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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services
- 2) Code Citation: 89 Ill. Adm. Code 431
- 3) Section Number: 431.30 Proposed Action: Amendment
- 4) Statutory Authority: 20 ILCS 505/5
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment corrects the retention schedule for identifying information involving unfounded reports made by mandated reporters. In accordance with Department Rules, the State Central Register (SCR) retains all identifying information concerning unfounded priority two reports made by mandated reporters for 12 months after the final finding report is entered. Priority two allegations of substantial risk of physical injury (#10/60), mental injury (#17/67), substantial risk of sexual injury (#22), and inadequate supervision (#84) were incorrectly assigned to the 60 day priority three allegation retention schedule.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any proposed amendments to this Part pending? No
- 10) Statement of Statewide Policy Objective: The proposed amendment does not expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805/3].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe Street, Station #65
Springfield, Illinois 62701-1498

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Telephone: 217/524-1983
TDD: 217/524-3715
FAX: 217/557-0692
E-Mail address: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments do not have an economic impact on small business.
- 13) Regulatory Agenda in which this rulemaking was summarized: This rulemaking was included on either of the 2 most recent regulatory agendas because: The revisions were not anticipated at the time the regulatory agenda was completed.

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER f: GENERAL ADMINISTRATION

PART 431

CONFIDENTIALITY OF PERSONAL INFORMATION OF PERSONS SERVED BY THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Section

431.15	Purpose
431.20	Definitions
431.30	Maintenance of Records
431.40	Required Consents Prior to Disclosure of Personal Information
431.50	Client Access to Records Which Contain Personal Information
431.60	Subject Access to Records of Child Abuse and Neglect Investigations
431.70	Denial of Requests to Access Information
431.80	Disclosure of Records of Child Abuse and Neglect Investigations
431.85	Public Disclosure of Information Regarding the Abuse or Neglect of a Child
431.90	Disclosure of Personal Information Without Consent
431.100	Disclosure of Information of a Mental Health Nature
431.110	Disclosure of Information Regarding Acquired Immunodeficiency Syndrome (AIDS)
431.120	Removal of Records Prohibited
431.130	Impoundment of Records by the Office of the Inspector General (Repealed)
431.140	Applicability of This Part

AUTHORITY: Implementing Section 35.1 of the Children and Family Services Act [20 ILCS 505/35.1], the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], Sections 11 and 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11 and 11.1], the AIDS Confidentiality Act [410 ILCS 305], and the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45]; and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5] and Section 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.1].

SOURCE: Adopted and codified at 5 Ill. Reg. 7815, effective August 3, 1981; amended at 6 Ill. Reg. 15517, effective January 1, 1983; amended at 10 Ill. Reg. 21647, effective December 31, 1986; amended at 11 Ill. Reg. 12613, effective August 1, 1987; amended at 13 Ill. Reg. 2407, effective March 1, 1989; amended at 15 Ill. Reg. 24, effective December 31, 1990; recodified at 18 Ill. Reg. 7951; amended at 19 Ill. Reg. 17082, effective December 15, 1995; amended at 23 Ill. Reg. 677, effective January 15, 1999; amended at 27 Ill. Reg. 1130, effective January 15,

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2003; amended at 28 Ill. Reg. 317, effective December 31, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 431.30 Maintenance of Records

- a) The Department, through its institutions, facilities and various offices shall maintain a record on all persons receiving services from the Department, either directly or through the purchase of services, and on all persons for whom a child abuse or neglect report has been indicated, unfounded, or for whom a decision about the report has not yet been made. Upon request from the subjects of the report, the Department may keep records of unfounded reports of child abuse or neglect to prevent future harassment of the subjects. Additionally, in accordance with Section 7.17 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.17], the Department may maintain case records containing identifying information related to child abuse or neglect reports.
- b) The retention schedule for indicated, unfounded, undetermined and pending child abuse and neglect records is based on the seriousness of the allegations described in 89 Ill. Adm. Code 300, Appendix B, as follows:
 - 1) 50 Years
All reports where allegations regarding the death of the child subject (Allegation #1/51) or sexual penetration (Allegation #19) were indicated shall be retained for 50 years after the report was indicated.
 - 2) 20 Years
 - A) The following allegations involving the serious physical injury, sexual molestation or sexual exploitation of the child subject shall be retained for 20 years.

#2/52	Head Injuries
#4/54	Internal Injuries
#5/55	Burns/Scalding (Third Degree Burns Only)
#7/57	Wounds
#9/59	Bone Fractures (Multiple or Spiral Fractures Only)
#16	Torture
#18	Diseases Transmitted Sexually
#20	Sexual Exploitation
#21	Sexual Molestation

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#81	Failure to Thrive
#83	Malnutrition
#85	Medical Neglect of Disabled Infants

- B) The following allegations may be retained for 20 years, depending on the seriousness of the injury.

#6/56	Poison/Noxious Substances
#9/59	Bone Fractures (Other than Multiple or Spiral Fractures)
#11/61	Cuts, Bruises, Welts, Abrasions and Oral Injuries
#12/62	Human Bites
#13/63	Sprains, Dislocations
#14	Tying-Typing /Close Confinement
#15/65	Substance Misuse
#75	Abandonment/Desertion
#79	Medical Neglect

The following factors shall be used to determine whether to retain any of the above allegations for 20 years:

Extent of the injuries. Are the injuries limited to one spot on the child's body or are there multiple injuries on many parts of the child's body?

Long-term effects of the injuries. Will the child be left with scars, deformities or permanent disabilities?

Medical treatment required. Does the child require hospitalization, surgery, emergency medical treatment or other major medical treatment as a result of the injuries?

Pattern or chronicity of injuries. Is there an ongoing history or pattern of harsh punishment or neglect that resulted in injury? Are there severe injuries at different stages of healing?

If none of the above factors are present, the allegations shall be retained for five years.

- 3) 5 Years

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The following indicated allegations shall be retained for five years.

#17/67	Mental Injury
#10/60	Substantial Risk of Physical Injury
#22	Substantial Risk of Sexual Injury
#74	Inadequate Supervision
#76	Inadequate Food
#77	Inadequate Shelter
#78	Inadequate Clothing
#82	Environmental Neglect
#84	Lock-Out

4) Subsequent Indicated Reports

All subsequent indicated reports involving any of the same subjects or the sibling or offspring shall be maintained after the last report was indicated in accordance with retention periods specified in this Section.

5) Unfounded Allegations

All identifying information concerning records of unfounded reports involving the death (Allegation #1/51), sexual abuse (Allegations #18, 19, 20, 21) or serious physical injury (e.g., Allegations #2/52, 4/54, 5/55, 7/57, 9/59) of a child shall be maintained in the State Central Register for three years after the date the final finding report is entered. All identifying information about unfounded reports made by mandated reporters involving Allegations #6/56, [10/60](#), 11/61, 12/62, 13/63, 14, 15/56, [17/67](#), [22](#), [74](#), 75, [84](#), and 79 shall be retained by the SCR for 12 months after the date the final finding report is entered. Additionally, those unfounded reports of physical injury made by mandated reporters not retained by the State Central Register for three years shall be retained for 12 months after the date the final finding report is entered.

All identifying information concerning unfounded reports involving Allegations #~~17/67, 10/60, 22, 74~~, 76, 77, 78, ~~and 82, and 84~~ made by a mandated reporter shall be maintained by the SCR for 60 days after the final finding report is entered. All identifying information concerning unfounded reports not retained for three years made by non-mandated reporters shall be retained by the SCR for 30 days after the final finding report is entered. All identifying information concerning any unfounded report involving Department wards shall be retained for 60 days regardless of reporting source.

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If the alleged perpetrator or caretaker requests, in writing, within 10 days after the date on the SCR-generated notice, that a record of the unfounded report be retained as evidence of false reporting, the SCR computer and hard copy files and the local index shall be maintained. Written requests postmarked more than 10 days after the date on the SCR notice and oral requests, that are not confirmed in writing, shall not be honored. The child abuse and neglect investigative file shall also be maintained. SCR will notify the local investigative unit when to destroy records of these unfounded false reports.

- 6) Pending and Undetermined Reports
Child abuse and neglect reports that are pending or undetermined shall remain in the SCR computer and hard copy files, the local index, and the child abuse and neglect investigative file until a decision is reached.
- c) The retention schedule for indicated child abuse and neglect records involving juvenile perpetrators (persons under the age of 18 years) is as follows:
- 1) If, after an investigation, reports are indicated and children between the ages of 10 and 18 are determined to be the perpetrator, reports that carry a five-year retention schedule will be expunged from the State Central Register after five years or at the perpetrator's 21st birthday, whichever is sooner.
 - 2) In the event that the same child between the ages of 10 and 18 is determined to be an indicated perpetrator of another report that requires a five year retention schedule, the information concerning the previous reports and the subsequent report will be maintained at the State Central Register for a period of five years after the date of the subsequent report or until the perpetrator's 21st birthday, whichever is sooner.
 - 3) Reports that carry a 20 or 50 year retention schedule will be expunged from the State Central Register after five years or at the perpetrator's 23rd birthday, whichever is sooner.
 - 4) In the event that same child between the ages of 10 and 18 is subsequently determined to be an indicated perpetrator of an allegation carrying a 20 or 50 year retention schedule, the information concerning the previous reports and the subsequent report will be maintained at the State Central

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Register for a period of five years after the date of the subsequent report or until the perpetrator's 23rd birthday, whichever is sooner.

- d) All retained records shall be of a confidential nature and shall not be made available to the general public, except as provided for in Section 431.85.

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

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NOTICE OF PROPOSED RULES

- 1) Heading of Part: Payday Loan Reform Act
- 2) Code Citation: 38 Ill. Adm. Code 210
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
210.1	New Section
210.10	New Section
210.15	New Section
210.20	New Section
210.30	New Section
210.40	New Section
210.50	New Section
210.60	New Section
210.65	New Section
210.70	New Section
210.80	New Section
210.90	New Section
210.100	New Section
210.110	New Section
210.120	New Section
210.130	New Section
210.140	New Section
210.150	New Section
210.160	New Section
210.170	New Section
210.180	New Section
210.190	New Section
210.200	New Section
210.210	New Section
210.220	New Section
210.230	New Section
- 4) Statutory Authority: Payday Loan Reform Act [815 ILCS 122]
- 5) A Complete Description of the Subjects and Issues Involved: House Bill 1100 (Public Act 94-0013), effective December 6, 2005, created the Payday Loan Reform Act to provide that the Department of Financial and Professional Regulation shall license and regulate entities that offer payday loans. It establishes requirements and restrictions regarding license applications and licensing. The Act contains provisions regarding limitations, requirements, and disclosures applicable to loan agreements, terms of loans, finance

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charges, and renewal of loans. It also contains provisions regarding revocation, suspension, and surrender of licenses. The Act also created a database, certified by the Department, which must be accessed by licensees to determine whether a consumer is eligible for a payday loan in accordance with the requirements of the Act.

- 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 (if applicable): This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

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

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

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

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Payday loan companies
 - B) Reporting, bookkeeping or other procedures required for compliance: Yes
 - C) Types of professional skills necessary for compliance: None

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- 13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

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NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 210: PAYDAY LOAN REFORM ACT

Section

210.1	Definitions
210.10	Minimum Requirements for Office Records
210.15	Application for Payday Lender License; Controlling Person
210.20	Loan Register
210.30	Individual Account Records
210.40	File of Original Papers
210.50	Cash Book
210.60	Alphabetical Record of Co-Makers, Consumers or Guarantors
210.65	Permanent File
210.70	Payments
210.80	Cancellation and Return of Documents
210.90	Hypothecation at the Time of the Sale of Consumer's Loan Agreement
210.100	Legal Forms
210.110	Judgments
210.120	Trouble File
210.130	Office and Office Hours
210.140	Advertising
210.150	Other Business
210.160	Examination Remittances
210.170	General
210.180	Relocation
210.190	Name Change
210.200	Hearing Procedures
210.210	Off-Site Records
210.220	Servicing of Accounts by Contract
210.230	Revocation or Suspension of License

AUTHORITY: Implementing and authorized by the Payday Loan Reform Act [815 ILCS 122].

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

Section 210.1 Definitions

"Act" means the Payday Loan Reform Act [815 ILCS 122].

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"Controlling person" means a person owning or holding the power to vote 25% or more of the outstanding voting securities of a licensee or the power to vote the securities of another controlling person of the licensee. For the purpose of determining the percentage of a licensee controlled by a controlling person, the person's interest shall be combined with the interest of any other person controlled, directly or indirectly, by that person or by a spouse, parent, or child of that person.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Financial Institutions with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Financial Institutions.

"Generally accepted accounting principles" or "GAAP" means those adopted by the American Institute of Certified Public Accountants and Federal Accounting Standards Board and incorporated by reference in Section 210.15.

"Hypothecate" means to pledge a security instrument without transfer of title.

"Person" means an individual, partnership, association, joint stock association, corporation, or any other form of business organization.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

Section 210.10 Minimum Requirements for Office Records

- a) Every licensee shall keep the following records at the licensed location:
 - 1) Loan register.
 - 2) Individual account records, including transaction histories of consumers.
 - 3) File of all original papers.
 - 4) Cash book.

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- 5) Alphabetical record of all co-makers, consumers or sureties.
 - 6) Permanent file.
 - 7) Information required by Section 2-55 of the Act.
- b) Records for loans made under the Act shall be kept separate or readily identifiable from other types of business conducted in the office, if allowed.
- c) Electronic data processing, combination forms and special office systems may be used if in accordance with standard accounting procedures and if they contain the information enumerated in subsection (a).

Section 210.15 Application for Payday Lender License; Controlling Person

- a) An application for a license must be in writing, under oath, and in the form the Director prescribes. The application shall contain the following:
- 1) The name of the applicant and the address of the proposed place of business;
 - 2) The form of business organization of the applicant, including:
 - A) a copy of its filed articles of incorporation;
 - B) a copy of the filed articles of organization, if the applicant is a limited liability company;
 - C) a certified statement of the ownership of the partnership and any subsequent changes in ownership, if the applicant is a partnership.
 - 3) The name, business and home address, credit report (except for a publicly traded company) and a chronological summary of the business experience, material litigation history, and felony convictions over the preceding 10 years of:
 - A) the proprietor, if the applicant is an individual;
 - B) every general partner, if the applicant is a partnership;

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- C) President, Secretary, Executive and Senior Vice Presidents, Directors and individuals owning more than 25% of the corporate stock, if the applicant is a corporation; and
 - D) the manager, if the applicant is a limited liability company.
- 4) A licensee shall not submit the information required in subsections (a)(2) and (3) of this Section if the licensee has previously submitted the information to the Division in a previous license application within the last 5 years and there have been no material changes, unless requested by the Director.
 - 5) The most current year end financial statements, prepared in accordance with generally accepted accounting principles (Miller Comprehensive GAAP Guide, Harcourt Brace & Co., 6277 Sea Harbor Dr., Orlando FL 32877 (2005, no subsequent dates or editions)) and a balance sheet and statement of operations as of the most recent quarterly report before the date of the application.
 - 6) A list of all states in which the applicant is licensed as a payday lender or short-term lender, or under a similar license, and whether the licenses of the applicant have ever been withdrawn, refused, cancelled or suspended in any other state, with full details.
 - 7) Bond as required by the Act.
 - 8) Appointment of attorney-in-fact.
 - 9) Business plan, which shall only detail the nature, amount and term of loans to be made and types of security that will be taken.
 - 10) Photographs of both the inside and outside of the proposed site.
 - 11) Details of any other businesses that will be conducted within the licensed premises, if allowed.
 - 12) Information form.
 - 13) The applicable fees as required by the Act.

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- 14) Any additional information the Director considers necessary.
- b) A licensee that is a corporation must notify the Director within 15 days after a person becomes a controlling person. Upon notification, the Director may require all information he or she considers necessary to determine if a new application is required. A licensee that is an entity other than a corporation shall submit a new application to the Director seeking prior approval whenever a person proposes to become a controlling person or acquire an ownership interest.

Section 210.20 Loan Register

- a) The loan register shall contain the original entry and be a permanent record, and shall show for every loan the account number, date of loan, name of consumer, nature of security, amount of fees, and total loan amount.
- b) The loan register shall be kept numerically by number of loans in order made, and shall have headings for each of the items required.

Section 210.30 Individual Account Records

- a) An individual account record shall be kept for each consumer. The account record shall show the name and address of the consumer, co-makers, or sureties, loan number, date of loan, the number of payments, the amount of payments and payment due dates, nature of security by type, and name of the financial institution if the loan agreement is hypothecated.
- b) If payment is made in any other way than in the ordinary course of business, it shall be so designated. (For example, payment by a third party.)
- c) If loan receivables are sold to another person, the individual account record for receivables shall show the name of the authorized person to whom sold and the date of sale.
- d) No erasures whatsoever shall be made in the payment and charge sections of any account record. In case of error, a line shall be drawn in ink through the improper entry and the correct entry made on the following line. The entries on the record shall correspond with the receipts given the consumer.

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- e) Every licensee shall preserve the records of all loans, including the account record, for at least two years after making the final entry for the loan.

Section 210.40 File of Original Papers

- a) Files
 - 1) A separate file shall be maintained for each consumer and shall contain the loan agreement, security agreement, wage assignment, acknowledged copy of the disclosure statement of loan, a separately signed statement indicating the borrower has received a copy of the lender's right to rescind, and all other evidence of indebtedness or security pertaining to the loan, except when these documents are in the custody of a court or of an agent for collection, or are hypothecated as provided in Section 210.90. Evidence of disclosure must be retained for two years from the date of the loan. A licensee may maintain these files in any medium or format that accurately reproduces original documents or papers.
 - 2) When a consumer is also a co-maker or consumer on another loan, the file of that consumer shall be cross-referenced to the other, unless a cross-reference is included on the alphabetical record required by Section 210.60.
- b) All legal instruments bearing evidence of indebtedness taken in connection with a loan and executed by a consumer, including the disclosure statement of the loan, shall bear the loan number.
- c) No licensee shall offer to or accept from a consumer any instruments that contain blank terms. All spaces or sections not used in the preparation of legal documents shall be ruled out or designated as "none" or "n/a", and any amendments shall be signed by the consumer and licensee.
- d) The name and address of the licensee making the loan shall appear on any loan agreement, wage assignment, security agreement or other legal instrument taken from a consumer, before the proceeds of the loan are delivered.

Section 210.50 Cash Book

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- a) All receipts and disbursements of any amount whatsoever shall be entered on the day they occur in the cash book or equivalent record. Separate headings shall be provided for payments on principal and for fees collected from consumers.
- b) The cash book shall be a permanent record of all details of income and disbursements, including all entries to individual accounts of borrowers.

Section 210.60 Alphabetical Record of Co-Makers, Consumers or Guarantors

The alphabetical record shall show the account number and the name of each co-maker, consumer or guarantor who is currently indebted to the licensee, together with sufficient information to locate the account record.

Section 210.65 Permanent File

Each licensee must maintain a permanent file that includes the following:

- a) A copy of all correspondence sent to or received from the Division within the past 24 months.
- b) A copy of the last two examination exception reports and any related correspondence.
- c) A copy of the Act and a copy of this Part.

Section 210.70 Payments

- a) All payments shall be credited on the account record as of the date received.
- b) When a payment is made in cash, the licensee shall give a receipt to the consumer. A receipt is not required for payment by check or money order unless requested by the consumer.

Section 210.80 Cancellation and Return of Documents

The loan agreement executed by the consumer bearing evidence of indebtedness shall be cancelled and returned to the consumer promptly following the paid in full date or upon cancellation of future payment obligations pursuant to Section 2-25 of the Act. Where original documents are not available, a licensee shall substitute copies reproduced from any medium or format that accurately reproduces the original documents. If an executed copy of a legal

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document is retained following payment in full or renewal, it must be clearly marked "PAID", "CANCELLED" or "RENEWED", indicating the date of payment or renewal. Copies clearly identified with the legend "COPY NOT NEGOTIABLE" or similar language may be used in lieu of this requirement.

