the event of finding in support of an applicant, the LAA shall approve and process the application or modify the assistance granted, and notify the applicant and the home energy provider(s) in writing within fifteen (15) days of notification of the finding from the State. In the case of an emergency assistance application, the LAA shall process the application and notify the applicant and the home energy provider(s) within forty-eight (48) hours of notification of the finding from the State. In the event of a disapproval, the State shall provide the client with a Request for Formal Review Form. The request must specify the LAA at which the household applied for assistance, whether an informal conference has been held, if the state review has been conducted and the household notified of the decision, and the reasons for requesting a formal hearing.

c) The Formal Hearing

If not satisfied with the results of the state review, the applicant must request a formal hearing by sending a written request to the Department who will notify the LAA that the request has been made by the applicant. This request must be received by the Department within thirty (30) calendar days of the date on which the state review letter was mailed by the Department. The Department will provide the applicant with a notice of the hearing in accordance with Section 10-25 of the Illinois Administrative Procedure Act [[5 ILCS 100/10-25](#)](~~Ill. Rev. Stat. 1991, ch. 127, par. 1010-25~~). The hearing will be conducted by a hearing officer, who has not participated in any earlier decision concerning this application, within

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

thirty (30) days from the date the formal hearing request was received by the Department. The formal hearing will meet the following standards.

- 1) The hearing will be held at the application site closest to the applicant's residence or at the applicant's residence if they are confined.
- 2) The applicant will be afforded an opportunity to review his/her file.
- 3) The hearing will be tape-recorded.
- 4) The decision will be based on the record, which will comply with Section 10-35 of the Illinois Administrative Procedure Act and which will be made pursuant to the procedures set forth in Section 10-45 of the Illinois Administrative Procedure Act. The hearing officer will determine if the household is eligible in accordance with Section ~~109.250~~100.120.
- 5) If requested by the applicant, the applicant will be provided interpretive and auxiliary services (e.g., transportation).
- 6) The applicant will have the right to:
 - A) be accompanied and/or represented by another;
 - B) present written and oral statements and other evidence in accordance with Section 10-40 of the Illinois Administrative Procedure Act;
 - C) bring an interpreter; and
 - D) present and question witnesses.
- 7) Within ten (10) days of the formal hearing, the state appeals review board shall send a written determination to the applicant and the LAA in accordance with Section 10-50 of the Illinois Administrative Procedure Act.
- 8) In the event of a finding in support of an applicant, the LAA shall, within fifteen (15) days of notification of the finding, process the application or modify the assistance granted and notify the applicant and the home energy provider(s) in writing of the applicant's eligibility. In the case of

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

an emergency application, the LAA will process the application and notify the applicant and the home energy provider(s) within forty-eight (48) hours.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992)

Section ~~109.100~~109.90 Complaint Process

The Department will follow the procedures outlined in 8947 Ill. Adm. Code ~~10410~~ for complaints filed by LAA's or other recipients ~~(as defined in 47 Ill. Adm. Code 10.10)~~. Procedures specified in Section 109.90 ~~100.85~~ of this Part will be followed for complaints by applicants for energy assistance.

(Source: Amended at 13 Ill. Reg. 10827, effective June 27, 1989)

Section ~~109.110~~100.100 Incorporation by Reference

Any incorporation by reference in this Part of the rules and regulations of any agency of the United States or of standards of a nationally recognized organization or association includes no new amendments or additions made after the date specified.

(Source: Added at 9 Ill. Reg. 10710, effective July 1, 1985)

SUBPART B: ENERGY ASSISTANCE

Section ~~109.200~~100.103 Energy Assistance Program

a) Implementation

This Part institutes the energy assistance program mandated by the Energy Assistance Act ~~of 1989~~. This assistance program shall be known as the "Low Income Home Energy Assistance Program" (LIHEAP).

b) Impacting Authorities

The following authorities, among others, affect the implementation or operation of LIHEAP:

- 1) The Low-Income Home Energy Assistance Act of 1981, which affects eligibility requirements and the use of Low Income Home Energy Assistance Block Grant funds used in LIHEAP.

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

- 2) The Public Utilities Act and the rules applicable to that Act (83 Ill. Adm. Code 280).
 - 3) The Energy Assistance Act ~~of 1989~~.
- c) Eligibility
Any individual who is a resident of the State of Illinois and whose household income is not greater than 150% of the federal non-farm poverty level as established by the federal Office of Management and Budget (OMB) (or their successor in responsibility) is eligible to apply for benefits under LIHEAP. In establishing the eligibility level, the Department shall consider factors including, but not limited to, economic conditions, State and federal funding levels, and energy costs.
- d) Application Initiation
Individuals may apply for assistance under LIHEAP at the LAA office serving the area in which the applicant's dwelling unit is located. A current list of LAA offices may be obtained by calling or writing any office of the Department.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section ~~109.210100-105~~ Allocation of Block Grant Funds

- a) The Department shall allocate financial assistance for each county from sums available for any fiscal year from the Low Income Home Energy Assistance Block Grant as described in the State's annual plan to HHS.
- b) The Department shall determine allocations for each county from available funds.
 - 1) At least 50% of the funds available shall be allocated to each county based on the "Index of Need".
 - A) The Index of Need is comprised of five factors, which are:
 - i) Heating Degree Days;
 - ii) Fuel Cost Factor Per 100,000 BTUs;
 - iii) Persons in Poverty (an amount determined by the Department by equally weighing available funding, energy

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

costs, and economic conditions, but shall not exceed 150% of the OMB Poverty Income Guidelines);

- iv) Elderly in Poverty (an amount determined by the Department by equally weighing available funding, energy costs, and economic conditions, but shall not exceed 150% of OMB Poverty Income Guidelines); and
 - v) Disabled persons.
- B) Each factor will be multiplied by an assigned weight. The formula for determining each of these factors and the weight to be assigned to these factors is as follows:
- i) number of climatic heating degree days per county divided by total climatic heating degree days for State = heating degree days (5%);
 - ii) estimated fuel cost per 100,000 BTUs per county divided by total estimated fuel cost per 100,000 BTUs for State = fuel cost factor per 100,000 BTUs (5%);
 - iii) number of persons in poverty per county divided by total number of persons in poverty for State = persons in poverty (75%);
 - iv) number of elderly persons in poverty per county divided by total number of elderly persons in poverty for State = elderly in poverty (10%); and
 - v) number of disabled persons per county divided by total number of disabled persons for State = Disabled (5%).
- C) The sum of weighted factors will be multiplied by the total amount allocated to the counties to determine the county's allocation of funds.
- 2) The remaining funds shall be held by the State for meeting those program contingencies which cannot be reasonably anticipated, (e.g., an unusually high need for energy assistance in any given county) and to meet the local

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

agencies' administrative and/or outreach needs.

- c) The Department shall increase or reduce the allocation for a county for any of the following reasons:
- 1) Changes in federal or state fund availability.
 - 2) Changes in sums available for any fiscal year from the Low Income Home Energy Assistance Block Grant as described in the State's annual plan to HHS.
 - 3) The Department determines that the level of applications, which are eligible under Section 109.250+00.120, differs from the local agency's allocation, which is determined pursuant to subsection (b), during the subgrant period for which financial assistance was awarded.
- d) The Department shall make available one-third of the allocation for any county for the provision of assistance described in Section 109.220+00.110(a)(1) or (2) to eligible applicant households who are recipients of Temporary Assistance to Needy Families (TANF); General Assistance (GA); Aid to Aged, Blind, and Disabled (AABD); or who have incomes equal to or less than 40% of the OMB Poverty Guidelines.
- e) The Department shall notify the designated LAAs of the county allocations for which that agency is eligible to apply. Where no agency has been designated, the county allocations will be included in a request for proposal which shall be publicly advertised in the State newspaper and in at least one local newspaper within the area to be served.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.220+00.110 Assistance Available

- a) Assistance Options
All applicants eligible for assistance under LIHEAP as described in Section 109.250+00.120 are eligible to receive assistance under the following options:
- 1) Option 1
 - A) If the applicant: is not a customer of record of a home energy

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

provider for winter energy services; and is not an applicant for winter energy services from a home energy provider; and has housing rental expenses greater than 30% of his/her household income.

- B) Then the applicant shall receive one direct cash payment in an amount determined annually by the Department. Subject to applicable requirements of this Part, the applicant must provide verification of rental expenses, and attest that he/she is not a customer or applicant for winter energy services from a home energy provider,
- C) The Department will apply an equal weight to each of the major items considered in setting the amount.

2) Option 2

- A) If the applicant or member of the applicant's household: is the customer of record of a home energy provider for winter energy services; or has a household member who is an applicant for winter energy services from a home energy provider,
- B) Then a one-time direct vendor payment will be made to the home energy providers per program year on behalf of the applicant in the amount prescribed by the Department. The amount will be established annually after consultation with the Policy Advisory Council and will be based on factors including, but not limited to, available funding, energy costs, and economic conditions. The Department will apply an equal weight to each of the major items considered in setting the amount.

3) Option 3 (Emergency Assistance):

- A) If the applicant: is a customer of record of a home energy provider for winter energy services and was receiving home energy provider services but is now disconnected, then:
 - i) The applicant shall receive emergency assistance consisting of an amount up to the minimum amount needed to reconnect and/or establish service to the applicant, but in no

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

case shall such assistance exceed the amount determined annually by the Department, in consultation with the Policy Advisory Council, on the basis of available funding and energy costs. Equal weight shall be given to each of the items considered in setting the amount.

ii) The applicant is subject to the emergency assistance program requirements (as provided in subsection (b)(2)).

B) If the applicant is a customer of record and homeowner, the applicant may receive benefits designed to restore heat in the event of an inoperable heating system.

b) Explanation of Benefits

1) Energy Assistance

A) Assistance under Option 1 will be limited to a one-time cash payment that will be sent directly to the applicant.

B) Assistance under Option 2 will be limited to a one-time payment that will be sent to the energy providers if the providers sign a vendor agreement with the Department in which they agree to comply with the terms and conditions of the LIHEAP or to a qualified heating contractor for repairs or replacement to the heating system.