Section 210.90 Hypothecation at the Time of the Sale of Consumer's Loan Agreement

- a) A licensee may pledge, hypothecate or sell a loan agreement made under the provisions of the Act under the following conditions:
 - 1) the licensee notifies the Division in writing within 10 days after the transaction indicating the name of the purchaser/pledgee, location where the related loan agreements can be examined, and that the licensee shall be responsible for all examination costs.
 - 2) the licensee will provide the Division with an executed agreement entered into by the licensee and the purchaser/pledgee authorizing the Director to conduct an examination of these loan agreements.
- b) Each instrument hypothecated must bear the following endorsement:

"This instrument is non-negotiable in form but may be pledged as collateral security. If so pledged, any payment made to the payee, either of principal or of interest, upon the debt evidenced by this obligation, shall be considered and construed as a payment on this instrument, the same as though it were still in the possession and under the control of the payee named herein; and the pledgee holding this instrument as collateral security hereby makes said payee its agent to accept and receive payments hereon, either of principal or of interest."
- c) The licensee shall keep in the licensed office a record or list of all account records of all loans sold to another affiliated or non-affiliated licensee at the time of the sale. The account shall be maintained in the record or list until examined and released by the examiner. This record or list shall indicate the date of transaction, the account name and number, and the names of the other buyer in the transaction.

Section 210.100 Legal Forms

- a) Submission to the Division

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- 1) All forms of loan agreements, security agreements or assignments of wages or other forms used in connection with the making of loans shall be submitted to the Division prior to the conduct of business in the licensed location; provided, however, where the licensee or affiliate is engaged in the same business and licensed by this Division, the use of forms in the new location identical to those being used in the existing location shall not require filing. Notice of intent to use identical forms (change of name excepted) should be provided the Division by the licensee.
 - 2) Should the licensees at any time following submission of forms modify the forms previously submitted, the forms as modified shall be submitted to the Division.
- b) Standard forms approved by the Division shall be used in the following cases:
- 1) Application for original license.
 - 2) Application for annual renewal of license.
 - 3) Change of location.
 - 4) Annual report.
 - 5) Appointment of attorney-in-fact for service of process.
 - 6) Bond.

Section 210.110 Judgments

- a) When a loan agreement has been reduced to judgment, the face of the account record shall show the amount and date of the judgment.
- b) All payments received shall be applied to the judgment balance and be properly identified. The rate of interest charged on a judgment balance must comply with current applicable statutes. No higher rate of interest or charge shall be assessed or accepted.
- c) The files of the licensee shall contain statements setting forth the following items:
 - 1) Date of judgment.

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- 2) Copy of the judgment.
 - 3) Date suit was filed.
 - 4) Amount of the judgment.
- d) If records related to the judgment are kept off-site as approved by the Director pursuant to Section 210.220 of this Part, the licensee shall make these documents available from that site or return the records to the licensed location within 72 hours after the Division's request.

Section 210.120 Trouble File

A separate and complete file shall be kept containing all records pertaining to judgments, death claims and sales. These records shall be filed alphabetically under the name of the consumer or by account number.

Section 210.130 Office and Office Hours

Every licensee shall maintain a place of business to which the general public shall have free access and where all obligations entered into shall be payable.

- a) Except as provided in subsection (c), or otherwise authorized by the Division, each licensed office shall be open not less than three consecutive hours between 8:00 A.M. and 6:00 P.M. on every business day, except Saturdays, Sundays and legal holidays, during the term of the license, and the licensee shall file with the Division a schedule of the hours during which it elects to keep the office open, provided that any licensee may keep its office open for any period it sees fit in addition to the hours listed in the schedule.
- b) Whenever a licensee desires to change its schedule of office hours on file with the Division, it may do so upon filing with the Division a schedule setting forth the change of time at least three days before the change shall go into effect. The schedule of hours shall be prominently displayed in the place of business of the licensee.
- c) If any payment shall be due on any obligations to a licensee on any closed day, then the payment shall be considered, for all purposes, as having been received on the closed day, if the payment is received, whether through the mail or otherwise,

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at any time before the close of business on the next regular business day following the closed day.

- d) The license of each licensee and the annual license fee renewal certificate shall be prominently displayed and be made available for easy reading by the public in the place of business of the licensee.

Section 210.140 Advertising

- a) Licensees shall not make reference in any form of advertising, such as newspapers, circulars, letters, radio, or other media, to "low rates", "lower rates", "lowest rates" or "lowest cost", nor shall licensees indicate, by direct or indirect means, through such expression as "low cost", "lower cost" or "easier to repay", that the charges for a loan are low.
- b) Upon specific request by the Division, licensees shall forward to the Supervisor of the Consumer Credit Section the complete text of all advertising copy, whether printed or broadcast, that is the subject of questions raised concerning compliance with the Act.
- c) A licensee may indicate in advertising and otherwise that its business is "regulated", "examined", "supervised" or "licensed" by the State of Illinois. A licensee may not advertise in a false, misleading or deceptive manner or imply or indicate that the rates or charges for loans made are "approved", "set" or "established" by the State or by the Act.
- d) The licensee shall not advertise the conduct of business other than at the licensed location or other location approved by the Director.

Section 210.150 Other Business

No other business may be conducted at the licensed location unless authorized in writing by the Director pursuant to Section 3-5(g) of the Act. The Director's authorization will be predicated upon the licensee agreeing to the following:

- a) That the authorization will not conceal nor facilitate concealment of an evasion of the Act;
- b) To comply with any State or federal statute or regulation;

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- c) To obtain any license or registration required by a federal, State or local government agency to engage in the other business authorized;
- d) That the Division may examine all records and investigate any or all transactions of the licensee;
- e) The Director retains the right, upon notice and opportunity to be heard, to alter, amend or revoke an other business authorization;
- f) That, if any federal or State statute or regulation, regardless of when enacted, prohibits the activity, the authorization shall become null and void immediately;
- g) At the time of making a request, the licensee shall pay to the Director a nonrefundable other business authorization request fee of \$100;
- h) At the time of renewing the annual license, the licensee shall pay to the Director the sum of \$25 for each other business authorization. Regardless of the number of licensed locations, only one fee per other business authorization is required.

Section 210.160 Examination Remittances

- a) Licensees shall forward all examination remittances to the Division at any address designated by the Director.
- b) All fees and charges shall be remitted in the form of a check, draft or money order to the Department of Financial and Professional Regulation.

Section 210.170 General

- a) Notary fees shall not be charged to or collected from the consumer.
- b) Examination of Records
 - 1) The Division may examine all records and investigate any or all transactions in the office of the licensee and shall charge the licensee \$400 for each examiner day or portion of an examiner day.
 - 2) The examination of the books and records of the licensee may be conducted concurrently with the examination of any other business conducted by the licensee that is regulated or licensed by the Division. A

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separate charge shall be made for each examiner day or portion of an examiner day.

- 3) The Division may conduct an examination for the purpose of verifying that the licensee has taken necessary actions to correct violations of the Act or this Part and shall charge the licensee \$550 for each examiner day or portion of an examiner day, when the Director determines the verification examination must be performed on site at any facility of the licensee.
- c) For the purpose of any reports required by the Division, expenses of all businesses conducted in the licensed office shall be allocated to each separate business at the end of each year. The Division shall require information as to all the businesses in the licensee's annual report.

Section 210.180 Relocation

- a) Whenever a licensee desires to change the licensed place of business to a location other than that set forth in the license and the proposed site is 15 miles or less from the current location, the licensee shall provide the Division with the following at least 10 days prior to the relocation:
 - 1) A written notice providing the complete address of the new location;
 - 2) Photographs of both the exterior and interior of the new location;
 - 3) A written sworn statement that the new location will not share the premises with that of another business and the exact distance in miles between the existing location and new location;
 - 4) A relocation fee of \$300; and
 - 5) The original license for endorsement.
- b) A relocation in excess of 15 miles requires the prior approval of the Director in addition to the information required in subsection (a) of this Section.

Section 210.190 Name Change

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Whenever the licensee desires to amend the name of the licensed business, the licensee shall submit to the Division, within 15 days after amending the name, the following:

- a) \$300 amended name change fee.
- b) Amended Articles of Incorporation, if the licensee is a corporation, or amended organization papers, if the licensee is an entity other than a corporation.

Section 210.200 Hearing Procedures

- a) Hearings
After receipt of a written request for a hearing, the Director shall send a Notice of Hearing to the respondent requesting the hearing, by certified mail, at least 10 days prior to the date set for the hearing. The notice shall include the date and the time and place of the hearing to review the propriety of any administrative actions taken pursuant to the Act.
- b) The Director may designate, in writing, a Hearing Officer who shall have the minimum qualification of being licensed to practice law in Illinois. The Hearing Officer may be disqualified for bias or conflict of interest. The Hearing Officer shall have the authority to:
 - 1) Examine or permit examination of any witness under oath;
 - 2) Determine the order of appearance of all parties;
 - 3) Receive all evidence and testimony and rule on its admissibility, as well as require the production of any relevant document or witness;
 - 4) Rule on objections to evidence;
 - 5) Make a written report with recommendations to the Director that shall include findings of fact and conclusions of law. Findings of fact shall be based exclusively on the evidence and on matters officially noticed; and
 - 6) Require any party or the party's attorney to provide proposed findings of fact or conclusions of law for consideration in the Hearing Officer's report.
- c) General Provisions

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- 1) Delivery of notice shall be deemed complete when the notice is deposited in the United States mail.
 - 2) A continuance shall be granted for good cause by the Hearing Officer. For the purposes of this subsection (c)(2), good cause shall require the respondent to demonstrate real and compelling need for additional time. It shall include, but not be limited to, illness, service in the armed forces, etc. The continuance shall be:
 - A) In writing and signed by the respondent or the respondent's attorney and shall state the reasons for the request.
 - B) Delivered to the Hearing Officer at least three days prior to the scheduled hearing.
 - 3) The licensee shall bear all the costs of the hearing.
 - 4) A court reporter will be present and considered as part of the costs of the hearing.
- d) Conduct of Hearings
- 1) The Hearing Officer shall open the hearing by presenting for the record his letter of authorization from the Director.
 - 2) The rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. The Hearing Officer may admit evidence not admissible under circuit court rules if that evidence may be relevant to the case.
 - 3) The Hearing Officer may, on his own motion or the motion of one of the parties, take notice of matters of which the circuit courts of this State may take judicial notice. Notice may be taken of generally recognized technical or scientific facts within the Division's specialized knowledge if parties are notified, before or during the hearing, and shall be afforded an opportunity to contest the material so noticed. The burden of opposing any material admitted upon notice shall be upon the party so opposing.
 - 4) Failure of the respondent to attend the hearing shall result in dismissal of the respondent's petition and an entry of a default against the respondent.

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Within 30 days after dismissal of the respondent's petition, the respondent may petition the Hearing Officer for reconsideration if the respondent can establish that his or her failure to attend was caused by events beyond his or her control and he or she exercised due diligence to attend or seek a continuance.

- 5) The record of any hearing shall include:
 - A) All pleadings and evidence received, whether admitted or excluded;
 - B) A statement of all matters officially noticed;
 - C) All offers of proof and objections and rulings on those offers;
 - D) All proposed findings and exceptions;
 - E) Any decision, opinion, or report by the Hearing Officer;
 - F) Any evidence excluded by the Hearing Officer, even though that evidence is not used in the determination of the claim;
 - G) A proceeding transcript that shall be recorded by a means that adequately ensures the preservation of the testimony.
 - 6) Within 60 days after the hearing or the receipt of all necessary documents, the Hearing Officer shall report to the Director.
 - 7) Within 30 days after receiving the report of the Hearing Officer, the Director shall issue his or her decision, which shall be served on the respondent by registered or certified mail, return receipt requested. Copies of the Hearing Officer's report to the Director are available upon written request.
- e) Petition to Reconsider
- 1) Within 30 days after receipt of the Director's decision, the respondent may petition the Director for reconsideration based upon a verified petition. An affidavit shall accompany the petition, stating that the decision was against the preponderance of the evidence, was contrary to law, or was arbitrary or

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capricious, or is affected by newly discovered evidence not in existence at the time of the initial hearing or that could not have been discovered using due diligence at that time.

- 2) The Director shall determine within 15 days whether to reconsider the case. If the Director determines after reading the affidavit that one or more of the conditions outlined in subsection (e)(1) has been alleged by the respondent, a hearing may be held and shall be limited to only those issues raised in the petition to reconsider. If reconsideration is denied, the Director's initial decision shall be the final administrative decision of the Division.

Section 210.210 Off-Site Records

With the Director's prior written approval, the licensee may retain records at a location other than the licensed location. The licensee shall make a written request that shall include the following:

- a) Address of off-site location.
- b) Contact person and telephone number at the off-site location.
- c) Statement that all books, records and account information shall be made available within 72 hours after the Division's request at either the licensed location or the off-site location.
- d) At the Director's discretion, the examination may be conducted at either the licensed location or the off-site location.
- e) The licensee will pay for all examination expenses.

Section 210.220 Servicing of Accounts by Contract

Upon prior approval of the Director, the licensee may contract for servicing of accounts. A request for the Director's approval shall be in writing and shall include the following:

- a) Name and address of proposed servicer;
- b) Executed contract, conditioned upon approval by the Director, between licensee and servicer;

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- c) Contact person and telephone number of the servicer;
- d) A statement that the licensee will make all books, records, and account information readily available for examination by the Division;
- e) A statement that the licensee will pay all examination expenses; and
- f) Written consent of servicer for the Division to conduct its examination.

Section 210.230 Revocation or Suspension of License

If it is determined that the Director had the authority to issue the suspension or revocation of a license pursuant to Section 4-10(f) of the Act, he or she may issue orders as may be reasonably necessary to correct, eliminate or remedy the situation.

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

<u>Section Number</u> :	<u>Proposed Action</u> :
1320.20	Amendment
1320.30	Amendment
1320.35	Amendment
1320.40	Amendment
1320.50	Amendment
1320.60	Amendment
1320.70	Amendment
1320.80	Amendment
1320.100	Amendment
1320.200	Amendment
1320.210	Amendment
1320.220	Amendment
1320.230	Amendment
1320.240	Amendment
1320.250	Amendment
1320.300	Amendment
1320.310	Amendment
1320.320	Amendment
1320.340	Amendment
1320.350	Amendment
1320.400	Amendment
1320.410	Amendment
- 4) Statutory Authority: Optometric Practice Act of 1987 [225 ILCS 80]
- 5) A Complete Description of the Subjects and Issues Involved: The Department has previously received requests to waive fees for the required ancillary licenses for charitable organizations providing vision screening, which would require a variance in each instance. The Division, with input and guidance from the Board of Optometry, has agreed conceptually to establish this as policy in order to simplify the process. This proposed rulemaking amends Section 1320.410 to provide that ancillary license fees may be waived by the Division for an optometrist applying to practice as a volunteer for a charitable organization meeting specified criteria. All other Sections are being updated to reflect the DFPR recodification.

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

Interested persons may submit written comments to:

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

217/785-0813 FAX: 217/557-4451

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of optometrists.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Optometry skills are required for licensure.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1320

OPTOMETRIC PRACTICE ACT OF 1987

SUBPART A: OPTOMETRY

Section

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

SUBPART B: DIAGNOSTIC TOPICAL OCULAR PHARMACEUTICALS

Section

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

SUBPART C: THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS

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Section

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

SUBPART D: GENERAL

Section

1320.400	Fees
1320.410	Ancillary Licenses
1320.420	Renewals
1320.430	Granting Variances

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

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

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28 Ill. Reg. 16247, effective December 2, 2004; amended at 29 Ill. Reg. _____, effective _____.

Section 1320.20 Approved Programs of Optometry

- a) The ~~Department of Financial and Professional Regulation-Division~~ ~~Department~~ of Professional Regulation (~~the-Division~~ ~~Department~~) shall, upon the recommendation of the Illinois Optometric Licensing and Disciplinary Board (the Board), approve an optometry program if it meets the following minimum criteria:
- 1) The educational institution is legally recognized and authorized by the jurisdiction in which it is located to confer the Doctor of Optometry degree.
 - 2) Has a faculty that comprises a sufficient number of full-time instructors to make certain that the educational obligations to the students are fulfilled. The faculty must have demonstrated competence in their area of teaching as evidenced by appropriate degrees from professional colleges or institutions.
 - 3) Has a curriculum of at least the following subject areas:
 - Basic Science, including Anatomy, Physiology and Biochemistry
 - Practical Optics
 - Anatomy and Physiology of the Eye
 - Pathology of the Eye
 - Physiological Optics
 - Theoretical Optometry
 - Practical Optometry
 - Clinical Optometry
 - Theory and Practice of Contact Lens

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Fitting

Pharmacology

Diagnosis, treatment and management of ocular disease and recognition of systemic diseases with ocular symptoms

- 4) Has a course of study of 4 academic years above the undergraduate level.
 - 5) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- b) In determining whether a school or college should be approved, the DivisionDepartment shall take into consideration but not be bound by accreditation by the Council on Optometric Education.
- c) Procedures taught in schools and colleges of optometry approved by the DivisionDepartment that are considered for approval in the practice of optometry shall be adopted pursuant to rule or regulation by the DivisionDepartment upon recommendation of the Board. Before adoption of such rules or regulations, the Board shall first evaluate the procedure in accordance with criteria it has previously adopted. Furthermore, the Board shall specify training and demonstration of competency required before an optometrist may perform such procedures. In any event, the DivisionDepartment, upon recommendation of the Board, has determined that surgery, including surgery performed with a laser, is not an optometric procedure.
- d) Program Evaluation
- 1) An applicant from an optometry program that has not been evaluated will be requested by the DivisionDepartment to provide documentation concerning the criteria in this Section.
 - 2) Once the DivisionDepartment has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Board will evaluate the program based on all documentation received from the school and any additional information the DivisionDepartment has received which it deems to be reliable.

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- e) Withdrawal of Approval
- 1) The Director of the Department of Financial and Professional Regulation-Division of Professional Regulation (Director) may, upon a written recommendation submitted by the Board, withdraw, suspend or place on probation the approval of an optometry program when the quality of the program has been materially affected by any of the following causes:
 - A) Gross or repeated violations of any provision of the Illinois Optometric Practice Act of 1987 [225 ILCS 80] (the Act);
 - B) Gross or repeated violations of any of this Part;
 - C) Fraud or dishonesty in furnishing documentation for evaluation of the optometry program; or
 - D) Failure to continue to meet the established criteria of an approved optometry program as set out in this Section.
 - 2) An optometry program whose approval is being reconsidered by the DivisionDepartment shall be given written notice prior to any recommendation by the Board and the officials in charge may either submit written comments or request a hearing before the Board in accordance with 68 Ill. Adm. Code 1110.
- f) The DivisionDepartment, upon the recommendation of the Board, has determined that optometry programs accredited by the Council on Optometric Education as of January 1, 1996, meet the minimum criteria set forth in subsection (a) and are, therefore, approved.

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

Section 1320.30 Application for Licensure

- a) An individual applying for a license to practice optometry shall file an application on forms supplied by the DivisionDepartment. The application shall include:
- 1) Certification of graduation from a 4-year optometry graduate level program approved by the DivisionDepartment in accordance with Section 1320.20;

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- 2) Certification of passage of the National Board of Examiners in Optometry (NBEO) examinations as set forth in Section 1320.40. The applicant shall have the examination scores submitted to the DivisionDepartment directly from NBEO;
 - 3) A complete work history since graduation from an optometry program;
 - 4) Certification of licensure from all United States jurisdictions in which the applicant has ever been licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and
 - 5) The required fee set forth in Section 1320.400 of this Part.
- b) Individuals applying for an initial optometry license in Illinois shall also be required to apply for and maintain certification for use of diagnostic topical ocular pharmaceutical agents in accordance with Subpart B and therapeutic ocular pharmaceutical agents in accordance with Subpart C.

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

Section 1320.35 Application for a Limited Residency License

Pursuant to Section 12 of the Act, an individual may apply for a one year limited residency license to practice optometry in a residency program approved by the Board. The application shall include:

- a) Certification of graduation from a 4-year optometry graduate level program approved by the DivisionDepartment in accordance with Section 1320.20;
- b) Certification of passage of the National Board of Examiners in Optometry (NBEO) examinations as set forth in Section 1320.40. The applicant shall have the examination scores submitted to the DivisionDepartment directly from

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NBEO;

- c) A complete work history since graduation from an optometry program;
- d) Proof that the applicant will be accepted or appointed to a position in a residency program that is approved by the Board and the dates during which the applicant will be in the program;
- e) Certification of licensure from all United States jurisdictions in which the applicant has ever been licensed, if applicable, stating:
 - 1) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - 2) A description of the licensure examination in that jurisdiction;
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and
- f) The required fee set forth in Section 1320.400 of this Part.

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

Section 1320.40 Examinations

- a) The examination for licensure as an optometrist in Illinois shall be Part I, Part II, including passage of the Treatment and Management of Ocular Disease (TMOD) section after January 1, 1996, and Part III of the examination administered by the National Board of Examiners in Optometry (NBEO).
- b) An applicant must direct NBEO to submit evidence of the passage of the entire NBEO examination, by NBEO standards, to the ~~Division~~Department.

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

Section 1320.50 Endorsement

- a) An applicant who is licensed under the laws of another jurisdiction shall file an application with the ~~Division~~Department together with:

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- 1) Certification of graduation from an optometry program approved by the Division~~Department~~ in accordance with Section 1320.20;
 - 2) Certification of licensure from all jurisdictions in which the applicant has ever been licensed, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the records of the licensing entity contains any record of disciplinary actions taken or pending against the applicant;
 - 3) Certification of passage of Part I and Part II, including passage of the Treatment and Management of Ocular Disease (TMOD) section after January 1, 1996, of the National Board of Examiners in Optometry (NBEO) examination, by NBEO standards;
 - 4) Certification of passage of Part III of the examination administered by NBEO, by NBEO standards, or a comprehensive practical examination administered in another jurisdiction equivalent to the comprehensive practical examination administered by the Division~~Department~~ prior to July 1991;
 - 5) A complete work history since graduation from an optometry program; and
 - 6) The required fee as set forth in Section 1320.400.
- b) The Division~~Department~~ shall examine each endorsement application to determine whether the requirements in the jurisdiction at the date of licensure were substantially equivalent to the requirements then in force in this State. The applicant may be required to submit a copy of the Act and rules in effect at the time of original licensure. If an applicant has taken a licensure examination other than Part I and Part II of the National Board prior to 1970, the examination and results will be required by the Board to determine that substantially equivalent requirements have been met. The Division~~Department~~ shall within a reasonable time either issue a license by endorsement to the applicant or notify him/her of the

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reasons for the denial of the application.

- c) The ~~Division~~~~Department~~ may, in individual cases, upon recommendation of the Board, in accordance with Section 12 of the Act, waive the comprehensive practical examination for an applicant for endorsement, after full consideration of his/her optometric education, training and experience, including, but not limited to, whether he/she has achieved special honors or awards, has had articles published in professional journals, has participated in writing textbooks relating to optometry, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in optometry.

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

Section 1320.60 Inactive Status

- a) Any licensed optometrist who notifies the ~~Division~~~~Department~~ in writing on forms prescribed by the ~~Division~~~~Department~~ may elect to place his/her license on inactive status and shall be excused from the payment of renewal fees until he/she notifies the ~~Division~~~~Department~~ in writing of the desire to resume active status.
- b) Any licensee seeking restoration from inactive status shall do so in accordance with Section 1320.70 of this Part.
- c) Any licensed optometrist whose license is on inactive status shall not practice optometry in the State of Illinois.
- d) Practicing optometry with a license that has been placed on inactive status shall be considered to be the unlicensed practice of optometry and subject to discipline pursuant to Section 24 of the Act.

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

Section 1320.70 Restoration

- a) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 3 years shall file an application, on forms supplied by the ~~Division~~~~Department~~, together with:
- 1) Proof of current certification in cardiopulmonary resuscitation and completion of the continuing education requirements during the 2 years

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prior to restoration in accordance with Section 1320.80 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs; and

- 2) The proper fees, either:
 - A) The restoration fees, when restoring an expired license, specified in Section 1320.400(c)(1) of this Part; or
 - B) The renewal fees, when restoring an inactive license, specified in Section 1320.400(b)(1) of this Part.
- b) In addition to satisfying the requirements of subsection (a) above, the licensee shall also submit either:
 - 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;
 - 2) An affidavit attesting to military service as provided in Section 16 of the Act. If application is made within 2 years of discharge, and if all other provisions of Section 16 of the Act are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees;
 - 3) Evidence of other education or experience acceptable to the ~~Division~~Department of the licensee's fitness to have the certificate restored. Such evidence shall be reviewed on a case by case basis by the Board; or
 - 4) Certification of passage of Part III of the examination administered by NBEO, by NBEO standards. The Board may, in its discretion and in individual cases, make a recommendation to the Director for the waiver of the clinical skills examination or Part III of the examination in accordance with Section 11 of the Act based on quality of education, training and experience including, but not limited to, special honors and awards, articles published in optometry journals, writing or participation in the writing of textbooks in optometry or any other circumstances or attribute which the Board accepts as evidence that such applicant has outstanding

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and proven ability in optometry.

- c) A licensee seeking restoration of a license that has expired or been on inactive status for less than 3 years, or has been placed in nonrenewed status for failure to comply with continuing education (CE) requirements shall file an application on forms provided by the ~~Division~~Department, together with:
- 1) Proof of current certification in cardiopulmonary resuscitation and completion of continuing education (CE) requirements during the 2 years prior to restoration in accordance with Section 1320.80 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs; and
 - 2) The restoration fees specified in Section 1320.400 of this Part. For the purpose of restoring from inactive status the ~~Division~~Department shall consider that no renewal fees have lapsed during the period of inactive status.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 12 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is reasonably questioned by the ~~Division~~Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration of the license will be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for interviews before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon the recommendation of the Board, and approval by the ~~Division~~Department, an applicant shall have the license restored.

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

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Section 1320.80 Continuing Education

- a) Continuing Education Hour Requirements
 - 1) Every renewal applicant shall complete 24 hours of Continuing Education (CE) relevant to the practice of optometry required during each prerenewal period. A prerenewal period is the 24 months preceding March 31 in the year of the renewal. For the March 31, 1998 renewal and every renewal thereafter, optometrists who hold certification for therapeutic ocular pharmaceuticals shall, in addition to the 24 hours of CE, complete 6 hours of certified CE in the treatment of ocular disease during the prerenewal period as set forth in subsection (b)(3).
 - 2) A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 3) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
 - 4) Optometrists licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
- b) Approved Continuing Education
 - 1) All continuing education hours must be earned by verified attendance at or participation in a program that is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c).
 - 2) For the March 31, 1992, renewal and every renewal thereafter, as part of the 24 hours of required continuing education, each licensee shall complete during each prerenewal period at least 6 hours of credit which is certified by an approved optometry college in accordance with Section 1320.20 of this Part, osteopathic or medical college or university pursuant to the Medical Practice Act of 1987 [225 ILCS 60], or a pharmacy college pursuant to the Pharmacy Practice Act [225 ILCS 85].
 - A) Each certified course shall include at least 2 hours of actual course presentation and shall include the successful completion of a post-course evaluation of the attendee's understanding of the course material. No additional credit may be given for the required post-

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course evaluation.

- i) The post-course evaluation may be taken on-site immediately following the course presentation. An examination distributed on-site shall not be removed from the site.
 - ii) The post-course evaluation may be a correspondence evaluation mailed to the attendee and returned to the provider. The sponsor shall not distribute a post-course evaluation at the site.
 - iii) At the sponsor's discretion, the attendee may be allowed one retake of a failed post-course evaluation in order to receive credit as certified continuing education.
- B) Licensees who attend a certified education course without passage of a post-course evaluation may apply actual course hours toward fulfillment of the additional continuing education requirements as set forth in subsections (b)(1) and (b)(3).
- C) Any approved continuing education sponsor may offer, in conjunction with the above-referenced college or university, a certified course. Effective April 1, 1996, certified continuing education shall not be provided, sponsored, co-sponsored or in any way be supported or financially underwritten by a CE sponsor or others who may receive patient referrals from those in attendance. Approved optometry programs in subsection (b)(2) are not deemed in violation of this Section. Nothing in this Section shall prohibit the listing of courses in a professional journal or newsletter or prevent an approved school, college or university from certifying a course.
- D) Transcript quality continuing education courses shall be deemed equivalent to the certified courses if they meet the requirements set forth in subsection (b)(2)(A).
- E) Continuing education sponsors shall state in their course materials the type of post-course evaluation which will be given and whether the applicant will be allowed to retake the evaluation.

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- F) Certified continuing education courses shall be courses in which the attendees are in actual attendance. No self instruction or correspondence courses shall be considered certified continuing education courses.
- 3) Six hours of certified CE courses in the treatment of ocular disease are required for licensees who are certified for therapeutic ocular pharmaceuticals in addition to the 24 CE hours required to renew an optometry license.
- A) The certified therapeutic CE courses shall meet the same requirements set forth in subsection (b)(2).
- B) An optometrist who has completed the 120 hour therapeutic training set forth in Section 1320.300 during the prerenewal period will be considered to have met the CE requirements for that renewal period.
- 4) Eighteen hours of CE credit may be earned as follows (not accepted for certified CE):
- A) A maximum of 12 hours per prerenewal period for papers prepared and delivered before recognized optometric organizations, papers published in nationally recognized optometric journals, or a chapter in a book of optometry, each appropriately verified.
- B) A maximum of 12 hours per prerenewal period for verified teaching of students at an optometry school approved by the ~~Division~~Department, or practicing optometrists in CE programs approved by the ~~Division~~Department. One hour of teaching at an optometry school approved by the ~~Division~~Department is equal to one hour of continuing education.
- C) A maximum of 4 hours per prerenewal period for verified self-instruction or video teleconferencing that is sponsored or co-sponsored by any previously approved optometry college, institution or national, State or local optometry association.
- D) A maximum of 4 hours per prerenewal period for courses in

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practice management that includes business management.

- E) A maximum of 2 hours of continuing education in cardiopulmonary resuscitation certified by the American Red Cross, American Heart Association, an Illinois licensed hospital or an approved medical or optometric institution may be earned per prerenewal period.
- 5) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois.
- 6) Credit shall not be given for courses taken in Illinois from unapproved sponsors except for a CPR course in accordance with Section 1320.80(b)(4)(E).
- c) Continuing Education Sponsors and Programs
 - 1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation, or any other group that has been approved and authorized by the ~~Division~~Department upon the recommendation of the Optometric Licensing and Disciplinary Board to coordinate and present continuing education courses or programs.
 - 2) A sponsor shall file a sponsor application, along with the required fee set forth in Section 1320.400(a)(6), which includes:
 - A) Certification:
 - i) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in this Section;
 - ii) That the sponsor will be responsible for verifying attendance at each course or program and for providing a certificate of completion as set forth in subsection (b);
 - iii) That, upon request by the ~~Division~~Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section;

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- iv) That each sponsor shall submit to the ~~Division~~Department a written notice of a course offering 30 days prior to the course date. The notice shall include the description, location, date and time of the course to be offered;
 - B) A history and the experience of the sponsor as an educational provider;
 - C) A copy of a sample program with faculty, course materials and syllabi;
 - D) The name and address of the contact person responsible for all recordkeeping; and
 - E) A list of all principals of the organization applying for a sponsor license.
- 3) Each sponsor shall submit by March 31 of each even numbered year a sponsor application along with the required fee set forth in Section 1320.400(b)(3) of this Part. With the application, the sponsor shall be required to submit to the ~~Division~~Department a list of all courses and programs offered in the prerenewal period, which includes a description, location, date and time the course was offered.
- 4) All courses and programs shall:
- A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of optometry;
 - B) Provide experiences that contain scientific integrity, relevant subject matter and course materials; and
 - C) Be developed and presented by persons with education and/or experience in subject matter of the program.
- 5) The tuition fees charged for programs conducted by approved sponsors shall be reasonable and directly related to the sponsor's actual expense in conducting the programs.

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- 6) All programs given by approved sponsors shall be open to all licensed optometrists and not be limited to the members of a single organization or group and shall specify the number of CE hours and categories that may be applied toward Illinois CE requirements for licensure renewal.
- 7) Certificate of Attendance
 - A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
 - i) The name, sponsor number and address of the sponsor;
 - ii) The name of the participant and his/her optometry license number;
 - iii) A detailed statement of the subject matter;
 - iv) The number of hours actually attended in each topic;
 - v) The date of the program;
 - vi) Whether the course qualifies for certified continuing education and if the post-course evaluation was passed or failed.
 - B) The sponsor shall maintain these records for not less than 5 years. These records shall include all test materials utilized for certified courses.
- 8) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive CE credit for time not actually spent attending the program.
- 9) Upon the failure of a sponsor to comply with any of the foregoing requirements, the ~~Division~~Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the ~~Division~~Department receives reasonably satisfactory assurances of

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compliance with this Section.

- d) Continuing Education Earned in Other States
- 1) If a licensee has earned CE hours in another jurisdiction for which he/she will be requesting credit toward full compliance in Illinois, the applicant shall submit an out of state CE approval form along with a \$20 processing fee within 90 days prior to or after the course but in no way later than 90 days prior to the end of the renewal period. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
 - 2) If a licensee fails to submit an out of state CE approval form within the required 90 days, late approval may be obtained by submitting the application along with the \$20 processing fee plus a \$50 per hour late fee not to exceed \$300. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
 - 3) The Board has determined that the Council on Optometric Practitioner Education (C.O.P.E.) approved courses are acceptable for out of state continuing education. If a licensee attends an out of state C.O.P.E. approved course, the licensee will not be required to submit the out of state CE approval form and the \$20 processing fee.
- e) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a).
 - 2) The ~~Division~~Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

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f) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the Division~~Department~~ a renewal application, the renewal fee set forth in Section 1320.400(b)(1), a statement setting forth the facts (including time frames) concerning such non-compliance, and a request for waiver of the CE requirements on the basis of the facts. If the Division~~Department~~, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted, that good cause has been shown for granting a waiver, the Division~~Department~~ shall waive enforcement of the requirements for the renewal period for which the applicant has applied.
- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full time service in the armed forces of the United States of America during a substantial part of such period; or
 - B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician,
 - ii) A physical inability to travel to the sites of approved programs, or
 - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board is requested at the time the request for the waiver is filed with the Division~~Department~~, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the Division's~~Department's~~ final decision on the application has been made.

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

Section 1320.100 Practice of Optometry

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

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

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

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

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

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

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

Section 1320.200 Standards

- a) An optometrist's certification to use diagnostic topical ocular pharmaceutical agents for examination purposes shall be revoked, suspended and/or placed on probation and fines may be levied by the ~~Division~~Department upon recommendation of the Board based upon any of the following causes:
 - 1) The use of any diagnostic topical ocular pharmaceutical agent that has not been approved for use by the ~~Division~~Department;
 - 2) The misuse of any diagnostic topical ocular pharmaceutical agent where the optometrist knew or should have known that such use was improper or contraindicated;
 - 3) The use of any disagnostic topical ocular pharmaceutical agents for patients who have had intraocular lens implants except for the use of Proparacaine HCL (0.5%) and Benoxinate HCL (0.4%) for assisting in the measurement of intraocular pressure, except by licensed optometrists certified in therapeutic ocular pharmaceutical agents pursuant to Subpart C;

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- 4) The use of any topical ocular pharmaceutical agents for children who are less than 2 years of age, except by licensed optometrists certified in the use of therapeutic ocular pharmaceutical agents pursuant to Subpart C; or
 - 5) Any other violation of the Act or this Part.
- b) In determining what constitutes grave or repeated misuse of any topical ocular pharmaceutical agent, the Board shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. The standards shall include but not be limited to:
- 1) A consideration whether the act or acts of the person are of a glaringly obvious nature or are repetitiously committed and resulted in a breach of standards of practice.
 - 2) A consideration that said act or acts committed constituted a breach of standards of practice to possess and apply knowledge, skill and care in using approved diagnostic topical ocular pharmaceutical agents for the purpose of aiding the diagnosis of abnormal conditions that are ordinarily used by an optometrist certified under Section 15.1 of the Act.
 - 3) A consideration that a mere mistake which is not indicative of a lack of knowledge, skill and care does not constitute misuse. Nor is a bad or unexpected result evidence of misuse unless such a result would not ordinarily occur in the absence of misuse.
 - 4) A consideration that in determining the applicable standard of use, the Board shall consider the opinion and the testimony of experts.

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

Section 1320.210 Application for Diagnostic Certification

A licensed optometrist seeking certification to use diagnostic topical ocular pharmaceutical agents for examination purposes shall file an application with the ~~Division~~Department, on forms provided by the ~~Division~~Department. The application shall include:

- a) Either
 - 1) Certification that the applicant has graduated from an approved 4 year

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optometry program with diagnostic training and proof of passage of all parts of the NBEO examination; or

- 2) Certification of passage of a diagnostic topical ocular pharmaceutical course set forth in Section 1320.220 of this Part;
- b) The required fee set forth in Section 1320.400(a)(2) of this Part.

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

Section 1320.220 Approved Diagnostic Topical Ocular Pharmacological Training

The ~~Division~~Department shall, upon the recommendation of the Board, approve a program of diagnostic topical ocular pharmacological training that meets the following minimum requirements:

- a) The program has a faculty that comprises a sufficient number of full-time instructors to make certain that the educational obligations to the students are fulfilled. The faculty must have demonstrated competence in their area of teaching as evidenced by appropriate degrees from accredited colleges or institutions.
- b) The program has a curriculum of at least the following subject areas:
 - 1) General principles of drug action
 - A) Definition of terms
 - i) Drug
 - ii) Pharmacology
 - B) Medical uses of drugs
 - i) Therapeutic drugs
 - ii) Symptomatic therapeutic agents
 - iii) Prophylactics

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- iv) Adjunctives
- v) Diagnostics
- C) Non-medical uses of adjunctives
- D) Dose-response relationships
 - i) By drug classification
 - ii) Consideration of polyvalence – main effects and side effects
- E) Drug disposition
- F) Concepts of potency, toxicity, safety, tolerance
- 2) Routes of drug administration
 - A) Systemic
 - B) Topical
- 3) Dosage forms
 - A) Comparative properties
 - B) Prescription (legend) products and over-the-counter (OTC) products
- 4) Sources of drug information
 - A) Composition of commercial products
 - B) Generic--trade name equivalents
 - C) Indications and adverse effects
 - D) Drug regulations

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- 5) Specific drug classes
 - A) Miotics, mydriatics and cycloplegic drugs
 - i) Neurotransmitter functions
 - ii) Drug modification of transmitter functions
 - iii) Clinical uses
 - B) Drugs used to treat glaucoma
 - C) Local anesthetics
 - i) Chemical nature
 - ii) Sites of administration
 - iii) Mechanisms of action
 - iv) Duration and toxicity
 - D) Problems of sterility, disinfection and asepsis related to optometric practice
 - E) Pharmaceutical agents used in ocular examination
- 6) Ocular side effects of drugs systemically administered
 - A) Relationship of age, amount given, health and idiosyncrasies
 - B) Drugs in current use
 - C) Drugs of current abuse
- 7) Over-the-counter ophthalmic preparation (including those used with contact lenses)
 - A) Types

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- B) Consideration of preservatives in them
- 8) Anti-infective therapy
 - A) Antibacterial drugs
 - B) Fungistatic drugs
 - C) Antiviral drugs
- 9) Anti-inflammatory therapy
 - A) Antihistamines
 - B) Steroids
 - C) Sympathomimetic amines
- 10) Principles of CPR
- c) The program includes a minimum of 55 instructional hours, and requires for program completion the passage of a comprehensive examination designed to test the student's knowledge of and ability to apply the program's subject matter.
- d) The DivisionDepartment, upon the recommendation of the Board, has determined that courses of pharmacological training which are an integrated part of any program of optometry approved in accordance with the provisions of Section 1320.20 of this Part meet the criteria specified herein, and are, therefore, approved.
- e) Program Evaluation
 - 1) An applicant from a diagnostic pharmacological training program that has not been evaluated will be requested by the DivisionDepartment to provide documentation concerning the criteria in this Section.
 - 2) Once the DivisionDepartment has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Board will evaluate the program based on all documentation from the program and any additional information the DivisionDepartment has

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received which it deems to be reliable.