2) Emergency Assistance Program Requirements

A) Assistance under Option 3 will be limited to the provision of energy assistance funds designed to help applicants obtain a continuous supply of heat or home energy and expedited processing. Emergency Assistance will be provided only after an applicant has actually been disconnected. Emergency Service assistance will be provided within 48 hours from the date the client application is complete (all client documentation has been submitted); 18 hours if the energy crisis is life threatening.

B) An emergency payment will not be made on behalf of an applicant unless the household makes a good-faith effort at maintaining

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

service at the time of reconnection. A good-faith effort is defined in Section ~~109.30100.30~~ 109.230100.30. Prior heating assistance payments received by the home energy provider will not be counted as a contribution for-the good-faith effort. An applicant who has failed to make a good-faith effort will be required to provide an amount specified in the operations manual-toward the amount needed for reconnection at the time of reconnection. The good faith rule may be waived in cases of extreme economic hardship. Extreme economic hardship exists when the household's source of income has been permanently terminated for at least 30 days and a new source of income has not commenced.

- C) The amount of emergency assistance will be an amount up to the minimum amount needed to re-establish the applicant or restore the heating system to an operable condition. In no case will the amount of emergency energy assistance exceed the total amount owed by the applicant. The applicant may only receive assistance under Option 3 one time for the primary home energy provider and/or one time for the secondary home energy provider during the program year.
- D) In order to carry out this option, the Department will utilize delegate agencies and/or LAAs to provide assistance.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section ~~109.230100.113~~ 109.230100.113 Applicant Assistance

- a) Application and Enrollment
 - 1) Applications for assistance shall be submitted to and processed on a full-time basis by LAAs during months specified by the Department. The dates will be set annually by the Department after consultation with the Policy Advisory Council and will be based on factors including, but not limited to, available funding, energy costs, weather and economic conditions. The Department will apply equal weight to each of the major items considered. Applicants that are elderly or disabled, and/or applicants that have been disconnected from their primary and/or secondary home energy provider, will have a priority application period designated specifically for them.

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

- 2) The LAAs shall either approve or disapprove a completed application within 30 days after its receipt and, in the event of approval, shall within the same 30 days notify the applicant and the applicant's home energy provider electronically or in writing of the applicant's eligibility. If the application is incomplete at the time of its receipt, the LAA shall notify the applicant in writing, at the time of its receipt of the application, of all the information required from the applicant to complete the application. The applicant shall submit the additional information necessary to complete the application within 15 days after the date of the notification letter. In the event an applicant fails to submit the application in a timely manner or fails to submit all information necessary to complete the application, the LAA may disapprove the application. If the LAA disapproves an application, it shall, within 30 days after receipt of the completed application, notify the applicant in writing of the disapproval and reasons for disapproval. The notification must also apprise the applicant of the dispute resolution procedures set forth in Section [109.90100.85](#).
- 3) When the home energy provider receives written or electronic notice of a customer of record's eligibility for assistance (as described in Section [109.220100.110](#)), the home energy provider shall place the customer of record on the option within 30 days. During that period, the home energy provider shall not disconnect the applicant for nonpayment. If an applicant's service is disconnected during that period, service shall be restored without penalty as soon as is practicable, and in no event later than as provided in 83 Ill. Adm. Code 280.130(f).
- 4) A home energy provider may refuse to accept the notice of eligibility referred to above if it pertains to a person in the household who is not the customer of record or if it contains an incorrect account number. If the home energy provider does not accept the notice of an applicant's eligibility, the home energy provider must notify the applicant, the Department, and the LAA in writing within 14 days after the provider's receipt of the notice that the applicant's enrollment was rejected, the reason for the rejection and what the applicant must do prior to the home energy provider accepting the enrollment. The notification must also apprise the applicant of the availability of the dispute resolution procedures set forth in Section [109.90100.85](#). The home energy provider's notice must give the applicant 14 days from the postmark date of the

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

notification to eliminate the reason for rejection. During the 14-day period following the postmark date, the home energy provider shall not disconnect a customer of record for non-payment.

- 5) Each home energy provider shall inform all residential customers of record of the availability of the program provided for in this Part.
- 6) All written notices of discontinuance issued to residential customers of record pursuant to 83 Ill. Adm. Code 280 or the company's normal credit collection practices shall include information regarding the availability of the program provided for in this Part.

b) Payment Process

- 1) Eligible applicants pursuant to Option 1 (as described in Section ~~109.220(a)~~~~100.110(a)~~) will receive a direct cash payment for energy assistance in accordance with Section ~~109.100~~.Appendix A. This payment will be made, in accordance with appropriate grant agreements, by either the Department or the LAA.
- 2) Eligible applicants pursuant to Option 2 (as described in Section ~~109.220(a)(2)~~~~100.110(a)(2)~~) will receive assistance, provided on their behalf to the applicant household's home energy providers in an amount detailed in Section ~~109.Appendix A~~~~100.Appendix A~~. This payment will be made, in accordance with appropriate grant agreements, by either the Department or the LAA. The applicant's account shall be posted/credited with the payment within 30 days after the home energy provider's receipt of the payment. If the energy providers fail to sign a Vendor Agreement, then a two-party check will be sent to the applicant.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section ~~109.240~~~~100.115~~ Summer Energy Assistance

- a) A LIHEAP Summer Energy Assistance Program may be operated by the Department only if unused heating assistance funds are available. This option will provide eligible households with assistance to help meet summer energy costs and respond to heat related conditions. The following types of benefits may be provided:

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

- 1) Direct Client Assistance (DCA) payments to home energy providers on behalf of income-eligible households (see Section [109.250+00.120](#)) that contain an eligible member as defined by the Department;
 - 2) The purchase of an electric fan; and
 - 3) The purchase or repair of air conditioners or fans by a LAA for income-eligible households that have a medically necessitated need for cooling (in accordance with subsections (b) and (c)).
- b) To receive air conditioner repair or an air conditioner, a household must be determined income eligible in accordance with the process described in Section [109.250+00.120](#). Additionally, the household must contain at least one member experiencing a medical condition that can be ameliorated by cooling.
- c) The existence of the medical condition must be certified by a licensed medical practitioner. Medical persons from whom this certification can be accepted are limited to the following:
- 1) Any physician licensed in accordance with the Medical Practice Act of 1987 [225 ILCS 60] or licensed in an adjoining state;
 - 2) Any registered nurse or practical nurse licensed under the Nursing and Advanced Practice Nursing Act [225 ILCS 65] that is employed by a visiting nurse association or county government or health department and who has attended the applicant or a member of his/her household;
 - 3) Public health officials who are medical persons (i.e., licensed physicians or licensed registered or licensed practical nurses acting as a representative of a physician) associated with the National Health Service, the Illinois Department of Public Health, a county health department, or a city or township health department;
 - 4) Any physician's assistant certified under the Physician Assistant Practice Act of 1987 [225 ILCS 95] working with any attending licensed physician;
 - 5) Any licensed registered or practical nurse working with an attending licensed physician or physician assistant; or

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

- 6) Any practitioner who provides treatment through prayer or spiritual means (e.g., Christian Scientist).
- d) LAAs will take cooling assistance applications for a period determined by the Department or until summer assistance funds are depleted. In determining the length of time the local agencies will be required to take applications, the Department will equally consider factors such as the amount of funding available, weather conditions and length of time remaining in existing grants. Intake sites are to be open for a minimum of two days per week until funds have been exhausted. Application data will be entered into the automated LIHEAP reporting and tracking system by the LAA. Applications are to be retained and filed by the LAA. All reports that are available for the "heating" options will be available for the summer program option.
- e) Verification, authorization, and client/vendor notification will occur within 30 days after a completed application. Payment must occur within 15 days after the notification.
- f) Summer Assistance Benefit payments to electric utilities on behalf of eligible households must be used to reduce the current bill of the household. The Department will notify the LAAs of which public utilities, as defined by Section 3-105 of the Public Utilities Act, have agreed to abide by this constraint. LAAs must determine which utilities that are not public utilities will comply. In cases where the home energy provider refuses, cooling assistance payments will be made directly to the households.
- g) On the date the Department notifies the LAAs that the summer option becomes operable, LAAs may take emergency service applications for clients whose electricity is not an integral part of their heating system (i.e., heat will be delivered without use of electricity).

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

| **Section ~~109.250~~100.120 Determination of Household Eligibility**

- | a) Household applications for assistance through program options contained in Sections ~~109.230 and 109.240~~ 100.113 and 100.115 will be accepted by LAAs if there are sufficient funds allocated to the LAA to grant assistance through program options.

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

- b) Eligibility requirements for Section ~~109.220-100.110~~ are for a 30-day period based on an amount equal to 150% of the OMB Poverty Income Guidelines per most recent census data. To receive assistance:
- 1) The customer of record must be a member of the household. A household member may apply on behalf of the customer of record.
 - 2) A household applying for emergency service must:
 - A) meet income guidelines as specified in subsection (b);
 - B) be disconnected from their primary and/or secondary heat source; and
 - C) have paid their primary and/or secondary heat source, within the past 90 days, a "good faith" payment. The good faith rule as defined in Section ~~109.30-100.30~~ may be waived in cases of extreme economic hardship. Extreme economic hardship exists when the household's source of income has been permanently terminated for at least 30 days and a new source of income has not commenced.
- c) Application Requirements – A client application for assistance is complete when it contains:
- 1) a copy of utility bills or landlord statement that energy payments are included in the rent;
 - 2) proof of income for any household member age 18 or older;
 - 3) for an applicant whose utility service has been disconnected and is applying for an emergency service payment, proof that the household has paid a "good faith" amount as defined in Section ~~109.30-100.30~~ toward its utility bills (e.g., a copy of the applicant's utility bills);
 - 4) head of household information;
 - 5) dwelling information;
 - 6) household income information; and

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

- 7) home energy information.
- d) Verification of Rental Expenses – Rental expenses may be verified by documentation in the form of: lease/rental agreements, current rent receipts, or verification letters from the applicant's landlord or authorized property manager.
- e) Notification Requirements – Households will receive written notification regarding eligibility determination within 30 days after the date the client application is complete. Additionally, home energy providers (e.g., utility companies) receiving a payment on behalf of an eligible household will be notified in writing of the household's eligibility within the same 30-day period.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

SUBPART C: WEATHERIZATION

Section 109.400100.220 Allocation of Funds

- a) The Department shall allocate financial assistance for each county from sums tentatively transferred for any fiscal year from the Low Income Home Energy Assistance Block Grant, as described in the State's annual plan to HHS, and the State Supplemental Low-Income Energy Assistance Fund.
- b) The Department shall determine allocations for each county from available funds.
 - 1) At least 90% of the funds tentatively transferred shall be allocated to each county based on the "Index of Needs".
 - A) The Index of Needs is comprised of five factors:
 - i) Heating Degree Days;
 - ii) Fuel Cost Factor Per 100,000 BTUs;
 - iii) Persons in poverty per the most recent census data;
 - iv) Elderly in poverty per the most recent census data; and
 - v) Handicapped (or disabled) persons in poverty.