- f) The ~~Division~~Department may, upon the recommendation of the Board, withdraw the approval of any program of pharmacological training for any of the following grounds:
- 1) Fraud or dishonesty in applying for approval;
 - 2) Failure to continue to meet the criteria for an approved program as stated in this Section.
- g) A program whose approval is being reconsidered shall be given written notice prior to any recommendation by the Board, and the officials in charge may either submit written comments or request a hearing before the Board.

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

Section 1320.230 Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act

- a) The following diagnostic topical ocular pharmaceutical agents are approved for use by only diagnostically certified optometrists:
- 1) Proparacaine HCL (0.5%)
 - 2) Benoxinate HCL (0.4%)
 - 3) Tropicamide (0.5% and 1.0%)
 - 4) Cyclopentolate (0.5% and 1.0%)
 - 5) Atropine Sulfate (ointment) (0.5%)
 - 6) Homatropine (2.0% and 5.0%)
 - 7) Phenylephrine HCL (2.5%)
- b) The ~~Division~~Department shall, upon the recommendation of the Board, approve other topical anesthetics, cycloplegics and mydriatics that meet the following criteria:

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- 1) Such agents have been approved for topical use by the U.S. Food and Drug Administration;
- 2) Such agents offer a diagnostic alternative or advantage over the existing list of approved agents; and
- 3) Such agents have been determined, in the judgement of the Board, to be beneficial with no substantial risk to the ultimate consumer.

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

Section 1320.240 Restoration of Diagnostic Certification

- a) A certification that has lapsed or been on inactive status for less than 3 years shall be restored upon application to the Division~~Department~~, proof of a current Illinois optometric license and payment of the required fees specified in Section 1320.400(c)(1) of this Part.
- b) A certification that has lapsed or been on inactive status for more than 3 years shall be restored with proof of a current Illinois optometric license and submission of an application to the Division~~Department~~, which shall include the following:
 - 1) Sworn evidence of active practice in another jurisdiction that allows the use of diagnostic topical ocular pharmaceutical agents. Such evidence shall include a statement from the appropriate licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice and indicates if any disciplinary action has been taken or is pending; or
 - 2) Other evidence that the applicant has maintained competence in use of diagnostic topical ocular pharmaceuticals. Such evidence shall be evaluated on an individual basis by the Board and may include:
 - A) Teaching ocular pharmacology in an educational program approved in accordance with Section 1320.220 of this Part; or
 - B) Research in ocular pharmacology; or
 - 3) Proof of passage within the year preceding application of an approved

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training program as specified in Section 1320.220 of this Part; or

- 4) The required fees set forth in Section 1320.400(c)(1).
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division~~Department~~ or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of the certification will be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an oral interview(s) before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information in order to evaluate the individual's current competency to use diagnostic topical ocular pharmaceutical agents. Upon the recommendation of the Board and approval by the Division~~Department~~, the applicant shall have the certification restored.

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

Section 1320.250 Endorsement of Diagnostic Certification

- a) An applicant licensed to practice optometry in another jurisdiction after January 1, 1988, shall be required to apply for and obtain certification to use diagnostic topical ocular pharmaceutical agents in conjunction with his/her optometry license.
- b) An applicant who is licensed or certified under the laws of another jurisdiction to use diagnostic topical ocular pharmaceutical agents for examination purposes shall file an application with the Division~~Department~~, on forms provided by the Division~~Department~~, together with:
 - 1) An application for licensure as an optometrist in the State of Illinois and meet the requirements set forth in the Act and Section 1320.50 for such licensure;
 - 2) A certification from the licensing authority of the jurisdiction of original licensure, and any other jurisdiction in which the applicant is licensed, stating:

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- A) The time during which the applicant was licensed in that state;
 - B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;
 - C) A description of the examination and grade received;
 - 3) A description of the diagnostic topical ocular pharmaceutical training received;
 - 4) A copy of the Acts and rules from the original state of licensure in effect at the time of licensure; and
 - 5) The required fee set forth in Section 1320.400.
- c) An applicant who is licensed as an optometrist in another jurisdiction, whose optometry license includes the ability to use topical ocular pharmaceuticals, will be eligible to receive diagnostic topical ocular pharmaceutical certification by the Division~~Department~~ if he/she meets the requirements set forth in subsection (b) above.
- d) The applicant may be required to appear before the Board:
- 1) To clarify or explain information contained on the submitted documentation; or
 - 2) To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State pursuant to Section 15.1 of the Act.

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

Section 1320.300 Definitions and Standards

- a) Ophthalmic emergency care involves an acute condition that in the judgment of the optometrist may be sight threatening, requires the optometrist to initiate nonsurgical emergency procedures and requires patient referral and consultation with another appropriate health care professional.

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- b) Any optometrist certified to use therapeutic ocular pharmaceutical agents shall be authorized to purchase such drugs and to utilize and to prescribe such drugs in the regular course of practicing optometry. The use of the drugs shall be the personal act of the person certified to use therapeutic ocular pharmaceutical agents and may not be delegated to any other person. A signed written prescription for legend drugs must be presented to the patient, if applicable, and the optometrist shall be required to keep a copy of all prescriptions written.
- c) An optometrist's certification to use therapeutic ocular pharmaceutical agents may be revoked, suspended or placed on probation and fines levied by the ~~Division~~Department upon recommendation of the Board based upon any of the following causes:
- 1) The use of any therapeutic ocular pharmaceutical agent that is not approved for use;
 - 2) The misuse of any therapeutic ocular pharmaceutical agent or procedure where the optometrist knew or should have known that such use was improper or contraindicated;
 - 3) Failure to take reasonable steps to ensure or arrange for follow-up care or for referral of a patient to an appropriate health care professional after providing ophthalmic emergency care;
 - 4) Any other violations of the Act or this Part.
- d) In determining what constitutes grave or repeated misuse of any topical ocular pharmaceutical agent, the Board shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. The standards shall include but not be limited to:
- 1) A consideration of whether the act or acts of the person are of a glaringly obvious nature or are repetitiously committed and resulted in a breach of standards of practice.
 - 2) A consideration that said act or acts committed constituted a breach of standards of practice to possess and apply knowledge, skill and care in using approved therapeutic ocular pharmaceutical agents for the purpose of aiding the treatment of abnormal conditions that are ordinarily used by an optometrist certified under Section 15.1 of the Act.

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- 3) A consideration that a mere mistake that is not indicative of a lack of knowledge, skill and care does not constitute misuse. Nor is a bad or unexpected result evidence of misuse unless such a result would not ordinarily occur in the absence of misuse.
- 4) A consideration that, in determining the applicable standard of use, the Board shall consider the opinion and the testimony of experts.

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

Section 1320.320 Approved Therapeutic Ocular Training

The ~~Division~~Department shall, upon the recommendation of the Board, approve a program of therapeutic ocular training that meets the following minimum requirements:

- a) The program has a faculty that comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled.
 - 1) The faculty must have demonstrated competence in the area of pharmacological training as evidenced by appropriate degrees from accredited colleges or institutions;
 - 2) The medical component of the course shall be taught by physicians licensed to practice medicine in all of its branches with appropriate specialty credentials. They shall be members of the faculty for the 4 year professional optometry program and have appropriate input into the development, presentation and testing of the course.
- b) The program shall have a curriculum of a minimum of 120 total contact hours. At least 90 hours shall be lecture and at least 30 hours shall be practical laboratory which shall include foreign body removal and clinical patient care. The lecture portion of the course is subject to the following criteria:
 - 1) At least 60 hours taught by faculty members (referenced in (a)(1) above) of the college or university sponsoring the course in the following subject areas:
 - A) Anatomy and Physiology Considerations in Ocular Disease – 5

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hours minimum

- B) Pharmacology of Therapeutic Agents – 10 hours minimum
- C) Specific Ocular Disease Considerations – 15 hours minimum
 - i) Bacterial
 - ii) Viral and Chlamydial
 - iii) Allergic
 - iv) Fungal
 - v) Clinical Diagnosis and Treatment of Anterior Uveitis
 - vi) Clinical Diagnosis and Management of Posterior Uveitis
 - vii) Lacrimal Disorders
- D) Other Ocular Diseases/Disorders – 15 hours minimum
 - i) Pre-Post Operative Cataract Care
 - ii) Integration of nervous system assessment and neuro-Ophthalmic Disorders
 - iii) Practical Management of Ocular Emergencies
 - iv) Diabetic Complications – Diabetic Retinopathy
 - v) Sudden Vision Loss
- E) Glaucoma Diagnosis, Treatment and Management – 10 hours minimum
 - i) Pathophysiology of Glaucoma
 - ii) Open Angle Glaucoma

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- iii) Angle Closure Glaucoma
 - iv) Pharmacology of Glaucoma
 - F) Clinical Laboratory Tests and Services – 3 hours minimum
- 2) At least 30 hours of Clinical Medical Perspectives/Primary Care Medicine for the Ophthalmic Practitioner that shall be taught by medical faculty members (as referenced in subsection (a)(2)-above). The 30 hours shall be in the following subject areas:
- A) Cardiovascular Disease
 - B) Respiratory Disorders (e.g., pulmonary)
 - C) Immunology
 - D) Infectious Disease
 - E) Dermatology
 - F) Cataract Surgery - 2 hours maximum
 - G) General Medical Emergency
 - H) Endocrinology
 - I) Collagen Vascular Disease
- c) The program shall require passage of a comprehensive examination(s) designed to test the student's knowledge, competence and ability to apply the program's subject matter.
- 1) The comprehensive examination(s) shall be administered and proctored by the teaching institution's faculty at the site where the course is given or at the institution.
 - 2) Verification of student identification shall be required.
 - 3) The comprehensive examination(s) shall not be take home, open book or

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collaborative examination(s).

- 4) The content of all examinations shall be made available to the Division~~Department~~ for review upon request.
- d) The program shall not be provided, sponsored, co-sponsored or in any way be supported or financially underwritten by a sponsor or others who receive patient referrals from those in attendance. Approved colleges or institutions are exempt from this provision.
- e) Program Evaluation
 - 1) An applicant from a pharmacological training program that has not been evaluated will be requested by the Division~~Department~~ to provide documentation concerning the criteria in this Section.
 - 2) Once the Division~~Department~~ has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Board will evaluate the program based on all documentation received from the program and any additional information the Division~~Department~~ has requested.
- f) The Board may withdraw the approval of any program of pharmacological training for any of the following grounds:
 - 1) Fraud or dishonesty in applying for approval;
 - 2) Failure to continue to meet the criteria for an approved program as stated in this Section.
- g) A program whose approval is being reconsidered shall be given written notice prior to any recommendation by the Board, and the officials in charge may either submit written comments or request a hearing before the Board in accordance with 68 Ill. Adm. Code 1010.

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

Section 1320.340 Restoration of Therapeutic Certification

- a) A therapeutic certification that has lapsed or been on inactive status for less than 3

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years shall be restored upon application to the ~~Division~~Department, payment of the required fees specified in Section 1320.400(c)(1) of this Part, a current Illinois optometric license, diagnostic topical ocular pharmaceutical certification and proof of completion of continuing education pursuant to Section 1320.90 of this Part.

- b) A therapeutic certification that has lapsed or been on inactive status for more than 3 years shall be restored upon proof of a current Illinois optometric license, proof of a diagnostic topical ocular pharmaceutical certification and submission of an application to the ~~Division~~Department, which shall include the required fee set forth in Section 1320.400(c)(1) of this Part and the following:
- 1) Sworn evidence of active practice in another jurisdiction that allows the use of equivalent therapeutic ocular pharmaceutical agents. Such evidence shall include a statement from the appropriate licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice and that indicates if any disciplinary action has been taken or is pending; or
 - 2) Other evidence that the applicant has maintained competence in the use of therapeutic ocular pharmaceuticals. Such evidence shall be evaluated on an individual basis by the Board and may include:
 - A) Teaching therapeutic ocular pharmacology in an educational program approved in accordance with Section 1320.220 of this Part; or
 - B) Research in therapeutic ocular pharmacology; or
 - 3) Proof of successful completion within the year preceding application of an approved training program as specified in Section 1320.320 of this Part.
- c) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience, is questioned by the ~~Division~~Department because of lack of information, discrepancies or conflicts in information given or a need for clarification, the licensee seeking restoration of the certification will be requested to:
- 1) Provide such information as may be necessary; and/or

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- 2) Appear for an interview(s) before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information in order to evaluate the individual's current competency to use therapeutic ocular pharmaceutical agents.

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

Section 1320.350 Endorsement of Therapeutic Certification

- a) An applicant who was originally licensed to practice optometry in another jurisdiction after January 1, 1996 shall be required to apply for and maintain therapeutic ocular pharmaceutical certification.
- b) An applicant who is licensed or certified under the laws of another jurisdiction to use equivalent therapeutic ocular pharmaceutical agents shall file an application with the ~~Division~~Department, on forms provided by the ~~Division~~Department, together with:
 - 1) An application for licensure as an optometrist and an application for certification of diagnostic topical ocular pharmaceuticals in the State of Illinois;
 - 2) A certification from the licensing authority of the jurisdiction of original licensure, and any other jurisdiction in which the applicant is licensed, stating:
 - A) The time during which the applicant was licensed in that state;
 - B) Whether the records of the licensing entity contain any record of disciplinary actions taken or pending against the applicant;
 - C) A description of the examination and grade received;
 - 3) A certification of education and a transcript of the therapeutic ocular pharmaceutical agent training received and any continuing education completed in therapeutics.
 - A) The therapeutic training shall be equivalent to the training set forth in Section 1320.320 and shall have been completed after January 1, 1994;

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

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

SUBPART D: GENERAL

Section 1320.400 Fees

- a) Application fees.
 - 1) The fee for application for an original license as an optometrist is \$500. This fee includes the optometry license, diagnostic certification and therapeutic certification.
 - 2) The fee for currently licensed optometrists applying for both diagnostic certification and therapeutic certification is \$50. The fee for currently licensed optometrists applying for a diagnostic certification is \$50. The fee for currently licensed optometrists applying for a therapeutic certification is \$50.

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- 3) The fee for application for an ancillary optometric license is \$50 per location unless waived in accordance with Section 1320.410(e). This fee includes any certifications held by the licensed optometrist.
 - 4) Applicants for any examination shall be required to pay, either to the ~~Division~~Department or its designated testing service, a fee covering the cost of determining the applicant's eligibility and providing the examination.
 - 5) The fee for application for licensure of a person licensed as an optometrist in another jurisdiction is \$500.
 - 6) The fee for a sponsor of continuing education is \$500.
 - 7) The fee for an optometry residency one year license shall be \$100.
- b) Renewal Fees
- 1) The fee for renewal of an optometrist license is \$200 per year. The fee includes renewal of the diagnostic and therapeutic certifications.
 - 2) The fee for renewal of an ancillary optometry license is \$25 per year for each location unless waived in accordance with Section 1320.410(e). This fee includes ancillary diagnostic and therapeutic certifications.
 - 3) The fee for renewal as a sponsor of continuing education is \$250 per year.
- c) General Fees
- 1) The fee for restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees. For the purposes of restoring from inactive status, the ~~Division~~Department shall consider that no renewal fees have lapsed during the period of inactive status.
 - 2) The fee for issuance of a duplicate license or certificate or for the issuance of a replacement license for a license which has been lost or destroyed is \$20.

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- 3) The fee for the issuance of a license with a change of name or address other than during the renewal period is \$20.
- 4) The fee for the certification of a license for any purpose is \$20.
- 5) The fee for a wall certificate showing licensure is the actual cost of producing the license.
- 6) The fee for a roster of persons licensed under the Act is the actual cost of producing the roster.

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

Section 1320.410 Ancillary Licenses

- a) Ancillary license, as used in this Part, shall mean an optometry license that is issued pursuant to Section 7 of the Act to a licensed optometrist who is engaged in the practice of optometry at more than one address. The ancillary license will include diagnostic certification and/or therapeutic certification.
- b) Each ancillary license shall be displayed in accordance with Section 6 of the Act.
- c) An ancillary license shall be issued to a licensed optometrist upon submitting a completed application to the [DivisionDepartment](#), on forms provided by the [DivisionDepartment](#), and the required fee set forth in Section 1320.400(a)(3) of this Part. The application shall include the address of the branch office location for which the license will be issued.
- d) An optometrist shall be required to obtain an ancillary license for each additional location and to display the appropriate ancillary licenses at each location. Licensees may examine one new patient at facilities licensed by the Illinois Department of Public Health or their residence per address per month without an ancillary license.
- e) Fees may be waived by the [DivisionDepartment](#) for an optometrist applying for an ancillary license to substitute for a licensee who has been called to active military duty. Applicants for such an ancillary license shall include a copy of the orders calling the licensee to active duty in addition to any other requirements.
- f) [Fees may be waived by the Division for an optometrist applying for an ancillary](#)

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license to practice as a volunteer for a charitable organization organized under section 501(c)(3) of the U.S. Internal Revenue Code at a location not otherwise licensed for the practice of optometry. All examinations performed under this license shall be done without remuneration to the licensee or the charitable organization and shall comply with Section 1320.100(g).

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

Section 1320.420 Renewals

- a) Every license issued under the Act shall expire on March 31 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date of the license by paying the required fee and completion of continuing education requirements set forth in Section 1320.80 and attest to current certification in cardiopulmonary resuscitation (CPR).
- b) It is the responsibility of each licensee to notify the ~~Division~~Department of any change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to pay the renewal fee and to renew the license in a timely manner.
- c) Practicing after a license has expired shall be considered the unlicensed practice of optometry and subject to discipline pursuant to Section 24 of the Act.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.126 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 amendments concerning hospital services will provide additional funding under Safety Net Adjustments for high volume Medicaid providers to ensure access to quality health care for medical assistance clients. Annual spending for Safety Net Adjustments is expected to increase by approximately \$2.9 million.
- 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>
148.105	Amendment	May 27, 2005 (29 Ill. Reg. 7693)
148.295	Amendment	May 27, 2005 (29 Ill. Reg. 7693)
148.310	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.402	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.404	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.406	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.408	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.410	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.412	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.414	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.416	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.418	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.420	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.422	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.424	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.426	Amendment	July 1, 2005 (29 Ill. Reg. 9241)

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148.428	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.430	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.432	Amendment	July 1, 2005 (29 Ill. Reg. 9241)
148.434	Amendment	July 1, 2005 (29 Ill. Reg. 9241)

- 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 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 Healthcare and Family Services
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.dpailinois.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 Healthcare and Family Services, 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.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded hospitals will be affected.