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

- B) Each factor will be multiplied by an assigned weight. The formula for determining each of these factors and the weight to be assigned to these factors is as follows:
- i) number of climatic heating degree days per county divided by total climatic heating degree days for State = heating degree days (5%);
 - ii) estimated fuel cost per 100,000 BTUs per county divided by total estimated fuel cost per 100,000 BTUs for State = fuel cost factor per 100,000 BTUs (5%);
 - iii) number of persons in poverty per county divided by total number of persons in poverty for State = persons in poverty (75%);
 - iv) number of elderly persons in poverty per county divided by total number of elderly persons in poverty for State = elderly poverty (10%); and
 - v) number of disabled persons in poverty per county divided by total number of disabled persons in poverty for State = handicapped (or disabled) in poverty (5%).
- C) The sum of weighted factors will be multiplied by the total amount allocated to the counties to determine the county's allocation of funds.
- 2) The remaining funds, not to exceed 10%, shall be held by the State for meeting those program contingencies that cannot be reasonably anticipated (e.g., an unusually high need for furnace replacements in any given county) and to meet the local agencies' training and technical assistance needs.
- c) The Department shall increase or reduce the allocation for a county for any of the following reasons:
- 1) Changes in federal fund availability.

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

- 2) Changes in sums tentatively transferred for any fiscal year from the Low Income Home Energy Assistance Block Grant as described in the State's annual plan to HHS.
- 3) The Department determines that the number of eligible applicants that are eligible under Section ~~109.450~~~~100.290~~ differs from the local agency's allocation, which is determined pursuant to subsection (b), during the subgrant period for which financial assistance was awarded.
- d) The Department's Chief of the Office of ~~Energy Assistance~~~~Human Services~~ shall notify the designated local agencies of the county allocations for which that agency is eligible to apply. Where no agency has been designated, the county allocations will be included in a request for proposal that shall be publicly advertised within the area to be served.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section ~~109.410~~~~100.250~~ Minimum Program Requirements

- a) No dwelling unit may be weatherized without documentation that the household and the dwelling unit is eligible as provided in Section ~~109.450~~~~100.290~~.
- b) Priority is to be assigned, in terms of scheduling weatherization work, as follows:
 - 1) to the elderly, the disabled, and families with small children (5 and under); and
 - 2) households with the lowest incomes and highest utility bills.
- c) The financial assistance provided under this Subpart will be used as follows:
 - 1) by increasing the funds available for IHWAP, which will provide additional weatherization assistance identical to that provided by the DOE and the HHS, and shall be promulgated annually by the Department no later than the beginning of the IHWAP Program year, as specified in 10 CFR 440.18(c) (1995); and
 - 2) by expanding the State's currently allowable weatherization measures and including heating system tune up, repair, and retrofit measures to increase the efficiency of the furnace or replacement of the furnace.

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

- d) Whenever other federal, State, local or privately funded programs are available in the county to provide weatherization assistance activities specified in Section [109.420](#)~~100.260~~, the local administering agency shall seek to coordinate those activities with those funded by HHS. Such coordination will seek to avoid duplication of services and encourage joint funding of weatherization projects.
- e) No dwelling unit may be reported to the Department as complete until a local administering agency has performed a final inspection certifying that work has been completed in an acceptable manner and in accordance with the work order issued as a result of the agency's audit/assessment. The work has been completed in an acceptable manner if there is no air infiltration or general heat waste; the attic, sidewalls, or crawl spaces have been insulated and/or ventilated; or storm windows and doors have been installed. The local administering agency is subject to suspension and/or termination of funds if it reports a dwelling unit as completed without performing a final inspection.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section [109.420](#)~~100.260~~ Allowable Costs

- a) The LAA may use a percentage to be determined by the Department of the total funds allocated for local agency administration. The amount will be established annually after consultation with the Policy Advisory Council ([see 305 ILCS 20/5](#)) and will be based on factors including, but not limited to, available funding and program requirements. The Department will apply an equal weight to each of the major items considered in setting the percentage.
- b) The LAA may use allocated program funds to provide for liability insurance (to cover project-related personal injury and property damage) and to provide for training and technical assistance.
- c) The LAA is to use the remaining funds to provide the materials, labor, and program support necessary to operate those services specified under the IHWAP.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section [109.430](#)~~100.270~~ Cost Restrictions

- a) The following cost restrictions apply to funds allocated to the county for IHWAP,

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

which are based on such factors as the number of basic component activities conducted in the previous year.

- 1) Of those funds provided for weatherization materials, labor and related program support specified in 10 CFR 440.18(c) (1995), an amount not to exceed 25% of applied labor and materials will be allowed for program support.
- 2) Of those funds available to provide weatherization materials, labor, and related program support specified in 10 CFR 440.18(c), no more than \$2500 (U.S. Department of Energy), \$5000 (U.S. Department of Health and Human Services) and \$7500 (State) may be spent on any one dwelling unit.
- 3) Expenditures for IHWAP may include:
 - A) the cost of purchase and delivery of weatherization materials;
 - B) labor costs to supplement wages paid to training participants and to employ labor or to engage contractors to install weatherization materials;
 - C) transportation of weatherization materials, tools, equipment and work crews to a storage site and to the site of weatherization work;
 - D) maintenance, operation, and insurance of vehicles used to transport materials and laborers;
 - E) maintenance of tools and equipment;
 - F) purchase or lease of tools, equipment and vehicles;
 - G) employment of on-site supervisory personnel;
 - H) storage of weatherization materials, tools and equipment;
 - I) the cost of incidental repairs if such repairs are necessary to make the installation of weatherization materials effective; and
 - J) the cost of liability insurance for weatherization projects for

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

personal injury and property damage.

- 4) No grant funds may be used for any of the following purposes:
 - A) to weatherize a dwelling unit that is designated for acquisition or clearance by a federal, State or local program within 12 months from the date weatherization of the dwelling unit would be scheduled to be completed; and
 - B) to install or otherwise provide materials for a dwelling unit weatherized prior to October 1, 1993 with grant funds under this or other federal weatherization programs administered by HHS or DOE, unless the dwelling unit has been damaged by fire, flood or act of God and repair of the damage to weatherization materials is not paid for by insurance.
- b) The following cost restrictions apply to IHWAP heating system work. Cost restrictions for the various types of service to be offered (tune-up, repair, retrofit, replacement) shall be promulgated annually by the Department no later than July of each program year.
 - 1) Expenditures for heating system work may include the following:
 - A) the costs to purchase and deliver weatherization materials for heating systems, including automatic or mechanical furnace ignition devices; flue vent devices; materials for heating and cooling system tune-ups, repairs and retrofit modifications that will result in improved energy efficiency; heat exchangers; waste heat recovery devices; replacement burners, furnaces, or boilers or any combination; replacement space heaters where the space heaters were permanently installed, including wood/coal burning stoves; products to improve the efficient circulation of heated water or air throughout the dwelling unit (e.g., fan-systems, piping, ductwork, etc.); decentralized domestic water heaters; and
 - B) the costs of material handling, such as storage, transporting, purchasing, inventory and other related costs.
 - 2) Labor and related program support costs include:

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

- A) the costs to install supplemental weatherization materials by a Heating, Air Conditioning and Refrigeration contractor who has been licensed by a municipality if the municipality licenses contractors in accordance with Section 11-32-1 of the Illinois Municipal Code [65 ILCS 5/11-32-1].
 - B) the costs of related program support, such as assessment/audits, final inspections, equipment, small tools and other local agency costs associated with providing weatherization assistance to eligible persons/dwelling units.
- 3) The costs of local agency liability insurance for weatherization projects for personal injury and property damage.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section ~~109.440100.280~~ Standards and Techniques for Weatherization

- a) Only those materials that meet or exceed the standards prescribed by the Department in accordance with 10 CFR 440. Appendix A (2001) shall be purchased with funds provided under this Part. Further, where it is in the best interest of the State, the Department shall enter into cooperative purchasing agreements in which local agencies will be required to purchase products from a specified vendor in order to take advantage of a negotiated agreement on bulk purchase pricing. The Department will determine that a cooperative purchasing agreement is in the best interest of the State when equipment or materials, such as technical or specialty items, can be obtained at a lower cost.
- b) The most cost-effective measures for each dwelling unit shall be determined by utilizing Department audit procedures that take into account the cost of fuel saved, the lifetime of the materials installed, the costs of the materials, and the cost of installing the materials in accordance with the Department of Energy guidelines outlined in 10 CFR 440.21, February 1, 2002, with no later amendments or editions. The priorities on weatherization materials to be installed shall result from the application of these audit procedures. Department audit procedures will indicate when heating units are to be tuned and/or repaired, retrofitted or replaced.
- c) The IHWAP will not allow local agencies to switch a dwelling unit's fuel source unless they have received a written determination from the Department that the

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

conversion would be more cost beneficial, as determined in accordance with subsection (b).