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF [HEALTHCARE AND FAMILY SERVICES](#)~~PUBLIC AID~~
SUBCHAPTER d: MEDICAL PROGRAMSPART 148
HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section

148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100	Outpatient Rural Hospital Adjustment Payments
148.103	Outpatient Service Adjustment Payments
148.105	Psychiatric Adjustment Payments
148.110	Psychiatric Base Rate Adjustment Payments
148.112	High Volume Adjustment Payments
148.115	Rural Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in an Illinois County with a

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- Population of Over Three Million
- 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.390 Hearings

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148.400 Special Hospital Reporting Requirements

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section

148.500 Definitions

148.510 Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section

148.600 Definitions

148.610 Scope of the Program

148.620 Assistance Level and Reimbursement

148.630 Criteria and Information Required to Establish Eligibility

148.640 Covered Services

148.TABLE A Renal Participation Fee Worksheet

148.TABLE B Bureau of Labor Statistics Equivalence

148.TABLE C List of Metropolitan Counties by SMSA Definition

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

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

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131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency

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amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency 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. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days;

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emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. _____, effective _____.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.126 Safety Net Adjustment Payments

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

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- B) Had an occupancy rate greater than 80 percent in the safety net hospital base year.
 - C) Provided greater than 15,000 total days in the safety net hospital base year.
- 7) The hospital meets all of the following criteria:
- A) Does not already qualify under subsections (a)(1) through (a)(6) of this Section.
 - B) Has an MIUR greater than 25 percent.
 - C) Had an occupancy rate greater than 68 percent in the safety net hospital base year.
 - D) Provided greater than 12,000 total days in the safety net hospital base year.
- 8) The hospital meets all of the following criteria:
- A) Does not already qualify under subsections (a)(1) through (a)(7) of this Section.
 - B) Is located outside of HSA 6.
 - C) Has an MIUR greater than 16 percent.
 - D) Has more than 475 licensed beds.
 - E) Has an average length of stay less than five days.
- b) The following five classes of hospitals are ineligible for safety net adjustment payments associated with the qualifying criteria listed in subsections (a)(1) through (a)(4) and subsections (a)(6) through (a)(~~8~~~~7~~) of this Section:
- 1) Hospitals located outside of Illinois.
 - 2) County-owned hospitals, as described in Section 148.25(b)(1)(A).

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- 3) Hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B).
 - 4) Psychiatric hospitals, as described in 89 Ill. Adm. Code 149.50(c)(1).
 - 5) Long term stay hospitals, as described in 89 Ill. Adm. Code 149.50(c)(4).
- c) Safety Net Adjustment Rates
- 1) For a hospital qualifying under subsection (a)(1) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
 - A) A qualifying hospital – \$15.00.
 - B) A rehabilitation hospital, as described in 89 Ill. Adm. Code 149.50(c)(2) – \$20.00.
 - C) A children's hospital, as described in 89 Ill. Adm. Code 149.50(c)(3) – \$20.00.
 - D) A children's hospital that has an MIUR greater than or equal to 80 per centum that is:
 - i) Located within HSA 6 or HSA 7 – ~~\$200.50~~\$80.00.
 - ii) Located outside HSA 6 or HSA 7 – \$35.00.
 - E) A children's hospital that has an MIUR less than 80 per centum, but greater than or equal to 60 per centum, that is:
 - i) Located within HSA 6 or HSA 7 – \$35.00.
 - ii) Located outside HSA 6 or HSA 7 – \$15.00.
 - F) A children's hospital that has an MIUR less than 60 per centum, but greater than or equal to 45 per centum, that is:
 - i) Located within HSA 6 or HSA 7 – \$12.00.

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- ii) Located outside HSA 6 or HSA 7 – \$5.00.
- G) A children's hospital with more than 25 graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory" – \$125.00.
- H) A children's hospital that is a rural hospital – \$145.00.
- I) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital; that is located in HSA 6 and that:
 - i) Provides obstetrical care – \$10.00.
 - ii) Has at least one graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.
 - iii) Has at least one obstetrical graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.
 - iv) Provided more than 5,000 obstetrical days during the safety net hospital base year – \$35.00.
 - v) Provided fewer than 4,000 obstetrical days during the safety net hospital base year and its average length of stay is: less than or equal to 4.50 days – \$5.00; less than 4.00 days – \$5.00; less than 3.75 days – \$5.00.
 - vi) Provides obstetrical care and has an MIUR greater than 65 percent – \$11.00.
- J) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital, that is located outside HSA 6, that has an MIUR greater than 50 per centum, and that:
 - i) Provides obstetrical care – \$70.00.
 - ii) Does not provide obstetrical care – \$30.00.

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- K) A qualifying hospital that provided greater than 35,000 total days in the safety net hospital base year – \$6.00.
 - L) A qualifying hospital with two or more graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory", with an average length of stay fewer than 4.00 days – \$48.00.
- 2) For a hospital qualifying under subsection (a)(2) of this Section, the rate shall be \$123.00.
 - 3) For a hospital qualifying under subsection (a)(3) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
 - A) A qualifying hospital – \$40.00.
 - B) A hospital that has an average length of stay of fewer than 4.00 days, and:
 - i) More than 150 licensed beds – \$20.00.
 - ii) Fewer than 150 licensed beds – \$40.00.
 - C) A qualifying hospital with the lowest average length of stay – \$15.00.
 - D) A hospital that has a CMIUR greater than 65 per centum – \$35.00.
 - E) A hospital that has fewer than 25 total admissions in the safety net hospital base year – \$160.00.
 - 4) For a hospital qualifying under subsection (a)(4) of this Section, the rate shall be \$55.00.
 - 5) For a hospital qualifying under subsection (a)(5) of this Section, the rate is the sum of the amounts for each of the following for which it qualifies, divided by the hospital's total days:

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- A) The hospital that has the highest number of obstetrical care admissions – \$30,840.00.
- B) The greater of:
- i) The product of \$115.00 multiplied by the number of obstetrical care admissions.
 - ii) The product of \$11.50 multiplied by the number of general care admissions.
- 6) For a hospital qualifying under subsection (a)(6) of this Section, the rate is \$30.00.
- 7) For a hospital qualifying under subsection (a)(7) of this Section, the rate is \$117.00.
- 8) For a hospital qualifying under subsection (a)(8) of this Section, the rate is \$34.50.
- d) Payment to a Qualifying Hospital
- 1) The total annual payments to a qualifying hospital shall be the product of the hospital's rate multiplied by two multiplied by total days.
 - 2) For the safety net adjustment period occurring in State fiscal year 2006, total payments will equal the methodologies described in subsection (c) of this Section. For the period October 1, 2005 through June 30, 2006, payment will equal the State fiscal year 2006 amount less the amount the hospital received under the safety net adjustment period for the quarter ending September 30, 2005.
 - 3)2) For safety net adjustment periods occurring after State fiscal year 2006~~2003~~, total payments will equal the methodologies described in subsection (c) of this Section and shall be paid to the hospital during the safety net adjustment period in installments on, at least, a quarterly basis.
- e) Definitions
- 1) "Average length of stay" means, for a given hospital, a fraction in which

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the numerator is the number of total days and the denominator is the number of total admissions.

- 2) "CMIUR" means, for a given hospital, the sum of the MIUR plus the Medicaid obstetrical inpatient utilization rate, determined as of October 1, 2001, as defined in Section 148.120(k)(6).
- 3) "General care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department by June 30, 2001, excluding admissions for: obstetrical care, as defined in subsection (e)(7) of this Section; normal newborns; psychiatric care; physical rehabilitation; and those covered in whole or in part by Medicare (Medicaid/Medicare crossover admissions).
- 4) "HSA" means Health Service Area, as defined by the Illinois Department of Public Health.
- 5) "Licensed beds" means, for a given hospital, the number of licensed beds, excluding long term care and substance abuse beds, as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois."
- 6) "MIUR", for a given hospital, has the meaning as defined in Section 148.120(k)(5) and shall be determined in accordance with Section 148.120(c) and (f). For purposes of this Section, the MIUR determination that was used to determine a hospital's eligibility for Disproportionate Share Hospital Adjustment payments in rate year 2002 shall be the same determination used to determine a hospital's eligibility for safety net adjustment payments in the Safety Net Adjustment Period.
- 7) "Obstetrical care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data, for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001, and were assigned by the Department a diagnosis related grouping (DRG) code of

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370 through 375.

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

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

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- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Numbers: Proposed Action:
 50.230 Amendment
 50.320 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] and P.A. 93-361.
- 5) A complete description of the subjects and issues involved: 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. These changes are effective July 1, 2005.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other 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; 11-12-04
50.230	Amendment	28 Ill. Reg. 14737; 11-12-04
50.233	New Section	28 Ill. Reg. 14737; 11-12-04

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

Tracie Drew, Bureau Chief
 Bureau of Administrative Rules and Procedures

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Department of Human Services
100 South Grand Avenue East
Harris Building 3rd Floor
Springfield, Illinois 62762

(217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: child care providers
 - 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 2005

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments that appear in this issue of the Illinois Register on page 13253.

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- 1) Heading of the Part: Developmental Disabilities Services
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Number: 144.102 Proposed Action: New Section
- 4) Statutory Authority: Implementing Section 18.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/18.2] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking will allow daily reimbursement rates for qualifying intermediate care facilities for the mentally retarded (ICF/MR) to be adjusted based on qualifying criteria and rate methodology.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this amendment within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

DEPARTMENT OF HUMAN SERVICES

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(217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Qualifying private ICF/MR facilities and existing small-scale type residential facilities.
 - 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 2005

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER d: MEDICAL PROGRAMS

PART 144
 DEVELOPMENTAL DISABILITIES SERVICES

Section

144.1	Incorporation By Reference
144.5	Determination of Program (Active Treatment) Costs
144.25	ICF/MR Service Criteria
144.50	Inspection of Care and Rate Setting Appeal Process
144.75	Comprehensive Functional Assessments and Reassessments (Repealed)
144.100	Exceptional Care Needs of Clients with Developmental Disabilities
<u>144.102</u>	<u>High Medical/High Personal Care Needs of Individuals with Developmental Disabilities</u>
144.105	Individual Program Plan (IPP) (Repealed)
144.125	Specialized Care – Behavior Development Programs
144.150	Specialized Care – Health and Sensory Disabilities
144.160	Base Nursing in Facilities Licensed as ICF/DD-16s including Small Scale (4 and 6 bed) ICF/DD-16s
144.165	Medication Administration in Facilities Licensed as ICF/DD-16s including Small Scale Residential Facilities (4 and 6 beds) ICF/DD-16s
144.175	Functional Needs
144.200	Service Needs – Medical Care (Repealed)
144.205	Service Needs – Medical and Therapy Services (Repealed)
144.225	Individual Rights (Repealed)
144.230	Reconciliation of Resident Funds
144.250	Discharge Planning/Maximum Growth Potential Plan (Repealed)
144.275	Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities
144.300	Reimbursement for Program (Active Treatment) Costs in Small Scale Residential Facilities (4 and 6 bed) ICF/DD-16s
144.325	Capital Rate Calculation
144.TABLE A	Overview of Staff Intensity Scale of Maladaptive Behaviors
144.TABLE B	Staff Intensity Scale
144.TABLE C	IPP Outcomes (Repealed)
144.TABLE D	Guidelines for Determining Levels of Functioning
144.TABLE E	Standardized Adaptive Functional Assessment

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AUTHORITY: Implementing Section 18.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/18.2] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

SOURCE: Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 recodified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective October 29, 1990; amended at 15 Ill. Reg. 14084, effective September 24, 1991; emergency amendment at 15 Ill. Reg. 16148, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3497, effective February 28, 1992; amended at 16 Ill. Reg. 5898, effective March 20, 1992; amended at 17 Ill. Reg. 8478, effective June 1, 1993; amended at 17 Ill. Reg. 11480, effective July 16, 1993; emergency amendment at 17 Ill. Reg. 15126, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; emergency amendment repealed at 17 Ill. Reg. 22582, effective December 20, 1993; emergency amendment at 18 Ill. Reg. 11314, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16619, effective October 27, 1994; amended at 19 Ill. Reg. 2890, effective February 22, 1995; amended at 19 Ill. Reg. 7906, effective June 5, 1995; amended at 20 Ill. Reg. 6916, effective May 6, 1996; emergency amendment at 20 Ill. Reg. 7426, effective May 24, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9072, effective June 28, 1996; amended at 20 Ill. Reg. 11326, effective August 1, 1996; amended at 20 Ill. Reg. 12465, effective August 30, 1996; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 9287, effective May 15, 1998; amended at 23 Ill. Reg. 932, effective January 6, 1999; emergency amendment at 24 Ill. Reg. 6431, effective March 31, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13404, effective August 18, 2000; amended at 29 Ill. Reg. _____, effective _____.

Section 144.102 High Medical/High Personal Care Needs of Individuals with Developmental Disabilities

- a) Daily reimbursement rates for qualifying ICF/MRs shall be adjusted based on the qualifying criteria and rate methodology described in this Section.
- 1) Qualifying Criteria
In order to receive rate adjustments under this Section, facilities must meet each of the following criteria as of December 1, 2004, and as determined by the Illinois Department of Human Services (DHS) as follows:
 - A) The facility must be an ICF/MR with 17 or more licensed beds as defined in 77 Ill. Adm. Code 350;

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- B) The facility must have an occupancy level of 93% or greater of licensed bed capacity as indicated by a remittance advice report for the month of service preceding December 1, 2004;
 - C) At least 93% of the facility residents must be eligible for Medicaid as indicated by a remittance advice report for the month of service preceding December 1, 2004; and
 - D) At least 60% of the residents of the facility must qualify as Medical Level III based on the most recently conducted Illinois Department of Public Health annual Inspection of Care Survey preceding December 1, 2004.
- 2) Adjustment Methodology
Program and support component rates as determined in accordance with Section 144.275 and 89 Ill. Adm. Code 140, respectively, will be adjusted as follows:
- A) For qualifying facilities with a Medical Level III percentage equal to or greater than 60 percent but less than 80 percent:
 - i) A factor of 1.8 shall be multiplied by the difference between the facility's Medical Level III percentage and 60 percent.
 - ii) The program component rate adjustment shall equal the facility's program rate without the high medical/high personal care adjustment multiplied by the percentage determined in subsection (a)(2)(A)(i) of this Section. This result is then added to the program rate component to obtain the high medical/personal care program rate.
 - iii) The facility's support rate component adjustment shall equal the difference between the SNF/PED ceiling for the geographic area and the facility's support rate before the application of the rate adjustment under this Section, which is then added to the facility's support rate.

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- B) For qualifying facilities with a Medical Level III percentage equal to or greater than 80 percent:
- i) A factor of 2.0 shall be multiplied by the difference between the facility's Medical Level III percentage and 60 percent.
 - ii) The program component rate adjustment shall equal the facility's program rate without the high medical/high personal care adjustment multiplied by the percentage determined in subsection (a)(2)(B)(i) of this Section. This result is then added to the program rate component to obtain the high medical/personal care program rate.
 - iii) The facility's support rate component adjustment shall equal the difference between the SNF/PED ceiling for the geographic area and the facility's support rate before the application of the rate adjustment under this Section, which is then added to the facility's support rate.
- 3) Exclusions
The following facilities do not qualify for payment adjustments under this Section:
- A) SNF/PED (Long Term Care Facilities for Under Age 22) as defined under 77 Ill. Adm. Code 390;
 - B) Facilities licensed under 77 Ill. Adm. Code 350 and that have 16 or fewer licensed beds;
 - C) Dual-licensed facilities that have one or more portions of the facility licensed under one or more Sections of 77 Ill. Adm. Code subchapter c; and
 - D) Campus facilities as defined under 89 Ill. Adm. Code 140.
- b) Program and support rate component adjustments under this Section will be re-determined:

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- 1) When changes to the program and/or support rate components are required in accordance with 89 Ill. Adm. Code 153.
- 2) When the percentage of the residents who have a Medical Level III changes as a result of the facility's annual Illinois Department of Public Health Inspection of Care Survey, the program rate component adjustment shall be recalculated and shall take effect the first day of the month following the Illinois Department of Public Health Medical Level III determinations.
- 3) When the facility is determined by the Illinois Department of Human Services to no longer meet the eligibility criteria in **subsection (a)(1)** of this Section, the program and support rate adjustments under this Section shall be eliminated.

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

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- 1) Heading of the Part: Conservation Reserve Enhancement Program (CREP)
- 2) Code Citation: 17 Ill. Adm. Code 1515
- 3)

<u>Section Numbers:</u> 1515.20 1515.50	<u>Proposed Action:</u> Amendment Amendment
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- 4) Statutory Authority: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805/Part 13.5].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add language indicating that practices enhancing or creating habitat or desired environment as part of an IDNR approved conservation plan may be eligible for cost-share on the enrolled property through IDNR and that total available funds for practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan shall not exceed \$500,000 or 5%, whichever is less, of available CREP State funds for any given State fiscal year.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed 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

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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: Owners of land that meet the CREP eligibility criteria for federal Conservation Reserve Program contracts as determined by the USDA Farm Service Agency (FSA) are eligible to participate in the State Incentive Program.
 - B) Reporting, bookkeeping or other procedures required for compliance: Submission of application, conservation plan, title work, documents to acquire easement between the property owner and the Department of Natural Resources; all in conjunction with the County Soil and Water Conservation District who monitors landowner's compliance.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRYPART 1515
CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

Section

- 1515.10 General Provisions
- 1515.20 Eligibility Requirements
- 1515.30 Enrollment Process
- 1515.40 Exceptions to Enrollment Process
- 1515.50 Payments
- 1515.60 Violation
- 1515.EXHIBIT A Map of Eligible Area in Illinois River Watershed

AUTHORITY: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805/Part 13.5].

SOURCE: Emergency rule adopted at 22 Ill. Reg. 18116, effective September 22, 1998, for a maximum of 150 days; emergency expired on February 19, 1999; adopted at 23 Ill. Reg. 3396, effective March 8, 1999; emergency amendment at 25 Ill. Reg. 7329, effective May 22, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 13600, effective October 9, 2001; amended at 27 Ill. Reg. 12677, effective July 21, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 1515.20 Eligibility Requirements

Lands that meet the CREP eligibility criteria for CRP contracts as determined by the USDA Farm Service Agency (FSA) are eligible for the State Incentive Program, unless specifically excepted by Section 1515.40(a).