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section ~~109.450100.290~~ Eligible Dwelling Units

A dwelling unit shall be eligible for IHWAP services if:

- a) it meets the definition of separate, independent living quarters (see Section ~~109.30100.30~~);
- b) it is occupied by household members:
 - 1) whose total income is at or below 150% of the Poverty Income Guidelines per most recent census data (67 FR 6931-6933, February 14, 2002, with no later amendments or editions);
 - 2) who have received cash assistance payments under Title IV or XVI of the Social Security Act or under Temporary Assistance for Needy Families (89 Ill. Adm. Code 112) or Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113) during the 12 month period preceding the determination of eligibility for weatherization assistance; or
 - 3) who are eligible for assistance, in accordance with Section ~~109.250100.120~~, under LIHEAP (as established by the Act);
- c) it is a building containing rental units eligible for weatherization assistance under subsection (b) where:
 - 1) the local agency has obtained the written permission of the owner or his agent;
 - 2) at least 50% of the dwelling units in the building are eligible dwelling units or will become eligible dwelling units within 180 days under a federal, State or local government program for rehabilitating the building or making similar improvements to the building, such as programs authorized by 42 USC 1437f, or 1474;
 - 3) the local agency has insured that rents will not be raised because of the

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

increased value of dwelling units due solely to weatherization assistance provided; and

- 4) no undue or excessive enhancement shall occur to the value of the dwelling units, e.g., the weatherization will be more cost beneficial to the landlord than to the tenant.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

Section ~~109100~~.APPENDIX A LIHEAP Payment MatrixDIRECT VENDOR/CASH PAYMENTS
NORTHERN

2003 PAYMENT MATRIX – NORTH #1		0% - 40% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$364	\$422	\$438	\$473	\$483	\$ 500
	Secondary	\$103	\$161	\$184	\$206	\$223	\$ 240
	TOTAL	\$467	\$583	\$626	\$679	\$706	\$ 740
All Electric	TOTAL	\$293	\$418	\$460	\$505	\$537	\$ 573
Propane	Primary	\$326	\$512	\$536	\$572	\$599	\$ 628
	Secondary	\$146	\$240	\$288	\$332	\$359	\$ 395
	TOTAL	\$472	\$752	\$824	\$904	\$958	\$1,023
Fuel Oil	Primary	\$300	\$416	\$431	\$434	\$463	\$ 478
	Secondary	\$146	\$240	\$288	\$332	\$359	\$ 395
	TOTAL	\$446	\$656	\$719	\$766	\$822	\$ 873
	CASH	\$130	\$130	\$140	\$150	\$160	\$ 170

2003 PAYMENT MATRIX – NORTH #2		41% - 80% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$302	\$350	\$364	\$392	\$401	\$415
	Secondary	\$ 85	\$133	\$153	\$171	\$185	\$199
	TOTAL	\$387	\$483	\$517	\$563	\$586	\$614
All Electric	TOTAL	\$244	\$347	\$382	\$419	\$446	\$475
Propane	Primary	\$271	\$425	\$445	\$475	\$498	\$521
	Secondary	\$121	\$199	\$239	\$275	\$298	\$328
	TOTAL	\$392	\$624	\$684	\$750	\$796	\$849
Fuel Oil	Primary	\$249	\$345	\$358	\$361	\$384	\$397
	Secondary	\$121	\$199	\$239	\$275	\$298	\$328
	TOTAL	\$370	\$544	\$597	\$636	\$682	\$725
	CASH	\$108	\$108	\$116	\$125	\$133	\$141

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

2003 PAYMENT MATRIX – NORTH #3		81% - 125% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$240	\$278	\$289	\$312	\$319	\$330
	Secondary	\$ 68	\$106	\$122	\$136	\$147	\$158
	TOTAL	\$308	\$384	\$411	\$448	\$466	\$488
All Electric	TOTAL	\$194	\$276	\$304	\$333	\$354	\$378
Propane	Primary	\$215	\$338	\$354	\$378	\$396	\$414
	Secondary	\$ 96	\$158	\$190	\$219	\$237	\$261
	TOTAL	\$311	\$496	\$544	\$597	\$633	\$675
Fuel Oil	Primary	\$198	\$274	\$284	\$287	\$305	\$316
	Secondary	\$ 96	\$158	\$190	\$219	\$237	\$261
	TOTAL	\$294	\$432	\$474	\$506	\$542	\$577
	CASH	\$ 86	\$ 86	\$ 92	\$ 99	\$106	\$112

2003 PAYMENT MATRIX – NORTH #4		126% - 150% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$182	\$211	\$219	\$236	\$242	\$250
	Secondary	\$ 51	\$ 80	\$ 92	\$103	\$112	\$120
	TOTAL	\$233	\$291	\$311	\$339	\$354	\$370
All Electric	TOTAL	\$147	\$209	\$230	\$252	\$269	\$287
Propane	Primary	\$163	\$256	\$268	\$286	\$300	\$314
	Secondary	\$ 73	\$120	\$144	\$166	\$179	\$198
	TOTAL	\$236	\$376	\$412	\$452	\$479	\$512
Fuel Oil	Primary	\$150	\$208	\$215	\$217	\$231	\$239
	Secondary	\$ 73	\$120	\$144	\$166	\$179	\$198
	TOTAL	\$223	\$328	\$359	\$383	\$410	\$437
	CASH	\$ 75	\$ 75	\$ 75	\$ 75	\$ 80	\$ 85

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

DIRECT VENDOR/CASH PAYMENTS
SOUTHERN

2003 PAYMENT MATRIX – SOUTH #1		0% - 40% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$380	\$442	\$461	\$497	\$509	\$528
	Secondary	\$ 89	\$139	\$160	\$179	\$194	\$208
	TOTAL	\$469	\$581	\$621	\$676	\$703	\$736
All Electric	TOTAL	\$246	\$354	\$392	\$433	\$460	\$493
Propane	Primary	\$233	\$374	\$384	\$393	\$403	\$425
	Secondary	\$128	\$210	\$254	\$292	\$316	\$348
	TOTAL	\$361	\$584	\$638	\$685	\$719	\$773
Fuel Oil	Primary	\$253	\$351	\$364	\$377	\$390	\$404
	Secondary	\$128	\$210	\$254	\$292	\$316	\$348
	TOTAL	\$381	\$561	\$618	\$669	\$706	\$752
	CASH	\$105	\$110	\$115	\$125	\$135	\$140

2003 PAYMENT MATRIX – SOUTH #2		41% - 80% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$316	\$367	\$383	\$412	\$422	\$438
	Secondary	\$ 74	\$115	\$132	\$148	\$161	\$172
	TOTAL	\$390	\$482	\$515	\$560	\$583	\$610
All Electric	TOTAL	\$204	\$294	\$326	\$360	\$382	\$409
Propane	Primary	\$194	\$311	\$319	\$326	\$334	\$353
	Secondary	\$106	\$174	\$211	\$243	\$262	\$289
	TOTAL	\$300	\$485	\$530	\$589	\$596	\$642
Fuel Oil	Primary	\$210	\$291	\$302	\$313	\$324	\$335
	Secondary	\$106	\$174	\$211	\$243	\$262	\$289
	TOTAL	\$316	\$465	\$513	\$556	\$586	\$624
	CASH	\$ 87	\$ 91	\$ 95	\$104	\$112	\$116

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

2003 PAYMENT MATRIX – SOUTH #3		81% - 125% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$251	\$291	\$305	\$328	\$336	\$348
	Secondary	\$ 59	\$ 91	\$105	\$118	\$128	\$137
	TOTAL	\$310	\$382	\$410	\$446	\$464	\$485
All Electric	TOTAL	\$162	\$234	\$259	\$286	\$304	\$325
Propane	Primary	\$154	\$247	\$253	\$259	\$266	\$280
	Secondary	\$ 84	\$139	\$168	\$193	\$209	\$230
	TOTAL	\$238	\$386	\$421	\$452	\$475	\$510
Fuel Oil	Primary	\$167	\$232	\$240	\$249	\$257	\$267
	Secondary	\$ 84	\$139	\$168	\$193	\$209	\$230
	TOTAL	\$251	\$371	\$408	\$442	\$466	\$497
	CASH	\$ 75	\$ 75	\$ 76	\$ 83	\$ 89	\$ 92

2003 PAYMENT MATRIX – SOUTH #4		126% - 150% Poverty Level					
FUEL TYPE	DVP	HOUSEHOLD SIZE					
		1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$190	\$221	\$231	\$248	\$254	\$264
	Secondary	\$ 44	\$ 69	\$ 80	\$ 89	\$ 97	\$104
	TOTAL	\$234	\$290	\$311	\$337	\$351	\$368
All Electric	TOTAL	\$123	\$177	\$196	\$217	\$230	\$246
Propane	Primary	\$117	\$187	\$192	\$197	\$201	\$212
	Secondary	\$ 64	\$105	\$127	\$146	\$158	\$174
	TOTAL	\$181	\$292	\$319	\$343	\$359	\$386
Fuel Oil	Primary	\$127	\$176	\$182	\$188	\$195	\$202
	Secondary	\$ 64	\$105	\$127	\$146	\$158	\$174
	TOTAL	\$191	\$281	\$309	\$334	\$353	\$376
	CASH	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

Section ~~109100~~.APPENDIX ~~BC~~ Medical Certification

Please fill out this statement and return to the following address:

I certify that _____ suffers from a serious health condition which can be ameliorated by cooling facilities. Illness or medical condition:

Asthma

Respiratory Allergies (requiring filtered air)

Severe obstructive lung disease

Severely debilitating stroke

Any medical condition of a non-ambulatory patient

Other – please specify: _____

Signature: _____

Name and Title/Degree: _____

Practice or Organization Name: _____

Registration No. _____

.....
I hereby authorize this agency to verify that information provided by me and to contact my physician or other public health official for the purpose of securing medical certification as described above.