- a) The acres to be enrolled under CREP must consist of eligible land in the Illinois River Watershed as described in the Agreement between the U.S. Department of Agriculture, Commodity Credit Corporation, and State of Illinois, as amended, for the Illinois River Watershed Conservation Reserve Enhancement Program, as shown on the attached map (Exhibit A). These acres are eligible if they are:

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- 1) Acres with a weighted average Erodibility Index (EI) \geq 12. Such acres will only be eligible if: such acres are adjacent to a stream corridor; the landowner agrees to enroll riparian areas in the stream corridor using CREP or any other CRP enrollment opportunity; the acres have become an uneconomic remnant as a result of the establishment of a riparian buffer; or the enrollment of the acres is required for effective functioning of a riparian buffer; and/or
 - 2) Riparian areas, defined as the 100 year floodplain of the Illinois River and its associated tributaries and streams in the watersheds specified in subsection (a) of this Section and shown in Exhibit A, or located within the watershed depicted in Exhibit A and determined to be for wetland restoration purposes, farmed wetlands, prior converted wetlands and wetlands farmed under natural conditions.
- b) The CRP practices eligible for use on the CREP enrollments to receive cost-share assistance are listed below. [Practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for use on the enrolled property.](#) Exceptions can be made to eligible practices or to standards within a practice if the USDA/IDNR approved conservation plan identifies extenuating circumstances that justify the exception.
- 1) For acres qualifying on the basis of erosion (must have an EI \geq 12):
 - Establishment of Permanent Native Grasses (CRP Practice CP 2)
 - Tree Planting (CRP Practice CP 3)
 - Hardwood Tree Planting (CRP Practice CP 3A)
 - Permanent Wildlife Habitat, Noneasement (CRP Practice CP 4D)
 - Wildlife Food Plot (CRP Practice CP 12)
 - Rare and Declining Habitat (CRP Practice CP 25) – For prairie ecosystem restoration and tallgrass prairie/oak savanna ecosystem restoration
 - 2) For acres qualifying as riparian areas:

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Hardwood Tree Planting (CRP Practice CP 3A)

Permanent Wildlife Habitat, Noneasement (CRP Practice CP 4D)

Shallow Water Areas for Wildlife (CRP Practice CP 9)

Wildlife Food Plot (CRP Practice CP 12)

Filter Strip (CRP Practice CP 21) – Filter strips can extend to the Natural Resources Conservation Service (NRCS) maximum design standard for Illinois based on percent slope for the purposes of water quality. Installation of appropriate practices authorized in this Section may be combined adjacent to CP 21 (Filter Strip) up to a combined maximum width for both practices of 234 feet.

Riparian Buffer (CRP Practice CP 22) – Riparian buffers can extend to the maximum widths allowed in the NRCS Field Office Technical Guide, which include the 100 year floodplain for water quality purposes.

Wetland Restoration (CRP Practice CP 23) – Will be applied to farmed wetlands, prior converted wetlands, wetlands farmed under natural conditions and acres that lie in the 100 year floodplain.

Rare and Declining Habitat (CRP Practice CP 25) – For prairie ecosystem restoration and tallgrass prairie/oak savanna ecosystem restoration.

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

Section 1515.50 Payments

Payments will be provided to the landowner upon execution of the contract supplement or permanent easement based upon the following formulas:

- a) Bonus Payments
 - 1) Permanent Easements
 - A) The payment to a landowner for a voluntary permanent easement will be a lump sum payment equal to the CRP maximum annual rental rate as determined by FSA based on soil types (exclusive of

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any Federal incentive payments) times 15 years times 30 percent times number of acres enrolled. A minimum of 20 acres is required for sign-up unless the total eligible acreage held by the landowner is less than 20 acres, all acres are included in the sign-up, and the acres have been approved by IDNR due to location and relationship with adjacent enrollments.

- B) If the landowner elects a permanent easement option, additional non-cropped acres or acres in another CRP sign-up may be offered for the permanent easement. The landowner will receive a lump sum payment based on the formula set forth for the CREP State bonus payment for permanent easements, using the soil types on the additional acres. The landowner must agree to a conservation plan written and approved by the SWCD and IDNR and established at the time of enrollment for the total acreage in the permanent easement, but will receive no CREP State cost-share payment for any practice [previously](#) established on the additional non-cropped acres or other CRP acres. If applicable, the landowner may use another Federal and/or State cost-share program to implement acceptable practices on additional acres. [Practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for cost-share on the enrolled property through IDNR.](#) The criteria for a permanent easement on additional acres are:
- i) riparian acres: 100 year floodplain of the Illinois River and its tributaries within the targeted eligible area;
 - ii) acres must be adjacent to cropped acres enrolled in a CREP permanent easement; or adjacent to the stream but on opposite stream bank (same landowner);
 - iii) acres have an EI > 12 and need to be enrolled to meet the 20 acre minimum for permanent easements;
 - iv) acres have an EI > 12 and have been approved by IDNR because of location and relationship with the remainder of enrollment; and
 - v) acres must already be in acceptable practices based on soil

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types and wildlife benefits or the landowner must be willing to put the acres in an acceptable practice at landowner's expense. If applicable, the landowner may use another Federal and/or State cost-share program to implement the practices. A site visit by appropriate IDNR field staff may be required to determine the acceptability of the additional acres (non-cropped acres or acres in another CRP sign up) offered for permanent easement.

- 2) 15 Year Contract Supplement
The payment to a landowner for a 15 year contract supplement will be a lump sum payment that will equal 50 percent of the payment for a voluntary, permanent easement (CRP maximum annual rental rate, exclusive of any Federal incentive payments, times 15 years, times 30 percent times number of acres enrolled).
- 3) 35 Year Contract Supplement
The payment to a landowner for a 35 year contract supplement will be a lump sum payment that will equal 75 percent of the payment for a voluntary, permanent easement (CRP maximum annual rental rate, exclusive of any Federal incentive payments, times 15 years, times 30 percent times number of acres enrolled).

b) Cost-Share Payments

Landowners who enter the State incentive program will also receive cost-share payments for the installation of CREP approved practices based on the following formulas:

- 1) Landowners who enter into a voluntary CREP permanent easement will receive reimbursement at a 50 percent cost-share rate based upon FSA guidelines for the installation of CREP approved practices from the State. The amount of reimbursement to a landowner from all sources may not exceed 100 percent of the cost-share rate of the practice established by FSA. [For practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan, reimbursement shall not exceed 100 percent of paid receipts for the approved practice.](#)
- 2) Landowners who enter into a 15 year contract supplement or 35 year contract supplement on acres defined as riparian areas, farmed wetlands, prior converted wetlands, or wetlands farmed under natural conditions will

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receive reimbursement at a 40 percent cost-share rate based upon FSA guidelines for the installation of CREP approved practices from the State. The amount of reimbursement to a landowner from all sources may not exceed 100 percent of the cost-share rate of the practice established by FSA.

- 3) Landowners who enter into a 15 year contract supplement or 35 year contract supplement on acres defined on the basis of erodibility (weighted average Erodibility Index, EI > 12) will not receive State CREP cost-share reimbursement for CREP practice implementation. Landowners may receive reimbursement from other sources.
- 4) Landowners enrolling acres that meet all eligibility requirements in Section 1515.40(d) or (e) are not eligible for State CREP cost-share payment for any practice previously established on these acres. Practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for cost-share on the enrolled property. If applicable, the landowner may use another Federal and/or State cost share program to implement acceptable practices on these acres.

c) Mechanics of Payment

- 1) For executed contract supplements and permanent easements, the county SWCD shall complete an invoice voucher and submit to IDNR for a lump sum bonus payment.
- 2) The county SWCD will submit an invoice voucher to IDNR for the landowner's cost-share payment with completed USDA form AD-862 and completed USDA form AD-245.
- 3) If required, the county SWCD is responsible for providing surveyors with written directions that include all necessary information to conduct an appropriate survey (exclusionary or full boundary) for an enrollment. If proper information is not provided, the county SWCD may not receive full reimbursement for costs. If written approval from IDNR is not obtained for a survey on a 15 year or 35 year contract supplement, the county SWCD will not be reimbursed for any survey costs. Attorney fees incurred for county SWCD responsibilities, as described in Attachment B of the Contract Agreement between IDNR and the SWCD, are not eligible for reimbursement by the State. Detailed attorney billing statements must

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be submitted with vouchers.

- 4) No individual, or the combined maximum of governmental organizations, not-for-profit organizations, or mutually related benefiting organizations associated with a collective enrollment, shall receive payments greater than \$500,000 or 5 percent, whichever is less, of available CREP State funds for any given State fiscal year.
- 5) Total available funds for practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan shall not exceed \$500,000 or 5 percent, whichever is less, of available CREP State funds for any given State fiscal year.

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

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: General Rules
- 2) Code citation: 35 Ill. Adm. Code 101
- 3) Section Number: 101.202 Proposed Action:
Amendment
- 4) Statutory authority: Implementing Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27]
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of August 4, 2005, in Board docket R06-09. The Board is proposing amendments to its procedural rules to reflect recent statutory changes (Public Acts 93-998, 94-094, and 94-249) to the definition of "pollution control facility" in the Environmental Protection Act [415 ILCS 5].

Public Act 93-0998 (P.A. 93-0998, eff. Aug. 23, 2004) added a fourteenth exception to the definition of "pollution control facility" that excludes the portion of a site or facility that accepts, separates, and processes uncontaminated broken concrete, provided that the materials are not stored for more than one year at the site and that they are recycled back to useable form.

Public Act 94-0094 (P.A. 94-0094, eff. July 1, 2005) also amended the Act's definition of "pollution control facility." Specifically, P.A. 94-0094 amended the existing exemption from that definition for "the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000, and operated and located in accordance with Section 22.38 of this Act." 415 ILCS 5/3.330(a)(13) (2004). P.A. 94-0094 limits that exemption to counties that had reached the population threshold of 700,000 "as of January 1, 2000."

Public Act 94-0249 (P.A. 94-0249, eff. July 19, 2005) added a fifteenth exception to the definition of "pollution control facility" to include:

the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of this Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station.

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The Board is incorporating these statutory changes by adding the new exceptions to the definition of "pollution control facility" in Section 101.202. No other changes are proposed in this rulemaking.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy Objective: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805/3].
- 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 R06-09 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

Address all questions to Tim Fox, at 312-814-6085 or email at foxt@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>.

- 12) Initial regulatory flexibility analysis:
 - A) Types of small businesses, small municipalities, and not-for-profit corporations affected:

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This rulemaking would impact small businesses, small municipalities, and not-for-profit corporations only if they operate a pollution control facility that falls under one of the new exceptions.

- B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda in which this rulemaking was summarized: This rulemaking was not summarized on the July 2005 agenda because the final authorizing legislation was not effective until July 19, 2005.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARD

PART 101
GENERAL RULES

SUBPART A: GENERAL PROVISIONS

Section	
101.100	Applicability
101.102	Severability
101.104	Repeals
101.106	Board Authority
101.108	Board Proceedings
101.110	Public Participation
101.112	Bias and Conflict of Interest
101.114	Ex Parte Communications

SUBPART B: DEFINITIONS

Section	
101.200	Definitions Contained in the Act
101.202	Definitions for Board's Procedural Rules

SUBPART C: COMPUTATION OF TIME, FILING, SERVICE OF DOCUMENTS,
AND STATUTORY DECISION DEADLINES

Section	
101.300	Computation of Time
101.302	Filing of Documents
101.304	Service of Documents
101.306	Incorporation of Documents by Reference
101.308	Statutory Decision Deadlines and Waiver of Deadlines

SUBPART D: PARTIES, JOINDER, AND CONSOLIDATION

Section	
101.400	Appearances, Withdrawals, and Substitutions of Attorneys in Adjudicatory Proceedings

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101.402	Intervention of Parties
101.403	Joinder of Parties
101.404	Agency as a Party in Interest
101.406	Consolidation of Claims
101.408	Severance of Claims

SUBPART E: MOTIONS

Section	
101.500	Filing of Motions and Responses
101.502	Motions Directed to the Hearing Officer
101.504	Contents of Motions and Responses
101.506	Motions Attacking the Sufficiency of the Petition, Complaint, or Other Pleading
101.508	Motions to Board Preliminary to Hearing
101.510	Motions to Cancel Hearing
101.512	Motions for Expedited Review
101.514	Motions to Stay Proceedings
101.516	Motions for Summary Judgment
101.518	Motions for Interlocutory Appeal from Hearing Officer Orders
101.520	Motions for Reconsideration
101.522	Motions for Extension of Time

SUBPART F: HEARINGS, EVIDENCE, AND DISCOVERY

Section	
101.600	Hearings
101.602	Notice of Board Hearings
101.604	Formal Board Transcript
101.606	Informal Recordings of the Proceedings
101.608	Default
101.610	Duties and Authority of the Hearing Officer
101.612	Schedule to Complete the Record
101.614	Production of Information
101.616	Discovery
101.618	Admissions
101.620	Interrogatories
101.622	Subpoenas and Depositions
101.624	Examination of Adverse, Hostile or Unwilling Witnesses
101.626	Information Produced at Hearing
101.628	Statements from Participants

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- 101.630 Official Notice
101.632 Viewing of Premises

SUBPART G: ORAL ARGUMENT

- Section
101.700 Oral Argument

SUBPART H: SANCTIONS

- Section
101.800 Sanctions for Failure to Comply with Procedural Rules, Board Orders, or Hearing Officer Orders
101.802 Abuse of Discovery Procedures

SUBPART I: REVIEW OF FINAL BOARD OPINIONS AND ORDERS

- Section
101.902 Motions for Reconsideration
101.904 Relief from and Review of Final Opinions and Orders
101.906 Judicial Review of Board Orders
101.908 Interlocutory Appeal

- 101.APPENDIX A Captions
101.ILLUSTRATION A Enforcement Case
101.ILLUSTRATION B Citizen's Enforcement Case
101.ILLUSTRATION C Variance
101.ILLUSTRATION D Adjusted Standard Petition
101.ILLUSTRATION E Joint Petition for an Adjusted Standard
101.ILLUSTRATION F Permit Appeal
101.ILLUSTRATION G Underground Storage Tank Appeal
101.ILLUSTRATION H Pollution Control Facility Siting Appeal
101.ILLUSTRATION I Administrative Citation
101.ILLUSTRATION J General Rulemaking
101.ILLUSTRATION K Site-specific Rulemaking
101.APPENDIX B Appearance Form
101.APPENDIX C Withdrawal of Appearance Form
101.APPENDIX D Notice of Filing
101.APPENDIX E Certificate of Service
101.ILLUSTRATION A Service by Non-Attorney

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- 101.ILLUSTRATION B Service by Attorney
101.APPENDIX F Notice of Withdrawal (Repealed)
101.APPENDIX G Comparison of Former and Current Rules (Repealed)

AUTHORITY: Implementing Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; codified 6 Ill. Reg. 8357; Part repealed, new Part adopted in R88-5A at 13 Ill. Reg. 12055, effective July 10, 1989; amended in R90-24 at 15 Ill. Reg. 18677, effective December 12, 1991; amended in R92-7 at 16 Ill. Reg. 18078, effective November 17, 1992; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 446, effective January 1, 2001; amended in R04-24 at 29 Ill. Reg. 8743, effective June 8, 2005; amended in R06-9 at 29 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 101.202 Definitions for Board's Procedural Rules

Unless otherwise provided in 35 Ill. Adm. Code 101-130, or unless a different meaning of a word or term is clear from the context, the following definitions also apply to the Board's procedural rules, found in 35 Ill. Adm. Code 101 through 130:

"Act" means the Environmental Protection Act: ~~[415 ILCS 5/1 et seq.]~~.

"Adjudicatory proceeding" means an action of a quasi-judicial nature brought before the Board pursuant to authority granted to the Board under Section 5(d) of the Act or as otherwise provided by law. Adjudicatory proceedings include enforcement, variance, permit appeal, pollution control facility siting appeal, Underground Storage Tank (UST) Fund determination, water well set back exception, adjusted standard, and administrative citation proceedings. Adjudicatory proceedings do not include regulatory, quasi-legislative, or informational proceedings.

"Adjusted standard" or "AS" means an alternative standard granted by the Board in an adjudicatory proceeding pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 104.Subpart D. The adjusted standard applies instead of the rule or regulation of general applicability.

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"Administrative citation" or "AC" means a citation issued pursuant to Section 31.1 of the Act by the Agency, or by a unit of local government acting as the Agency's delegate pursuant to Section 4(r) of the Act.

"Administrative citation review (appeal)" means a petition for review of an administrative citation filed pursuant to Section 31.1(d) of the Act. (See 35 Ill. Adm. Code 108.)

"Affidavit" means a sworn, signed statement witnessed by a notary public.

"Affidavit of service" means an affidavit that states that service of a document upon specified persons was made, and the manner in which, and date upon which, service was made.

"Agency" means the Illinois Environmental Protection Agency as established by Section 4 of the Act.

"Agency recommendation" means the document filed by the Agency pursuant to Sections 37(a) and 28.1(d)(3) of the Act in which the Agency provides its recommended disposition of a petition for variance or an adjusted standard. This includes a recommendation to deny, or a recommendation to grant with or without conditions. (See 35 Ill. Adm. Code 104.218 and 104.416.)

"Amicus curiae brief" means a brief filed in a proceeding by any interested person who is not a party. (See Sections 101.110 and 101.628 of this Part.)

"Applicant" means any person who submits, or has submitted, an application for a permit or for local siting approval pursuant to any of the authorities to issue permits or granting of siting approval identified in Sections 39, 39.1, and 39.5 of the Act.

"Article" means *any object, material, device or substance, or whole or partial copy thereof, including any writing, record, document, recording, drawing, sample, specimen, prototype, model, photograph, culture, microorganism, blueprint or map* [415 ILCS 5/7.1].

"Attorney General" means the Attorney General of the State of Illinois or representatives thereof.

"Authorized representative" means any person who is authorized to act on behalf

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of another person.

"Board" means the Illinois Pollution Control Board as created in Section 5 of the Act or, if applicable, its designee.

"Board decision" means an opinion or an order voted in favor of by at least three members of the Board at an open Board meeting except in a proceeding to remove a seal under Section 34(d) of the Act.

"Board designee" means an employee of the Board who has been given authority by the Board to carry out a function for the Board (e.g., the Clerk, Assistant Clerk of the Board, or hearing officer).

"Board meeting" means an open meeting held by the Board pursuant to Section 5(a) of the Act in which the Board makes its decisions and determinations.

"Board's procedural rules" means the Board's regulations set forth at 35 Ill. Adm. Code 101 through 130.

"Brief" means a written statement that contains a summary of the facts of a proceeding, the pertinent laws, and an argument of how the law applies to the facts supporting a position.

"CAAPP" means the Clean Air Act Permit Program, as adopted in Section 39.5 of the Act.

"Certificate of acceptance" means a certification, executed by a successful petitioner in a variance proceeding, in which the petitioner agrees to be bound by all terms and conditions that the Board has affixed to the grant of variance.

"Chairman" means the Chairman of the Board designated by the Governor pursuant to Section 5(a) of the Act.

"Citizen's enforcement proceeding" means an enforcement action brought before the Board pursuant to Section 31(d) of the Act by any person who is not authorized to bring the action on behalf of the People of the State of Illinois.

"Clean Air Act" or "CAA" means the federal *Clean Air Act*, as now and hereafter amended, 42 USC 7401 et seq. [415 ILCS 5/39.5]

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"Clean Water Act" means the federal Clean Water Act, 33 USC 1251 et seq.

"Clerk" means the Clerk of the Board.

"Complaint" means the initial filing that begins an enforcement proceeding pursuant to Section 31 of the Act and 35 Ill. Adm. Code 103.

"Compliance plan" means a detailed description of a program designed to achieve compliance with the Act and Board regulations.

"Copy" means *any facsimile, replica, photograph or other reproduction of an article, and any note, drawing or sketch made of or from an article* [415 ILCS 5/7.1].

"Counter-complaint" means a pleading that a respondent files setting forth a claim against a complainant. (See 35 Ill. Adm. Code 103.206.)

"Cross-complaint" means a pleading that a party files setting forth a claim against a co-party. (See 35 Ill. Adm. Code 103.206.)

"Cross-media impacts" means impacts that concern multiple environmental areas, such as air, land and/or water.

"Decision date" means the Board meeting immediately preceding the decision deadline.

"Decision deadline" means the last day of any decision period, as established by law, within which the Board is required to render a decision in an adjudicatory proceeding. (See Subpart C of this Part.) (See also Sections 38(a), 40, and 40.1 of the Act that establish 120-day decision deadlines for variances, permit appeals, and review of pollution control facility siting decisions respectively.)