Name of Applicant

Signature of Applicant

Date

Social Security Number of Applicant

(Source: Added at 12 Ill. Reg. 14639, effective September 6, 1988)

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

| Section ~~109100~~.APPENDIX ~~C~~**D** Assistance Level Chart Map

DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION



DEPARTMENT OF PUBLIC AID

NOTICE OF RECODIFICATION

(Source: Amended at 16 Ill. Reg. 3940, effective February 2, 1992)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 1, 2005 through February 7, 2005 and have been scheduled for review by the Committee at its March 15, 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>
3/17/05	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	12/10/04 28 Ill. Reg. 15740	3/15/05
3/18/05	<u>Department of Agriculture</u> , Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)	12/17/04 28 Ill. Reg. 15893	3/15/05
3/19/05	<u>Illinois Racing Board</u> , Medication (11 Ill. Adm. Code 603)	12/17/04 28 Ill. Reg. 16196	3/15/05
3/20/05	<u>Department of Commerce and Economic Opportunity</u> , Local Tourism and Convention Bureau Program (14 Ill. Adm. Code 550)	12/17/04 28 Ill. Reg. 16026	3/15/05
3/20/05	<u>Department of Commerce and Economic Opportunity</u> , Local Tourism and Convention Bureau Program (Repeal) (14 Ill. Adm. Code 550)	12/17/04 28 Ill. Reg. 16050	3/15/05
3/23/05	<u>State Board of Education</u> , Procurement by the State Board of Education (44 Ill. Adm. Code 1100)	11/5/04 28 Ill. Reg. 14330	3/15/05

ATTORNEY GENERAL

JANUARY 2005 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Statewide Automated Victim Notification System; 20 Ill. Adm. Code 2000
- 1) Rulemaking: Proposed rules
- A) Description: The proposed rules will address the implementation of and participation in a statewide automated victim notification system to assist public officials in carrying out their duties to notify and inform crime victims and witnesses. The rules will set out the scope and design of the system and the procedures, requirements, and standards for participation.
- B) Statutory Authority: Rights of Crime Victims and Witness Act (725 ILCS 120/8.5)
- C) Scheduled meeting/hearing date: None
- D) Date agency anticipates First Notice: March 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: The rules should not affect small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Jennifer Kuhn, Chief
Crime Victim Services Division
Office of the Attorney General
100 West Randolph Street, 11th floor
Chicago, Illinois 60601
312/814-1427
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): This will be a new part headed "Crime Victims Compensation" and assigned to 74 Ill. Adm. Code 500.
- 1) Rulemaking: Proposed Rules
- A) Description: The Attorney General intends to propose rules to implement the Crime Victims Compensation Act (740 ILCS 45). The rules will cover

ATTORNEY GENERAL

JANUARY 2005 REGULATORY AGENDA

such matters as outreach, applications, extensions, claim investigation and approval, appeals, representation, subrogation, and enforcement.

- B) Statutory Authority: Section 4.1 of the Crime Victims Compensation Act (740 ILCS 45/4.1)
- C) Scheduled meeting/hearing date: None
- D) Date agency anticipates First Notice: March 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: Allows not for profit legal agencies to fully understand the Attorney General's investigative process when such agencies represent claimants under the Act.
- F) Agency contact person for information:

Jennifer Kuhn, Chief
Crime Victim Services Division
Office of the Attorney General
100 West Randolph Street, 11th floor
Chicago, Illinois 60601
312/814-1427

- G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Illinois Estate and Generation-Skipping Transfer Tax Act; 86 Ill. Adm. Code 2000

1) Rulemaking: Proposed amendment.

- A) Description: The Attorney General has prescribed a form for the filing of tax returns by publishing a copy of the form in the Appendix to Part 2000. The form needs to be updated, and the Attorney General proposes to delete the actual form and replace it with a listing of the required elements of the form that may be met by using a form provided by the Attorney General or another form that contains the same information. In addition, substantive changes in the elements of the return will be made to reflect statutory changes made by Public Act 93-30, which was intended to decouple the method of calculating the amount of the State's tax from the

ATTORNEY GENERAL

JANUARY 2005 REGULATORY AGENDA

Federal estate tax that is being phased out.

- B) Statutory Authority: Implementing Section 6(f) and authorized by Section 16 of the Illinois Estate and Generation-Skipping Transfer Tax Act [35 ILCS 405/6(f) and 16]
- C) Scheduled meeting/hearing date: None
- D) Date agency anticipates First Notice: February 2005
- E) Affect on small businesses, small municipalities or not for profit corporation: None
- F) Agency contact person for information:

John R. Simpson
Revenue Litigation Bureau
Office of the Attorney General
500 S. Second Street
Springfield, Illinois 62706
217/782-3939

- G) Related rulemakings and other pertinent information: None

STATE OF BOARD OF ELECTIONS

JANUARY 2005 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Personnel Rules; 26 Ill. Adm. Code 212
- 1) Rulemaking:
- A) Description: The Board will submit emergency rules creating a personnel code that will establish procedures for regulating the employment conditions for staff of the State Board of Elections. The employment conditions shall include but not be limited to hiring, promotion, discipline, termination, compensation, time off and collective bargaining. This is necessitated by the removal of the State Board of Elections from the State Personnel Code by SB 738.
- B) Statutory Authority: 10 ILCS 1A-8(9)
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within 3 months
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not affect small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Steven S. Sandvoss – General Counsel
Illinois State Board of Elections
1020 S. Spring St.
Springfield IL 62708
217/557-9939
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Approval of Voting Systems; 26 Ill. Adm. Code 204
- 1) Rulemaking:
- A) Description: The Board will submit amended rules that will establish additional procedures for testing, approving and regulating electronic voting systems. These procedures shall include but not be limited to

STATE OF BOARD OF ELECTIONS

JANUARY 2005 REGULATORY AGENDA

Federal rules and procedures as required by the Help America Vote Act of 2002, direct recording electronic voting systems, paper ballot audit trail, 1% post-election recount, equipment requirements to accommodate voters with disabilities, and additional approval and voting system requirements. These amendments are necessitated by the passage of SB 428.

- B) Statutory Authority: 10 ILCS 5/24A, 5/24B, 5/24C
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within 3 months
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not affect small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:

Steven S. Sandvoss – General Counsel
Illinois State Board of Elections
1020 S. Spring St.
Springfield IL 62708
217/557-9939
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC AID

JANUARY 2005 REGULATORY AGENDA

a) Part (Heading and Code Citation): General Administrative Provisions (89 Ill. Adm. Code 101)

1) Rulemaking

- A) Description: The Department plans to propose a new rulemaking to permit the Inspector General of the Department to issue shields or other distinctive identification to employees, who are not exercising the powers of a peace officer, if the Inspector General determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities.
- B) Statutory Authority: Implementing Articles I, II and VIII A, and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I, II and VIII A and 12-13]
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when a Notice of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this Regulatory Agenda.
- F) Agency contact person for information:

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

DEPARTMENT OF PUBLIC AID

JANUARY 2005 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Practice in Administrative Hearings (89 Ill. Adm. Code 104)

1) Rulemaking:

A) Description: A new rule is planned to propose expansion of the length of termination of Medicaid vendors for health care fraud convictions.

B) Statutory Authority: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25(D) and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25(D) and 12-13]

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

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

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC AID

JANUARY 2005 REGULATORY AGENDA

c) Part (Heading and Code Citation): Medical Assistance Programs (89 Ill. Adm. Code 120)

1) Rulemaking:

- A) Description: Public Act 93-0163 created a Medicaid Buy-In Revolving Fund into which premium payments collected through the Buy-In would be kept. The Department will propose amendments pursuant to the Act to describe how the fund will be spent, which generally may include both program services and operations.

The Department plans to propose changes concerning persons with breast or cervical cancer to extend coverage under the Medical Assistance Program to include certain precancerous conditions. Other changes will exempt this coverage group from estate claims.

A new rule will be promulgated to implement a pre-pay spenddown program in Illinois. Currently the only way for a client to meet spenddown is to provide copies of medical bills or receipts to an eligibility worker. Under the planned rule, a client will also be able to meet his or her spenddown by sending a payment to the Department. This will allow persons to meet spenddown and have medical coverage before the start of the month.

The Department plans to amend existing rules to clarify that the amount of the medical expense that can be used to meet spenddown for persons receiving services from a DHS funded community-based medical or rehabilitative agency is the usual, customary, or competitive rate as established by the community-based provider.

- B) Statutory 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] and the Children's Health Insurance Program Act [215 ILCS 106/40]
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

DEPARTMENT OF PUBLIC AID

JANUARY 2005 REGULATORY AGENDA

- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

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

- G) Related rulemakings and other pertinent information: See above description.

d) Part (Heading and Code Citation): Medical Payment (89 Ill. Adm. Code 140)

1) Rulemaking:

- A) Description: An amendment is planned to provide that an entity which has been terminated, suspended, or barred by the Department may not, while such sanction remains in effect, serve as a billing agent of a vendor.

A new rule will be proposed to permit the Department to seek termination from the Medical Assistance Program those vendors who are convicted of murder or a Class X felony.

Another new rule will permit the Department to temporarily withhold Medicaid payments to a vendor upon receipt of reliable evidence that the circumstances giving rise to the need for the withhold may involve fraud or willful misrepresentation.

DEPARTMENT OF PUBLIC AID

JANUARY 2005 REGULATORY AGENDA

New provisions will describe the minimum requirements for documentation that vendor pharmacies must maintain for prescriptions received by telephone.

A new rule will be added to authorize the Department to require vendors of non-emergency transportation services to post a surety bond. The rule will establish the criteria and requirements for when a bond must be posted, as well as the value of the bond.

A new rule will allow the Department, in its discretion, to utilize available and recognized computer software programs (including, but not limited to, Geographic Information System programs) when verifying the billed mileage for reimbursement to non-emergency transportation providers.