"Decision period" means the period of time established by the Act within which the Board is required to make a Board decision in certain adjudicatory proceedings. (See Subpart C of this Part.) (See also Sections 38(a), 40, and 40.1 of the Act that establish 120-day decision deadlines for variances, permit appeals, and review of pollution control facility siting decisions, respectively.)

"Deinked stock" means *paper that has been processed to remove inks, clays, coatings, binders and other contaminants* [415 ILCS 20/2.1].

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"Delegated unit" means the unit of local government to which the Agency has delegated its administrative citation or other function pursuant to Section 4(r) of the Act.

"DNR" means the Illinois Department of Natural Resources.

"Discovery" means a pre-hearing process that can be used to obtain facts and information about the adjudicatory proceeding in order to prepare for hearing. The discovery tools include depositions upon oral and written questions, written interrogatories, production of documents or things, and requests for admission.

"DOA" means the Illinois Department of Agriculture.

"Duplicative" means the matter is identical or substantially similar to one brought before the Board or another forum.

"Environmental Management System Agreement" or "EMSA" means the agreement between the Agency and a sponsor, entered into under Section 52.3 of the Act and 35 Ill. Adm. Code 187, that describes the innovative environmental measures to be implemented, schedules to attain goals, and mechanisms for accountability.

"Enforcement proceeding" means an adjudicatory proceeding brought upon a complaint filed pursuant to Section 31 of the Act by the Attorney General, State's Attorney, or other persons, in which the complaint alleges violation of the Act, any rule or regulation adopted under the Act, any permit or term or condition of a permit, or any Board order.

"Ex parte communication" means *any written or oral communication by any person that imparts or requests material information or makes a material argument regarding potential action concerning regulatory, quasi-adjudicatory, investment, or licensing matters pending before or under consideration by the Board. "Ex parte communication" does not include the following:*

statements by a person publicly made in a public forum, including pleadings, transcripts, and public comments made part of the proceeding's record;

statements regarding matters of procedure and practice, such as format ,

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the number of copies required, the manner of filing, and the status of a matter; and

statements made by a State employee of the Board to Board members or other employees of the Board. [5 ILCS 430/5-50(b)].

For purposes of this definition, "Board employee" means a person the Board employs on a full-time, part-time, contract or intern basis. (See Section 101.114 of this Part.)

"Fast Track rulemaking" means a Clean Air Act rulemaking conducted pursuant to Section 28.5 of the Act.

"Federally required rule" means *a rule that is needed to meet the requirements of the federal Clean Water Act, Safe Drinking Water Act, Clean Air Act (including required submission of a State Implementation Plan), or Resource Conservation and Recovery Act, other than a rule required to be adopted under subsection (c) of Section 13, Section 13.3, Section 17.5, subsection (a) or (d) of Section 22.4, or subsection (a) of Section 22.40 [415 ILCS 5/28.2].*

"Filing" means the act of delivering a document or article into the custody of the Clerk with the intention of incorporating that document or article into the record of a proceeding before the Board. The Clerk's Office is located at 100 West Randolph Street, Suite 11-500, Chicago, IL 60601.

"Final order" means an order of the Board that terminates the proceeding leaving nothing further to litigate or decide and that is appealable to an appellate court pursuant to Section 41 of the Act. (See Subpart I of this Part.)

"Frivolous" means a request for relief that the Board does not have the authority to grant, or a complaint that fails to state a cause of action upon which the Board can grant relief.

"Hearing" means a public proceeding conducted by a hearing officer where the parties and other interested persons, as provided for by law and the Board's procedural rules, present evidence and argument regarding their positions.

"Hearing officer" means a person licensed to practice law in the State of Illinois who presides over hearings and otherwise carries out record development responsibilities as directed by the Board.

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

"Identical-in-substance rules (or regulations)" means *State regulations which require the same actions with respect to protection of the environment, by the same group of affected persons, as would federal regulations if USEPA administered the subject program in Illinois* [415 ILCS 5/7.2].

"Initial filing" means the filing that initiates a Board proceeding and opens a docket. For instance, the initial filing in an enforcement proceeding is the complaint; in a permit appeal it is a petition for review; and in a regulatory proceeding it is the proposal.

"Innovative environmental measures" means any procedures, practices, technologies or systems that pertain to environmental management and are expected to improve environmental performance when applied. (See 35 Ill. Adm. Code 106.Subpart G.)

"Inquiry hearing" means a hearing conducted by the Board for the purpose of seeking input and comment from the public regarding the need for a rulemaking proceeding in a specific area.

"Interlocutory appeal" means an appeal of a Board decision to the appellate court that is not dispositive of all the contested issues in the proceeding. (See Section 101.908 of this Part.) An interlocutory appeal may also be the appeal of a hearing officer ruling to the Board. (See Section 101.518 of this Part.)

"Intervenor" means a person, not originally a party to an adjudicatory proceeding, who voluntarily participates as a party in the proceeding with the leave of the Board. (See Section 101.402 of this Part.)

"Intervention" means the procedure by which a person, not originally a party to an adjudicatory proceeding, voluntarily comes into the proceeding as a party with the leave of the Board. (See Section 101.402 of this Part.)

"JCAR" means the Illinois General Assembly's Joint Committee on Administrative Rules established by the IAPA (see 5 ILCS 100/5-90).

"Joinder" means the procedure by which the Board adds a person, not originally a party to an adjudicatory proceeding, as a party to the proceeding. (See Section

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101.403 of this Part and 35 Ill. Adm. Code 103.206.)

"Misnomer" means a mistake in name, giving an incorrect name in a complaint or other document with respect to any properly included party.

"Motion" means a request made to the Board or the hearing officer for the purposes of obtaining a ruling or order directing or allowing some act to be done in favor of the movant. (See definition of "movant" in this Section.)

"Movant" means the person who files a motion.

"New pollution control facility" means *a pollution control facility initially permitted for development or construction after July 1, 1981; or the area of expansion beyond the boundary of a currently permitted pollution control facility; or a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste* [415 ILCS 5/[3.330\(b\)](#)~~3.32(b)~~].

"Non-disclosable information" means *information which constitutes a trade secret; information privileged against introduction in judicial proceedings; internal communications of the several agencies; information concerning secret manufacturing processes or confidential data submitted by any person under the Act* [415 ILCS 5/7(a)].

"Notice list" means the list of persons in a regulatory proceeding who will receive all Board opinions and orders and all hearing officer orders. Persons on a notice list generally do not receive copies of motions, public comments, or testimony. (See definition of "service list" in this Section.) (See also 35 Ill. Adm. Code 102.422.)

"Notice to reinstate" means a document filed that recommences the decision period after a decision deadline waiver has been filed. The notice will give the Board a full decision period in which to make a decision. (See Section 101.308 of this Part.)

"Oral argument" means a formal verbal statement of advocacy on a proceeding's legal questions made at a Board meeting with the Board's permission. (See Section 101.700 of this Part.)

"OSFM" means Office of the State Fire Marshal.

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"OSFM appeal" means an appeal of an OSFM final decision concerning eligibility and deductibility made pursuant to Title XVI of the Act.

"Participant" means any person, not including the Board or its staff, who takes part in an adjudicatory proceeding who is not a party, or a person who takes part in a regulatory or other quasi-legislative proceeding before the Board. A person becomes a participant in any of several ways, including filing a comment, being added to the notice list of a particular proceeding, or testifying at hearing.

"Participant in a CAAPP Comment Process" means a person who takes part in a Clean Air Act Permit Program (CAAPP) permit hearing before the Agency or comments on a draft CAAPP permit.

"Party" means the person by or against whom a proceeding is brought.

"Party in interest" means the Agency when asked to conduct an investigation pursuant to Section 30 of the Act during an ongoing proceeding. (See Section 101.404 of this Part.)

"Peremptory rulemaking" means *any rulemaking that is required as a result of federal law, federal rules and regulations, or an order of a court, under conditions that preclude compliance with the general rulemaking requirements of Section 5-40 of the IAPA and that preclude the exercise by the Board as to the content of the rule it is required to adopt.* [5 ILCS 100/5-50]

"Permit appeal" means an adjudicatory proceeding brought before the Board pursuant to Title X of the Act.

"Person" means *any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.* [415 ILCS 5/3.315]

"Petition" means the initial filing in an adjudicatory proceeding other than an enforcement proceeding, including permit appeals, OSFM appeals, UST appeals, appeals of pollution control facility siting decisions, variances and adjusted standards.

"Pilot project" means an innovative environmental project that covers one or more

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designated facilities, designed and implemented in the form of an EMSA. (See Section 52.3 of the Act.)

"Pollution control facility" means *any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act. The following are not pollution control facilities:*

waste storage sites regulated under 40 CFR 761.42;

sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;

sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3 of the Act;

abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;

sites or facilities used by any person to specifically conduct a landscape composting operation;

regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;

the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21 of the Act;

the portion of a site or facility used for the collection, storage or

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processing of waste tires as defined in Title XIV;

the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) of the Act are exempt under this definition;

the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;

the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;

the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000 as of January 1, 2000, and operated and located in accordance with Section 22.38 of the Act.~~[415 ILCS 5/3.330]~~;

the portion of a site or facility, located within a unit of local government that has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products; and

the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of the Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station [415 ILCS 5/3.330].

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"Pollution control facility siting appeal" means an appeal of a decision made by a unit of local government filed with the Board pursuant to Section 40.1 of the Act.

"Postconsumer material" means *paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, and so forth, after the waste has been passed through its end usage as a consumer item, including used corrugated boxes, old newspapers, mixed waste paper, tabulating cards, and used cordage.* Additionally, it includes *all paper, paperboard, and other fibrous wastes that are diverted or separated from the municipal solid waste stream* [415 ILCS 20/3(f)(2)(i) and (ii)]. (See also definition of "recycled paper" in this Section.)

"Prehearing conference" means a meeting held in an adjudicatory case to determine the status of the proceedings. A prehearing conference may also be a meeting held in a regulatory proceeding prior to the hearing, the purposes of which *shall be to maximize understanding of the intent and application of the proposal, if possible, and to attempt to identify and limit the issues of disagreement among participants to promote efficient use of time at hearing* [415 ILCS 5/27(d)]. (See 35 Ill. Adm. Code 102.404 and 102.406.)

"Proceeding" means an action conducted before the Board pursuant to authority granted under Section 5 of the Act or as otherwise provided by law. Board proceedings are of two types: quasi-legislative (rulemaking and inquiry proceedings) and quasi-judicial (adjudicatory proceedings).

"Proponent" means any person, not including the Board or its staff, who submits a regulatory proposal to the Board for the adoption, amendment, or repeal of a regulation.

"Provisional variance" means a short term variance sought by an applicant and issued by the Agency pursuant to Section 35(b) of the Act. (See 35 Ill. Adm. Code 104.Subpart C.)

"Public comment" means information submitted to the Board during a pending proceeding either by oral statement made at hearing or written statement filed with the Board.

"Qualitative description" means a narrative description pertaining to attributes and characteristics.

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"Quantitative description" means a numerically based description pertaining to attributes and characteristics.

"RCRA variance" means a variance from a RCRA rule or a RCRA permit required pursuant to Section 21(f) of the Act.

"Record" means the official collection, as kept by the Clerk, of all documents and exhibits including pleadings, transcripts, and orders filed during the course of a proceeding.

"Recycled paper" means paper which contains at least 50% recovered paper material. The recovered paper material must contain at least 45% deinked stock or postconsumer material. (See also "postconsumer material" in this Section.)

"Registered agent" means a person registered with the Secretary of State for the purpose of accepting service for any entity, or a person otherwise authorized in writing as an agent for the purpose of accepting service for that entity.

"Regulatory hearing" or "proceeding" means a hearing or proceeding held pursuant to Title VII of the Act or other applicable law with respect to regulations.

"Regulatory relief mechanisms" means variances, provisional variances and adjusted standards. (See 35 Ill. Adm. Code 104.)

"Representing" means, for purposes of Part 130, *describing, depicting, containing, constituting, reflecting or recording* [415 ILCS 5/7.1].

"Requester" means, for purposes of Part 130, the person seeking from the agency the material claimed or determined to be a trade secret (see 415 ILCS 5/7.1).

"Resource Conservation and Recovery Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.).

"Rulemaking" or "rulemaking proceeding" means a proceeding brought under Title VII of the Act or other applicable law for the purpose of adoption, amendment, or repeal of a regulation.

"Sanction" means a penalty or other mechanism used by the Board to provide

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incentives for compliance with the Board's procedural rules, Board orders or hearing officer orders. (See also Subpart H of this Part.)

"SDWA" means the federal Safe Drinking Water Act (42 USC 300f et seq.).

"Service" means delivery of documents upon a person. (See Sections 101.300(c) and 101.304 of this Part.)

"Service list" means the list of persons designated by the hearing officer or Clerk in a regulatory or adjudicatory proceeding upon whom participants must serve motions, prefiled questions and prefiled testimony and any other documents that the participants file with the Clerk unless the hearing officer otherwise directs. (See definition of "notice list" in this Section.) (See also 35 Ill. Adm. Code 102.422.)

"Severance" means the separation of a proceeding into two or more independent proceedings, each of which terminates in a separate, final judgment.

"Site-specific rule or regulation" means a proposed or adopted regulation, not of general applicability, that applies only to a specific facility, geographic site, or activity. (See 35 Ill. Adm. Code 102.208.)

"Sponsor" means the proponent of a pilot project that enters into an EMSA with the Agency.

"State enforcement proceeding" means an enforcement proceeding, other than a citizen's enforcement proceeding, that is brought pursuant to Section 31 of the Act.

"Stay" means a temporary suspension of the regular progress of a proceeding pursuant to an order of the Board or by operation of law. (See Section 101.514 of this Part.)

"Subpoena" means a command to appear at a certain time and place to give testimony upon a certain matter.

"Subpoena duces tecum" means a document that compels the production of specific documents and other items at a specified time and place.

"Summary judgment" means the disposition of an adjudicatory proceeding

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without hearing when the record, including pleadings, depositions and admissions on file, together with any affidavits, shows that there is no genuine issue of material fact, and that the moving party is entitled to judgment as a matter of law. (See Section 101.516 of this Part.)

"Third party complaint" means a pleading that a respondent files setting forth a claim against a person who is not already a party to the proceeding. (See 35 Ill. Adm. Code 103.206.)

"Trade secret" means *the whole or any portion or phase of any scientific or technical information, design, process (including a manufacturing process), procedure, formula or improvement, or business plan which is secret in that it has not been published or disseminated or otherwise become a matter of general public knowledge, and which has competitive value. A trade secret is presumed to be secret when the owner thereof takes reasonable measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.* [415 ILCS 5/3.490]

"Transcript" means the official recorded testimony from a hearing.

"USEPA" means the United States Environmental Protection Agency.

"Underground storage tank appeal" or "UST appeal" means an appeal of an Agency final decision made pursuant to Title XVI of the Act.

"UST" means underground storage tank.

"Variance" means a temporary exemption from any specified regulation, requirement or order of the Board granted to a petitioner by the Board pursuant to Title IX of the Act *upon presentation of adequate proof that compliance with the rule or regulation, requirement or order of the Board would impose an arbitrary or unreasonable hardship* [415 ILCS 5/35(a)].

"Waiver" means the intentional relinquishing of a known right, usually with respect to a hearing before the Board or entry of a Board decision within the decision period. (See also Section 101.308 of this Part.)

"Web site" means the Board's computer-based informational service accessed on the Internet at <http://www.ipcb.state.il.us>.

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

DEPARTMENT OF PUBLIC HEALTH

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(e-mail: rules@idph.state.il.us)

- 12) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities, and not-for-profit corporations affected: Local Health Departments
 - B) Reporting, bookkeeping or other procedures required for compliance: Staff from certified local health departments will incur a minimal increase in workload due to the information that must be collected, from persons with a positive West Nile virus test result, and transmitted to blood donation facilities. Only a small number of donors annually are diagnosed with West Nile virus within 2 weeks after blood component donation.
 - C) Types of professional skills necessary for compliance: The professional skills maintained by local health department staff are sufficient for compliance with this rulemaking.
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent Regulatory Agendas because: The need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONSPART 690
CONTROL OF COMMUNICABLE DISEASES CODE

SUBPART A: REPORTABLE DISEASES AND CONDITIONS

Section	
690.100	Diseases and Conditions
690.110	Diseases Repealed From This Part

SUBPART B: REPORTING

Section	
690.200	Reporting

SUBPART C: DETAILED PROCEDURES FOR THE CONTROL OF
COMMUNICABLE DISEASES

Section	
690.290	Acquired Immunodeficiency Syndrome (AIDS) (Repealed)
690.295	Any Unusual Case or Cluster of Cases That May Indicate a Public Health Hazard (Reportable by telephone as soon as possible, within 24 hours)
690.300	Amebiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
690.310	Animal Bites (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
690.320	Anthrax (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)
690.325	Blastomycosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
690.327	Botulism, Foodborne, Infant, Wound, Other (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease for foodborne or within 24 hours for other types)
690.330	Brucellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
690.335	Campylobacteriosis (Reportable by mail, telephone, facsimile or electronically, within 7 days)

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- 690.340 Chancroid (Repealed)
- 690.350 Chickenpox (Varicella) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.360 Cholera (Reportable by telephone as soon as possible, within 24 hours)
- 690.365 Cryptosporidiosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.368 Cyclosporiasis (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.370 Diarrhea of the Newborn (Reportable by telephone as soon as possible, within 24 hours)
- 690.380 Diphtheria (Reportable by telephone as soon as possible, within 24 hours)
- 690.385 Ehrlichiosis, Human Granulocytic (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.386 Ehrlichiosis, Human Monocytic (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.390 Encephalitis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.400 Enteric Escherichia coli Infections (E. coli: 0157:H7 and Other Enterohemorrhagic E. coli, Enterotoxigenic E. coli, and Enteropathogenic E. coli) (Reportable by telephone as soon as possible, within 24 hours)
- 690.410 Foodborne or Waterborne Illness (Reportable by telephone as soon as possible, within 24 hours)
- 690.420 Giardiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.430 Gonorrhea (Repealed)
- 690.440 Granuloma Inguinale (Repealed)
- 690.441 Haemophilus influenzae, Meningitis and Other Invasive Disease (Reportable by telephone, within 24 hours)
- 690.442 Hantavirus Pulmonary Syndrome (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.444 Hemolytic Uremic Syndrome, Post-diarrheal (Reportable by telephone, within 24 hours)
- 690.450 Hepatitis A (Reportable by telephone as soon as possible, within 24 hours)
- 690.451 Hepatitis B (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.452 Hepatitis C Infection (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.453 Hepatitis, Viral, Other (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.460 Histoplasmosis (Reportable by mail, telephone, facsimile or electronically as soon

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- as possible, within 7 days)
- 690.470 Intestinal Worms (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.475 Legionnaires' Disease (Legionellosis) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.480 Leprosy (Hansen's Disease) (infectious and non-infectious cases are reportable) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.490 Leptospirosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.495 Listeriosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.500 Lymphogranuloma Venereum (Lymphogranuloma Inguinale Lymphopathia Venereum) (Repealed)
- 690.505 Lyme Disease (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.510 Malaria (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.520 Measles (Reportable by telephone as soon as possible, within 24 hours)
- 690.530 Meningitis, Aseptic (Including Arboviral Infections) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.540 Meningococemia (Reportable by telephone as soon as possible) (Repealed)
- 690.550 Mumps (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.555 Neisseria meningitidis, Meningitis and Invasive Disease (Reportable by telephone as soon as possible, within 24 hours)
- 690.560 Ophthalmia Neonatorum (Gonococcal) (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.570 Plague (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)
- 690.580 Poliomyelitis (Reportable by telephone as soon as possible, within 24 hours)
- 690.590 Psittacosis (Ornithosis) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.595 Q-fever (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)
- 690.600 Rabies, Human (Reportable by telephone as soon as possible, within 24 hours)
- 690.601 Rabies, Potential Human Exposure (Reportable by telephone, within 24 hours)
- 690.610 Rocky Mountain Spotted Fever (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.620 Rubella (German Measles) (Including Congenital Rubella Syndrome) (Reportable

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- 690.630 by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
Salmonellosis (Other than Typhoid Fever) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.640 Shigellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.650 Smallpox (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)
- 690.655 Smallpox, complications of vaccination for (Reportable by telephone or electronically as soon as possible, within 24 hours)
- 690.660 Staphylococcus aureus Infections Occurring In Infants Under 28 Days of Age Within a Health Care Institution or With Onset After Discharge (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.661 Staphylococcus aureus Infections with Intermediate or High Level Resistance to Vancomycin (Reportable by telephone, within 24 hours)
- 690.670 Streptococcal Infections, Group A, Invasive Disease (Including Toxic Shock Syndrome) and Sequelae to Group A Streptococcal Infections (rheumatic fever and acute glomerulonephritis)(Reportable by telephone, within 24 hours)
- 690.675 Streptococcal Infections, Group B, Invasive Disease, of the Newborn (birth to 3 months) (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.678 Streptococcus pneumoniae, Invasive Disease (Including Antibiotic Susceptibility Test Results) (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.680 Syphilis (Repealed)
- 690.690 Tetanus (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.695 Staphylococcus aureus Infection, Toxic Shock Syndrome (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.700 Trachoma (Repealed)
- 690.710 Trichinosis (Trichinellosis) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.720 Tuberculosis (Repealed)
- 690.725 Tularemia (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)
- 690.730 Typhoid Fever (Reportable by telephone as soon as possible, within 24 hours)
- 690.740 Typhus (Reportable by telephone as soon as possible, within 24 hours)
- 690.750 Pertussis (Whooping Cough) (Reportable by telephone as soon as possible, within 24 hours)
- 690.752 Yersiniosis (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.800 Any Suspected Bioterrorist Threat or Event (Reportable by telephone

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immediately, within 3 hours upon initial clinical suspicion of the disease)

SUBPART D: DEFINITIONS

Section
690.900 Definition of Terms

SUBPART E: GENERAL PROCEDURES

Section
690.1000 General Procedures for the Control of Communicable Diseases
690.1010 Incorporated Materials

SUBPART F: SEXUALLY TRANSMITTED DISEASES (Repealed)

Section
690.1100 The Control of Sexually Transmitted Diseases (Repealed)

SUBPART G: PROCEDURES FOR WHEN DEATH OCCURS FROM
COMMUNICABLE DISEASES

Section
690.1200 Death of a Person Who Had a Known or Suspected Communicable Disease
690.1210 Funerals (Repealed)

EXHIBIT A Typhoid Fever Agreement (Repealed)

AUTHORITY: Implementing the Communicable Disease Report Act [745 ILCS 45], and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].