Proposed amendments are planned to provide the correct reference to the Medically Fragile Technology Dependent home care waiver. These changes will result from the Alternative Health Care Delivery Act [210 ILCS 3/35] which added the health care delivery model, the Children's Community-Based Health Care Centers (CCBHCC). The CCBHCC will be the transition provider for children awaiting home placement supported with in-home shift-nursing.

Proposed amendments are planned to add shift-nursing care for children, 20 years of age and under, as a home health service. Additional changes will be made to the home health rules to better organize the type of eligible home health providers and the types of home health services covered, as well as to clarify the prior approval language.

Clarifications will be proposed that in all cases where a vendor has previously been terminated or barred from the Medical Assistance Program, said vendor has the burden of proof at any hearing regarding his re-application for entry into the Program.

New provisions are planned that state the Department may, in its discretion, utilize available, recognized computer software programs (including, but not limited to, Geographic Information System programs) when verifying the billed mileage for reimbursement to non-emergency transportation providers.

DEPARTMENT OF PUBLIC AID

JANUARY 2005 REGULATORY AGENDA

Amendments will be proposed to clarify the Department's relationship with alternate payees. The changes will require alternate payees to enroll with the Department; permit the Department to terminate, suspend, or bar the eligibility of alternate payees; further limit the circumstances under which individual vendors could utilize alternate payees; further restrict the types of entities which would be permitted to serve as alternate payees; and provide that alternate payees would have joint and several liability with vendors for any violations of the Public Aid Code or Department regulations.

Amendments are planned to provide that an entity that has been terminated, suspended, or barred by the Department, may not, while such sanction remains in effect, serve as a billing agent of a vendor.

A new rule is planned that authorizes the Department to require vendors of non-emergency transportation services to post a surety bond. The new provisions will establish the criteria and requirements on when a bond must be posted, as well as the value of the bond.

Changes will be proposed regarding criminal background checks on non-emergency transportation providers. The rule will require the submission or updating of criminal background checks from non-emergency transportation providers only if requested by the Department. In addition, the changes will exempt transportation providers enrolled as privately owned autos and government agencies.

The Department will propose an expansion of the definition for the term "non-emergency transportation vendor" to include those who act as billing agents for a vendor. The definition of the term "vendor" will be revised to include those who provide goods and services to a recipient.

Several amendments will be proposed to permit the Department, in certain situations, to refuse to accept prior approval and post approval requests and cancel existing prior approvals for specific transportation vendors. Another amendment will decrease the time frame in which a non-emergency transportation vendor may request post approval for a service that requires a prior approval. This change will also permit vendors' post approval requests to be made to agents of the Department.

DEPARTMENT OF PUBLIC AID

JANUARY 2005 REGULATORY AGENDA

The Department plans to propose rulemaking to amend the current provisions on audits to allow vendors 45 days to respond to audit findings, to allow additional documentation for reaudit and to provide that only two reaudits will be conducted.

The Department intends to propose changes to the process for determining whether prior approval is required for reimbursement of specific drugs.

- B) Statutory Authority: Section 1915(c) of the Social Security Act (42 USC 1396n(c)) (Federal Waiver Authority) and 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, the Alternative Health Care Delivery Act [210 ILCS 3/35], and the Illinois Children's Mental Health Act [305 ILCS 5/5-5.23]
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

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

DEPARTMENT OF PUBLIC AID

JANUARY 2005 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: See above description
- e) Part (Heading and Code Citation): Specialized Health Care Delivery systems (89 Ill. Adm. Code 146)
- 1) Rulemaking:
- A) Description: The Department intends to propose changes regarding dental services performed in Ambulatory Surgical Treatment Centers (ASTCs) or outpatient hospital settings.
- A new rule is planned to add the alternative health care delivery model, Children's Community-Based Health Care Centers (CCBHCC), that was legislated by the Alternative Health Care Delivery Act [210 ILCS 3/35]. These centers provide nursing care to children 20 years of age and younger for a period of 1 to 14 days for short stays, or up to 120 days for children in transition from a hospital to an in-home care setting. The rule will provide the description and definition of a CCBHCC, Medicaid participation requirements, record keeping requirements, services covered in a CCBHCC, reimbursement, individuals eligible for services provided by a CCBHCC, and the prior approval requirements for the services.
- B) Statutory 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] and the Alternative Health Care Delivery Act [210 ILCS 3/35]
- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when the Notice of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written

DEPARTMENT OF PUBLIC AID

JANUARY 2005 REGULATORY AGENDA

comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

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

G) Related rulemakings and other pertinent information: See above descriptionf) Part (Heading and Code Citation): Hospital Services (89 Ill. Adm. Code 148)1) Rulemaking:A) Description: The Department intends to propose changes to Critical Hospital Adjustment Payments (CHAP) as a part of the Budget Implementation Act in order to assure hospital access to high Medicaid volume providers.

The Department intends to propose changes regarding dental services performed in outpatient hospital settings or Ambulatory Surgical Treatment Centers (ASTCs).

The Department intends to propose changes to clarify existing practices relating to filing hospital cost reports.

B) Statutory 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 and VI and 12-13] and the Budget Implementation ActC) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

DEPARTMENT OF PUBLIC AID

JANUARY 2005 REGULATORY AGENDA

- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:
- Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
101 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
217/524-0081
- G) Related rulemakings and other pertinent information: See above description
- g) Part (Heading and Code Citation): Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)
- 1) Rulemaking:
- A) Description: An amendment is planned to increase nursing facility rates, effective January 1, 2005, by the difference between a facility's per diem property, liability and malpractice insurance costs as reported in the cost report filed with the Department that was used to establish rates effective July 1, 2001, and those same costs as reported in the facility's 2002 cost report. The costs will be passed through to the facility without caps or limitations.
- B) Statutory Authority: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

DEPARTMENT OF PUBLIC AID

JANUARY 2005 REGULATORY AGENDA

- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

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

- G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Child Support Enforcement (89 Ill. Adm. Code 160)

1) Rulemaking:

- A) Description: Changes will be made to provide clarifications regarding Liens. Current rule text implies that for every case with over \$10,000 owed with an identification of property ownership by the non-custodial parent, the Department must place a lien. This places too high of a burden on the Department. It could also be argued that the Department cannot place a lien on Real Property if under \$10,000 is owed, and this would eliminate a vast pool of cases. Therefore, rule changes are planned that will lower the threshold from \$10,000 to \$3,500.

DEPARTMENT OF PUBLIC AID

JANUARY 2005 REGULATORY AGENDA

Changes will be proposed pursuant to Senate Bill 2690. Upon the termination date stated in the order for support or upon the youngest child's emancipation date, if there is an unpaid arrearage or delinquency equal to at least one month's support obligation, then the periodic amount required to be paid for current support shall automatically continue to be an obligation, not as current support but as a periodic payment towards the satisfaction of that unpaid arrearage or delinquency. The rules will provide that this periodic payment shall be in addition to any periodic payment previously ordered for satisfaction of arrearage or delinquency.

Changes will be proposed pursuant to House Bill 4310 which directs the Department to adopt a debit authorization for child support and to notify banks and other financial institutions that it has done so. The changes will provide that if an obligor does not have an employer to serve income withholding and has been ordered to make periodic payments of child support to the State Disbursement Unit, the obligor may authorize a bank or other financial institution where an obligor maintains an account to debit his or her account periodically for that payment.

A new Section is planned to establish that each year, a State's Attorney, in cooperation with the appropriate county officials, may submit to the Department a Plan for a Unified Child Support Services Program that includes all of the components set forth in Section 15 of Public Act 92-876 and that includes a projected budget of the necessary and reasonable direct and indirect costs for operation of the Program. The Plan may provide for phasing in the Program with different implementation dates.

- B) Statutory Authority: Implementing and authorized by Sections 4-1.7 and 5/10-3, 5/10-8.1, 5/10-10, 5/10-11, 5/10-16.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, 5/10-3, 5/10-8.1, 5/10-10, 5/10-11, 5/10-16.7, Art. X, 12-4.3 and 12-13], the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505 and 5/706.4], the Non-Support Punishment Act [750 ILCS 16/20 and 16/22.5], the Income Withholding for Support Act [750 ILCS 28/32], the Illinois Parentage Act of 1984 [750 ILCS 45/14 and 45/20.10], the Unified Child Support Services Act [750 ILCS 24/1], the Illinois Banking Act [205 ILCS 5/48.4], the Illinois Savings and Loan Act of 1985 [205 ILCS 105/1-6d], the Savings Bank Act [205 ILCS 205/7007], the Illinois Credit Union Act [205 ILCS 305/43.1], and the Foreign Banking Office Act [205 ILCS 645/20]

DEPARTMENT OF PUBLIC AID

JANUARY 2005 REGULATORY AGENDA

- C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:
- Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
217/524-0081
- G) Related rulemakings and other pertinent information: See above description

SEX OFFENDER MANAGEMENT BOARD

JANUARY 2005 REGULATORY AGENDA

a) Parts (Heading and Code Citation): Interim Sex Offender Evaluations and Treatment; 20 Ill. Adm. Code 1905

1) Rulemaking: Proposed amendments or rules

A) Description: The Sex Offender Management Board recently adopted interim standards and procedures for the approval of those who evaluate or treat sex offenders in satisfaction of statutory requirements as well as interim standards for the conduct of such evaluations and the provision of treatment. By their own terms, the rules apply only until July 1, 2005. The Board intends to adopt standards to apply beyond July 1 by amending or replacing Part 1905. In the course of developing proposals to do so, the Board will look to develop separate standards for evaluating and treating juvenile offenders, will consider the development of different standards for different types of evaluations, and will otherwise review the need to make changes in what were adopted as interim standards. The Board may also consider the adoption of rules for determining the ability of sex offenders to pay for services and otherwise for administering the Sex Offender Management Board Fund.

B) Statutory Authority: Sections 15 and 19 of the Sex Offender Management Board Act [20 ILCS 4026/15 and 19].

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: April 1, 2005

E) Effect on small businesses, small municipalities or not for profit corporations: If standards are strengthened for adults or juveniles, then small counseling centers, not-for-profit and others, would need to increase training and in service training for evaluators and providers accordingly.

F) Agency contact person for information:

Cara Smith, Chair
Sex Offender Management Board
Office of the Attorney General
100 W. Randolph Street - 12th Floor
Chicago, Illinois 60601
312/814-2970

SEX OFFENDER MANAGEMENT BOARD

JANUARY 2005 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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

NOTICE OF PUBLIC INFORMATION

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$1,500 against Franklin Home Funding Corporation, Inc., License No. MB.0002028 of Oak Forest, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective February 1, 2005. For further reference link to:

<http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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

NOTICE OF PUBLIC INFORMATION

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Solutions Funding, Inc., License No. MB.0004223 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective February 1, 2005. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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

NOTICE OF PUBLIC INFORMATION

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$1,000 against 1st American Home Loan & Mortgage Co., License No. MB.0004497 of Merrillville, Indiana, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective February 1, 2005. For further reference link to:

<http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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

NOTICE OF PUBLIC INFORMATION

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$1,500 against Mortgage Financial Advisors, Ltd., License No. MB.0005685 of Wood Dale, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective February 1, 2005. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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

NOTICE OF PUBLIC INFORMATION

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against Chicago Mortgage Acceptance, License No. MB.0006571 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective February 1, 2005. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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

NOTICE OF PUBLIC INFORMATION

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500 against L.T. Mortgage Inc., License No. MB.0006750 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective February 1, 2005. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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

NOTICE OF PUBLIC INFORMATION

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$1,000 against Cash Out Mortgage Corp., License No. MB.0007047 of Margate, Florida, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective February 1, 2005. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PENALTY FEE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

NOTICE OF PUBLIC INFORMATION

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a penalty fee of \$3,500 against Saxon Mortgage Services, Inc., License No. MB.0004684, of Fort Worth, Texas, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective February 1, 2005. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF RESCINDED SUSPENSION & FINE UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

NOTICE OF PUBLIC INFORMATION

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has rescinded the suspension and fine against Capital Home Funding, LLC, License No. MB.0006792 of Orland Park, Illinois, a Licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective February 1, 2005. For further reference link to: <http://www.obre.state.il.us/>

PROCLAMATIONS

2005-27**WOMEN'S HEALTHY HEART MONTH**

WHEREAS, cardiovascular diseases are the number one cause of death for women in the United States, claiming the lives of more than half a million women per year. In Illinois alone, the year 2002 saw 21,700 women lose their battles with heart disease; and

WHEREAS, widely misconceived to be primarily a male disorder, women represent 54 percent of cardiovascular disease deaths in this state. Nationwide, heart disease affects one in five, or 20 percent of all women; and

WHEREAS, it is critical that we, as a country and as a state, work to empower women and increase their awareness of the many things they can do to reduce their risk of heart disease; and

WHEREAS, February of each year is nationally recognized as American Heart Month, and this year in Illinois, we want to give special emphasis to women's heart health by declaring that February 2005 be Women's Healthy Heart Month; and

WHEREAS, in addition, on February 4, 2005, we are proud to be joining various heart health organizations across the country in encouraging people to wear red in support of the continued efforts to raise awareness of cardiovascular diseases among women in Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the month of February 2005 as WOMEN'S HEALTHY HEART MONTH in Illinois, and urge all citizens, especially women, to familiarize themselves with the signs, symptoms and treatments for cardiovascular disease, as well as the steps they can take to ensure themselves good heart health.

Issued by the Governor February 1, 2005.

Filed by the Secretary of State February 1, 2005.

2005-27 (Revised)**WOMEN'S HEALTHY HEART MONTH and NATIONAL WEAR RED DAY**

WHEREAS, cardiovascular diseases are the number one cause of death for women in the United States, claiming the lives of more than half a million women per year. In Illinois alone, the year 2002 saw 21,700 women lose their battles with heart disease; and

WHEREAS, widely misconceived to be primarily a male disorder, women represent 54 percent of cardiovascular disease deaths in this state. Nationwide, heart disease affects one in five, or 20 percent of all women; and

PROCLAMATIONS

WHEREAS, it is critical that we, as a country and as a state, work to empower women and increase their awareness of the many things they can do to reduce their risk of heart disease; and

WHEREAS, February of each year is nationally recognized as American Heart Month, and this year in Illinois, we want to give special emphasis to women's heart health by declaring that February 2005 be Women's Healthy Heart Month; and

WHEREAS, in addition, today, February 4, 2005, we are proud to join various heart health organizations across the country in encouraging people to wear red in support of the continued efforts to raise awareness of cardiovascular diseases among women in Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the month of February 2005 as WOMEN'S HEALTHY HEART MONTH and February 4, 2005 as NATIONAL WEAR RED DAY in Illinois, and urge all citizens, especially women, to familiarize themselves with the signs, symptoms and treatments for cardiovascular disease, as well as the steps they can take to ensure themselves good heart health.

Issued by the Governor February 4, 2005.

Filed by the Secretary of State February 4, 2005.

2005-28**A Day For Hearts: Congenital Heart Defect Awareness Day**

WHEREAS, Congenital Heart Defects, the most frequently occurring birth defect and the leading cause of birth defect related deaths worldwide, occur during early pregnancy when a baby's heart fails to form properly, resulting in structural abnormalities; and

WHEREAS, each year, approximately 40,000 babies in the United States are born with Congenital Heart Defects. As a result, over a million families across America are facing the challenges and hardships of raising children with this birth defect; and

WHEREAS, in 1999, Jeanne Imperati, a Connecticut mother of a child with a Congenital Heart Defect, concluded that there should be an annual observance day intended to raise awareness of these disorders. Ms. Imperati began encouraging those affected either personally or professionally by these disorders to urge their respective governor to declare February 14, 2000 as A Day for Hearts: Congenital Heart Defect Awareness Day in their state; and

WHEREAS, Last year, well over 100 hospitals, practices and organizations throughout the world participated in activities related to Congenital Heart Defect Awareness Day in hopes of reducing the number of childhood deaths and increasing funding for research into possible causes and cures:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 14, 2005 as A DAY FOR HEARTS: CONGENITAL HEART DEFECT AWARENESS DAY in Illinois, and encourage all citizens to increase their awareness of Congenital Heart Defects, and to honor the dedicated health professionals who strive to deliver the best medical care possible so that children and adults with birth defects may lead longer and more active lives.

Issued by the Governor February 2, 2005.

Filed by the Secretary of State February 2, 2005.

2005-29**National Trio Day**

WHEREAS, a large majority of United States citizens need developmental course work, tutoring and counseling to succeed in secondary school and in postsecondary freshman-level courses due to their various backgrounds and aspirations; and

WHEREAS, TRIO programs, which were established by the federal government in 1965, are educational opportunity programs designed to motivate and support students from disadvantaged backgrounds; and

WHEREAS, TRIO programs provide outreach services targeted to assist low-income, first-generation college students, and students with disabilities to progress from middle school to post-baccalaureate programs and enhance their prospects of achieving academic excellence; and

WHEREAS, the TRIO program strives to increase college retention and graduation rates for eligible students, and to foster a supportive climate through activities such as tutoring, counseling, and study skill enhancement; and

WHEREAS, Illinois has 112 TRIO Projects which offer services to over 30,000 residents located throughout the state on college campuses and in community agencies:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 26, 2005 as NATIONAL TRIO DAY in Illinois, and encourage all citizens to recognize the positive impact these programs have on the educational system in Illinois, and across the country.

Issued by the Governor February 2, 2005.

Filed by the Secretary of State February 2, 2005.

2005-30**National Foreign Language Week**

PROCLAMATIONS

WHEREAS, all citizens live and participate in an increasingly interdependent global community; and

WHEREAS, boundaries between countries are being dissolved by new technology, making foreign language study increasingly important as people begin to experience and enjoy the growing social, cultural, and economic ties between all nations; and

WHEREAS, in order to compete on a global scale, many employers are now seeking individuals proficient in foreign languages who are able to operate and adapt in the culturally diverse international marketplace; and

WHEREAS, recent studies show that the study of foreign languages contributes to improved academic performance and a greater understanding of people from different language and cultural backgrounds; and

WHEREAS, foreign language educators in Illinois urge the public to recognize the importance of foreign language study and its ability to expand the cultural and literary horizons of all people:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 7 – 13, 2005 as NATIONAL FOREIGN LANGUAGE WEEK in Illinois, and encourage all citizens to recognize and appreciate the value that foreign language study brings to our society.

Issued by the Governor February 2, 2005.

Filed by the Secretary of State February 2, 2005.

2005-31**Illinois Arts Education Week**

WHEREAS, arts education, which includes dance, drama, music and visual arts, plays an essential role in the education of all students; and

WHEREAS, recent studies show that students who receive visual and musical arts training as a regular part of classroom studies exhibit improved reading skills, and were significantly ahead in math skills in comparison to students who did not receive such training; and

WHEREAS, the arts serve to enrich the lives of all children by fostering discipline, creativity, imagination, self-expression, and problem solving skills. All of these attributes are essential to students' potential success in school as well as in any future endeavors; and

PROCLAMATIONS

WHEREAS, arts education develops a heightened appreciation of beauty and cross-cultural understanding; and

WHEREAS, many national and state professional education associations hold celebrations in the month of March focused on students' participation in the arts. These celebrations give Illinois schools the opportunity to focus on the value of the arts for all students:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 14 – 20, 2005 as ILLINOIS ARTS EDUCATION WEEK, and encourage all citizens to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding in the visual and performing arts.

Issued by the Governor February 2, 2005.

Filed by the Secretary of State February 2, 2005.

2005-32**A DAY OF SUPPORT AND COMPASSION FOR ALL ISRAELI FAMILIES WHO
HAVE LOST LOVED ONES TO ACTS OF TERROR**

WHEREAS, acts of terrorism have become increasingly frequent in recent years. Everyday, more innocent citizens are killed or injured because of those who are willing to take the lives of others in defense of their beliefs; and

WHEREAS, the dispute between Israel and Palestine has been ongoing for many decades. Throughout the dispute, many innocent lives have been taken through acts of violence and terror, posing a threat to those who wish to live their lives in peace; and

WHEREAS, the last five years have seen an escalation in the tensions between the two groups. Although there has been sincere efforts from both sides to achieve peace, there are still several who resist the idea of compromise; and

WHEREAS, there are many grieving families throughout the region of conflict who have lost loved ones in this ongoing battle. Those families join us in standing up for peace and promoting its message to people all throughout the world:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 14, 2005 as A DAY OF SUPPORT AND COMPASSION FOR ALL ISRAELI FAMILIES WHO HAVE LOST LOVED ONES TO ACTS OF TERROR in Illinois, and encourage all citizens to spread the message of tolerance for all people in the effort to live as world citizens in peace and harmony.

Issued by the Governor February 3, 2005.

Filed by the Secretary of State February 3, 2005.

PROCLAMATIONS

2005-33**Desert Storm Remembrance Day**

WHEREAS, since the birth of this great nation, millions of brave American men and women have courageously answered the call to defend their country's ideals of freedom and democracy; and

WHEREAS, fourteen years ago, over 600,000 members of the United States Armed Forces risked their lives in the Persian Gulf to liberate Kuwait during Operation Desert Storm, some making the ultimate sacrifice for their country; and

WHEREAS, the men and women who served in the United States Armed Forces during Operation Desert Storm have earned the gratitude and respect of their nation; and

WHEREAS, the observance of the 14th anniversary of Operation Desert Storm allows citizens throughout Illinois, and across the country, the opportunity to honor those who served during this conflict for their valor and selflessness:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 18, 2005 as **DESERT STORM REMEMBRANCE DAY** in Illinois, and urge all citizens to honor those veterans who courageously served their country during Operation Desert Storm.

Issued by the Governor February 3, 2005.

Filed by the Secretary of State February 3, 2005.

2005-33 (Revised)**Desert Storm Remembrance Day**

WHEREAS, since the birth of this great nation, millions of brave American men and women have courageously answered the call to defend their country's ideals of freedom and democracy; and

WHEREAS, fourteen years ago, over 600,000 members of the United States Armed Forces risked their lives in the Persian Gulf to liberate Kuwait during Operation Desert Storm, some making the ultimate sacrifice for their country; and

WHEREAS, the men and women who served in the United States Armed Forces during Operation Desert Storm have earned the gratitude and respect of their nation; and

PROCLAMATIONS

WHEREAS, the observance of the 14th anniversary of Operation Desert Storm allows citizens throughout Illinois, and across the country, the opportunity to honor those who served during this conflict for their valor and selflessness:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 28, 2005 as DESERT STORM REMEMBRANCE DAY in Illinois, and urge all citizens to honor those who courageously served their country during Operation Desert Storm.

Issued by the Governor February 3, 2005.

Filed by the Secretary of State February 7, 2005.

2005-34**Coalition for the Remembrance of Elijah Muhammad Day**

WHEREAS, the Coalition for the Remembrance of Elijah Muhammad (C.R.O.E.) is celebrating their 18th Anniversary Founders' Day on February 13, 2005; and

WHEREAS, founded in 1987 by Halif Muhammad, Shahid Muslim and Munir Muhammad, all of whom still serve the organization, C.R.O.E. exists to pay tribute to The Honorable Elijah Muhammad, and ensure that his accomplishments and ideas are not forgotten; and

WHEREAS, the Coalition for the Remembrance of Elijah Muhammad continues to be an invaluable institution and an important voice in both the African-American community and among the general public:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 13, 2005 as **COALITION FOR THE REMEMBRANCE OF ELIJAH MUHAMMAD DAY** in Illinois, and encourage citizens to recognize the organization's eighteen years of service to Illinois citizens and their ongoing commitment to ensuring the legacy of this influential African-American leader.

Issued by the Governor February 3, 2005.

Filed by the Secretary of State February 3, 2005.

2005-35**Home Education Week**

WHEREAS, the growth and development of school age children is of paramount importance in Illinois, and across the country; and

PROCLAMATIONS

- WHEREAS, Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and
- WHEREAS, Illinois presents children and families with the opportunity to explore alternatives to public and private schools by authorizing home education as a legitimate and viable educational option; and
- WHEREAS, home education allows parents the opportunity to develop and implement a learning program based on their children's individual needs; and
- WHEREAS, studies show that students who are educated at home typically score at or above the national average on standardized tests. Studies also confirm that children who are educated at home exhibit self-confidence and good citizenship, and are fully prepared academically to meet the challenges of today's society:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 17 – 23, 2005 as **HOME EDUCATION WEEK** in Illinois, and encourage all citizens to recognize the important role that home education plays in educating our children.

Issued by the Governor February 3, 2005.

Filed by the Secretary of State February 3, 2005.

2005-36**Converting Machinery and Materials Days**

- WHEREAS, in 1978, converting suppliers launched the Converting Machinery and Materials International Conference and Exposition in an effort to attract converting industry professionals in search of the latest and best equipment, materials, and services that could make their operations more successful; and
- WHEREAS, today, the biennial Converting Machinery and Materials International Conference and Exposition is the world's largest showcase and education forum for the global converting and package printing industry; and
- WHEREAS, Converting Machinery and Materials International is known for having the most comprehensive, leading-edge program of any show in the industry, with hundreds of companies displaying their latest products and technology; and

PROCLAMATIONS

WHEREAS, this year, the show's conference program will include dozens of topics ranging from critical management issues to technical sessions; and

WHEREAS, more than 22,000 converting professionals from over 70 countries are expected to attend the 2005 conference and exposition, to be held at historic McCormick Place in Chicago:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 – 21, 2005 as **CONVERTING MACHINERY AND MATERIALS DAYS** in Illinois, and encourage citizens to recognize the value of this industry to our state's economy.

Issued by the Governor February 3, 2005.

Filed by the Secretary of State February 3, 2005.

2005-37**Ronald Reagan Day**

WHEREAS, Ronald Wilson Reagan was born on February 6, 1911 in Tampico, Illinois. He attended high school in Dixon, Illinois and went on to earn a degree in economics and sociology from Eureka College, where he also played on the football team and acted in theatre productions; and

WHEREAS, Reagan began his career as a radio sports announcer, calling games for the University of Iowa, and later for the Chicago Cubs. In 1937, a screen test won him a contract in Hollywood and over the next two decades, he would appear in 53 feature films; and

WHEREAS, Reagan's success as an actor, coupled with his strong leadership abilities, earned him the opportunity to serve as President of the Screen Actors Guild. It was in that role that Reagan got his first taste of political life; and

WHEREAS, in 1966, Reagan was elected Governor of California by a one million vote margin and was re-elected to serve a second term in 1970; and

WHEREAS, with eight years of governorship under his belt, Ronald Reagan won the Republican Presidential nomination in 1980 and in November of that year, he went on to defeat incumbent President Jimmy Carter in the General Election to earn the Presidency; and

WHEREAS, on January 20, 1981, Reagan was sworn in as the 40th President of the United States and was re-elected to a second term in 1984. In his eight years in office, President Reagan worked to stimulate economic growth, curb inflation, increase employment, and strengthen national defense. He also made foreign policy a top priority and sought to achieve "peace through strength," improving relations with the Soviet Union by conducting several

PROCLAMATIONS

meetings with Soviet leader Mikhail Gorbachev, and eventually negotiating a treaty that would eliminate intermediate range nuclear missiles; and

WHEREAS, President Reagan's great charisma and people skills allowed him to connect with the nation and earned him the title of "The Great Communicator;" and

WHEREAS, in November of 1994, Reagan publicly announced that he had Alzheimer's disease. Almost ten years later, on June 5, 2004, he passed away at the age of 93; and

WHEREAS, President Reagan is remembered as a strong and confident leader. He left behind a legacy that will clearly resonate in this country and throughout the world for centuries to come:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 6, 2005 as RONALD REAGAN DAY in Illinois, and encourage all citizens to join in celebrating the life of this accomplished Illinois native on what would have been his 94th birthday.

Issued by the Governor February 4, 2005.

Filed by the Secretary of State February 7, 2005.

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 29, Issue 8 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.

PROPOSED RULES

50 - 2025	.....	2586
35 - 273	.....	2593
17 - 3700	.....	2603
17 - 3704	.....	2607
35 - 307	.....	2611
89 - 104	.....	2635
89 - 120	.....	2638
89 - 148	.....	2654
89 - 160	.....	2675
80 - 1600	.....	2677

ADOPTED RULES

92 - 1546	02/15/2005.....	2682
89 - 50	02/04/2005.....	2687
89 - 121	02/04/2005.....	2701
2 - 5050	02/03/2005.....	2713
2 - 5051	02/03/2005.....	2721
80 - 1600	03/01/2005.....	2729

EMERGENCY RULES

89 - 104	02/07/2005.....	2735
89 - 160	02/07/2005.....	2743
11 - 603	02/22/2005.....	2779

NOTICE OF CORRECTIONS

89 - 590	.....	2789
89 - 686	.....	2790

NOTICE OF CODIFICATION CHANGES

47 - 100	02/03/2005.....	2791
----------	-----------------	------

EXECUTIVE ORDERS AND PROCLAMATIONS

05 - 27	02/01/2005.....	2874
05 - 27	02/03/2005.....	2874
05 - 28	02/02/2005.....	2875
05 - 29	02/02/2005.....	2876
05 - 30	02/02/2005.....	2876
05 - 31	02/02/2005.....	2877
05 - 32	02/03/2005.....	2878
05 - 33	02/03/2005.....	2879
05 - 33	02/03/2005.....	2879
05 - 35	02/03/2005.....	2880
05 - 34	02/03/2005.....	2880
05 - 36	02/03/2005.....	2881
05 - 37	02/04/2005.....	2882

REGULATORY AGENDA

20 - 2000	.....	2845
26 - 212	.....	2848
89 - 101	.....	2850
20 - 1905	.....	2863

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