SOURCE: Amended July 1, 1977; emergency amendment at 3 Ill. Reg. 14, p. 7, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 131, effective December 7, 1979; emergency amendment at 4 Ill. Reg. 21, p. 97, effective May 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 38, p. 183, effective September 9, 1980; amended at 7 Ill. Reg. 16183, effective November 23, 1983; codified at 8 Ill. Reg. 14273; amended at 8 Ill. Reg. 24135, effective November 29, 1984; emergency amendment at 9 Ill. Reg. 6331, effective April 18, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9124, effective June 3, 1985; amended at 9 Ill. Reg. 11643, effective July 19, 1985; amended at 10 Ill. Reg. 10730, effective June 3, 1986; amended at 11 Ill. Reg. 7677, effective July 1, 1987; amended at 12 Ill. Reg. 10045, effective May 27, 1988; amended at 15 Ill. Reg. 11679, effective August 15, 1991; amended at

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18 Ill. Reg. 10158, effective July 15, 1994; amended at 23 Ill. Reg. 10849, effective August 20, 1999; amended at 25 Ill. Reg. 3937, effective April 1, 2001; amended at 26 Ill. Reg. 10701, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 592, effective January 2, 2003, for a maximum of 150 days; emergency expired May 31, 2003; amended at 27 Ill. Reg. 10294, effective June 30, 2003; amended at 29 Ill. Reg. _____, effective _____.

SUBPART C: DETAILED PROCEDURES FOR THE
CONTROL OF COMMUNICABLE DISEASES**Section 690.530 Meningitis, Aseptic (Including Arboviral Infections) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)**

- a) Incubation Period Varies with the specific infectious agent.
- b) Control of Case.
 - 1) Enteric precautions (Section 690.1010(a)(1)) or equivalent isolation procedures (Section 690.1010(a)(13)) are indicated for 7 days after onset of illness unless a non-enteroviral diagnosis is established.
 - 2) Concurrent disinfection is required of eating and drinking utensils and articles soiled by excretions and secretions of patient. (See Section 690.1000(e)(1).)
 - 3) Local health departments shall inquire of all persons for whom a West Nile virus test result is positive about recent blood donation. If such a donation took place in the two weeks prior to onset of symptoms, the local health department shall notify the director of the donation facility of the donor's name, date of birth, sex, zip code, state of residence, date of donation, date of illness onset and arboviral test results. Patient information, including test results received by donation facilities, shall be confidential.
- c) Control of Contacts. There are no restrictions for contacts.
- d) General Measures.
 - 1) During summer months, cases should have acute and convalescent serum specimens collected and tested for arbovirus antibodies. Cerebrospinal fluid should also be submitted to the State laboratory for arboviral and

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NOTICE OF PROPOSED AMENDMENT

enteroviral studies.

- 2) An environmental investigation should be performed by the local health authority at sites of possible mosquito exposure of a case of California encephalitis to eliminate mosquito breeding sites, such as discarded tires.
 - 3) Persons should be encouraged to use proper hand washing procedures.
- e) Laboratory Reporting.
- 1) Laboratories are required to report to the local health authority meningitis patients from whom a virus was cultured.
 - 2) Laboratories are required to submit virus isolates from meningitis patients to the Department's laboratory for typing.
 - 3) Laboratories are required to report persons with suspected meningitis who also have pleocytosis of the cerebrospinal fluid, even in the absence of a positive culture. Local health authorities will then investigate to determine if the case represents a reportable form of meningitis or if additional specimens need to be collected to determine if the case may be an arboviral infection.
 - 4) Between June 15 and October 31 laboratories are required to forward cerebrospinal fluid (CSF) specimens from patients with aseptic meningitis for arboviral testing and enterovirus culture.
- f) Reporting of Cases. An individual case report form and a morbidity card supplied by the Department are required to be submitted by the local health authority for all reportable meningitis cases.
AGENCY NOTE: Laboratory efforts to identify the etiologic agent should be made.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Totalizator Operations
- 2) Code Citation: 11 Ill. Adm. Code 433
- 3) Section Number: 433.120 Proposed Action:
Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: Currently, a wager of \$500 or less at a manned terminal may be cancelled. This rulemaking would extend to self-service terminals and permit the cancellation of a wager of \$250 or less during afternoon host hours and \$50 or less during evening host hours. However, with less than two minutes to post time during the evening host hours, 6:30 p.m. to 6:30 a.m., no cancellation of wagers shall be permitted at self-service terminals. In addition, the State Director of Mutuels shall have the authority to modify these parameters.
- 6) Will this rulemaking replace any emergency rulemakings 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 in this Part? Yes
- 10) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

(312) 814-5017
mickey_ozzo@irb.state.il.us
- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: It was not anticipated when they were submitted.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 433

TOTALIZATOR OPERATIONS

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section

- 433.10 Definitions
- 433.15 Purpose
- 433.20 Pari-Mutuel Audit Unit
- 433.25 Access to Totalizator and Pari-Mutuel Facility
- 433.30 Work Area for Pari-Mutuel Auditors
- 433.35 System Failure
- 433.45 Scientific Advancements
- | 433.50 Filings~~Filing~~
- 433.55 Standards

SUBPART B: PROCEDURES AND REPORTS REQUIRED OF ORGANIZATION LICENSEES

Section

- 433.60 Cashed Tickets
- 433.70 Summary of Pari-Mutuel Operations (Repealed)

SUBPART C: MUTUEL TICKETS

Section

- 433.100 Marking of Tickets
- 433.110 Status of Outs Account
- 433.120 Cancellation of Tickets
- | 433.130 Records of Refunds and Cancellations
- 433.140 Computer Print-Outs
- 433.145 Additional Method of Calculation

SUBPART D: MUTUEL FACILITIES; TICKETS; SPECIFICATIONS~~SPECIFICATIONS~~ REQUIREMENTS AND PROCEDURES

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Section

433.200	No Reduction in Capacity
433.210	Totalizators
433.220	Final Confirmation
433.230	Status Report
433.240	Locking Devices
433.250	Control of Locking Devices
433.260	Accounting for Individual Tickets
433.270	Tickets
433.280	Security for Tote Equipment
433.290	Access to Tote Room
433.295	Fax Machine
433.298	Hot-Line Telephone

SUBPART E: TOTALIZATOR SYSTEM: SYSTEM REQUIREMENTS

Section

433.300	General System Requirements
433.310	Redundant Capabilities
433.320	Redundant Hardware
433.330	Stop Betting Command
433.340	Record of Stop Betting Command
433.350	Odds Board Control
433.360	Odds Update
433.370	Retention of Racing Program Data
433.380	Control Access to Tote Computer Equipment
433.390	Software
433.400	Provide Summary
433.410	Unique Ticket Number
433.420	Uncashed Tickets
433.430	Computer Produced Reports
433.440	Magnetic Log Files
433.450	Security Sub-System
433.455	Access to Sub-Systems
433.458	Emergency Power Source
433.460	Power Fluctuations
433.470	Two Independent Sets of Pool Totals
433.480	Loss of Communications Reports
433.490	Cancellations

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SUBPART F: TOTALIZATOR SYSTEM: PROCEDURAL REQUIREMENTS

Section	
433.500	General Procedural Requirements
433.510	Pre-Program Tests
433.520	Totalizator Programs
433.530	Duplicate Copy of Totalizator Programs
433.540	Notice of Software Modifications
433.550	Testing of Software Modifications
433.560	Controlling System Utilities
433.570	Access to Tote Room
433.580	Control Log
433.600	Back-Up Procedures
433.610	Shut- Down <u>down</u> Procedures

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

SOURCE: Adopted at 11 Ill. Reg. 12380, effective July 18, 1987; amended at 14 Ill. Reg. 20059, effective December 4, 1990; amended at 15 Ill. Reg. 2736, effective February 5, 1991; amended at 16 Ill. Reg. 20171, effective December 9, 1992; amended at 18 Ill. Reg. 7443, effective May 8, 1994; amended at 19 Ill. Reg. 13963, effective October 1, 1995; amended at 29 Ill. Reg. _____, effective _____.

SUBPART C: MUTUEL TICKETS

Section 433.120 Cancellation of Tickets

- a) Any wager [at a manned terminal](#) with a price of \$500 or less may be cancelled, at the option of the holder, without question. [Unmanned terminals may cancel \\$250 or less during the afternoon host hours and \\$50 or less with a two minute to post prohibition during the evening host hours, at the option of the holder, without question.](#)
- b) Wagers with a price exceeding \$500 may only be cancelled with approval of the Mutuel Manager of the organization licensee (e.g., race moved from turf to dirt, late jockey/driver change, late scratch of [a](#) horse).
- c) [The State Director of Mutuels shall have the authority to modify the cancellation](#)

ILLINOIS RACING BOARD

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| [parameters for either manned or unmanned terminals.](#)

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

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.7310 Adopted Action: Amendment
- 4) Statutory Authority: 35 ILCS 5/704
- 5) Effective Date of Amendment: August 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 amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 5283; April 15, 2005
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Register Citation</u>
100.2140	Amendment	29 Ill. Reg. 2988; 02/25/05
100.2150	Amendment	29 Ill. Reg. 2988; 02/25/05
100.2330	Amendment	29 Ill. Reg. 2988; 02/25/05
- 15) Summary and Purpose of Amendment: 35 ILCS 5/704 generally requires an employer who withholds Illinois income tax from its employees to file returns each quarter. 35

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ILCS 5/704(d) provides that, if the employer withholds less than \$500 in Illinois income tax during a year, the Department of Revenue may, by regulation, permit the employer to file a single return for the whole year. 86 Ill. Adm. Code 100.7310 implements this statute. Some small businesses that withhold more than \$500 annually, and, therefore, must file quarterly returns, have misread the current regulation as permitting them to withhold tax and not file returns until the total withholding exceeds \$500. To eliminate this confusion, this proposed rulemaking amends Section 100.7310 to require quarterly returns to be filed, unless the employer expects to withhold less than \$500 for the year and also withheld less than \$500 in the prior year.

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

Paul Caselton
Deputy General Counsel - Income Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

(217) 782-7055

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

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NOTICE OF ADOPTED AMENDMENT

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

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA 212)

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

Section

DEPARTMENT OF REVENUE

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- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

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

Section

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

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

Section

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

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

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

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

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

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

Section

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

SUBPART J: COMPENSATION

Section

- 100.3100 Compensation (IITA Section 302)

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

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

Section

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

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

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

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

- 100.5000 Time for Filing Returns: Individuals (IITA Section 505)

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100.5010	Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020	Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030	Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040	Innocent Spouses
100.5050	Frivolous Returns
100.5060	Reportable Transactions

SUBPART O: COMPOSITE RETURNS

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

SUBPART P: COMBINED RETURNS

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

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

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Section

100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section

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

SUBPART S: INFORMATION STATEMENT

Section

100.7200	Reports for Employee (IITA Section 703)
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SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

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

SUBPART U: COLLECTION AUTHORITY

Section

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

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SUBPART V: NOTICE AND DEMAND

Section
100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section
100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section
100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section
100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section
100.9500 Access to Books and Records (IITA Section 913)
100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510 Taxpayer Representation and Practice Requirements
100.9520 Conduct of Investigations and Hearings (IITA Section 914)
100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section
100.9600 Administrative Review Law (IITA Section 1201)

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SUBPART BB: DEFINITIONS

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

SUBPART CC: LETTER RULING PROCEDURES

Section	
100.9800	Letter Ruling Procedures

SUBPART DD: MISCELLANEOUS

Section	
100.9900	Tax Shelter Voluntary Compliance Program
100.APPENDIX A	Business Income Of Persons Other Than Residents
100.TABLE A	Example of Unitary Business Apportionment
100.TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

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

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941,

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effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum

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of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005.

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

Section 100.7310 Quarterly Returns Filed on Annual Basis (IITA Section 704)

- a) In general. Effective January 1, 2005, if an employer had no obligation to deduct and withhold Illinois income tax in the previous calendar year or January 1, 1986 (and pursuant to P.A. 84-341) if the amount of tax deducted and withheld during the previous calendar year was less than \$500 and, in either case, the amount that will be deducted and withheld in the current calendar year will be less than \$500.00, the (formerly \$100), an employer may file an annual return for the current calendar year or for any period for which a return is made as a final return. No application need be made to file an annual return. The return filed for such period shall report the amount of tax deducted and withheld during the period and not previously remitted. Form IL-941 is prescribed for making the return authorized under this subsection paragraph. An employer shall use Form W-3 to submit the information contained on the combined Form W-2, in the same manner as required under Section 100.7300 above.
- b) Duration of annual filing status. Authority to file a return pursuant to this Section shall remain in effect until that time during any calendar year when the amount of tax deducted and withheld equals or exceeds \$500.00. When during any such calendar year the amount deducted and withheld equals or exceeds \$500.00, an employer must file a quarterly return, as required under Section 100.7300(a) above, for the quarter in which such event occurs and for all subsequent quarters until the requirements of subsection (a) are again met by the employer permission pursuant to subsection (a) of this Section is again granted. If at any time during the calendar year an employer is required to file a quarterly return pursuant to the preceding sentence, the permission granted under subsection (a) of this Section will not be granted again until the following calendar year.
- c) Cross reference. See IITA Sections 1002(c) and 1002(d), the UPIA and 86 Ill. Adm. Code 700 for penalties for failure to file a return and remit the tax required by this Act.

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NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 29 Ill. Reg. 13211, effective August 15, 2005)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rulemaking in Illinois
- 2) Code Citation: 1 Ill. Adm. Code 100
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
100.355	New Section
100.410	Amendment
100.Appendix A Illustration A	Amendment
- 4) Statutory Authority: Implements changes to, and authorized by, the Illinois Administrative Procedure Act (5 ILCS 100).
- 5) Effective Date of Amendments: August 12, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Published in the Illinois Register: April 22, 2005; 29 Ill. Reg. 5637
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: No substantive changes were made between proposal and adoption. All technical changes recommended by JCAR were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 100.355 will define underlying data, and the amendment to Section 100.410 will require that underlying data be cited on the notice page.

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NOTICE OF ADOPTED AMENDMENTS

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

Secretary of State
Nathan Maddox, Assistant General Counsel
298 Howlett Building
Springfield, IL 62701

217-785-3094

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

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 1: GENERAL PROVISIONS
CHAPTER I: SECRETARY OF STATEPART 100
RULEMAKING IN ILLINOIS

SUBPART A: DEFINITIONS AND CODIFICATION

Section	
100.100	Rulemaking Compliance
100.110	Definitions
100.120	Agencies Covered
100.130	Illinois Administrative Code Organization
100.140	Codification Outline
100.150	Notice of Codification Changes
100.160	Deletion or Transfer of Rules
100.170	Re-using Part or Section Numbers (Renumbered)
100.180	Style Manual

SUBPART B: ILLINOIS REGISTER

Section	
100.200	Publication Schedule and Deadline
100.210	Contents
100.220	Publication Requirements
100.225	Cover Letter
100.230	Publication of Materials Incorporated by Reference
100.240	Notices of Corrections
100.250	Expedited Corrections
100.260	Indexes
100.270	Illinois Register Availability
100.280	Fees
100.290	Uncodified Rules (Repealed)

SUBPART C: RULE DRAFTING REQUIREMENTS

Section	
100.300	Headings
100.310	Table of Contents
100.315	Re-using Part or Section Numbers

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NOTICE OF ADOPTED AMENDMENTS

100.320	Authority Note
100.330	Source Notes
100.335	Automatic Repeal of Rules
100.340	Text of the Part; Subsections
100.345	Renumbering Sections within a Part
100.350	Supplementary Material
100.355	Underlying Data
100.360	Proper Format
100.370	Citation of Codified Rules
100.380	Statutory Language and Statutory Citations
100.385	Incorporation by Reference; Citation of Referenced Material
100.390	Footnotes; Agency Notes; Editor's Notes

SUBPART D: PROPOSED RULES

Section	
100.400	Required Notice Periods
100.410	Notice of Proposed Rules
100.415	Other Statutory Requirements for Rulemaking
100.420	Text of Proposed Rules
100.430	Notice of Corrections
100.440	Notice of Modification, Withdrawal, or Refusal to Modify or Withdraw a Rule
100.445	Requirements for Submitting Materials for Register Publication
100.450	Index Department Review of Proposed Rules

SUBPART E: ADOPTED RULES

Section	
100.500	Requirements for Filing
100.510	Other Documents Required for Filing Adopted Rules
100.520	Requirements for Illinois Register Publication
100.530	Notice of Adopted Rules
100.540	Text of Adopted Rules
100.545	Index Department Review of Adopted Rules
100.550	Certificate of Review and Approval

SUBPART F: EMERGENCY RULES

Section	
100.600	Filing; Agency Certification

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NOTICE OF ADOPTED AMENDMENTS

100.610	Notice of Emergency Rules
100.620	Text of Emergency Rules
100.630	File Copy of Emergency Rules
100.640	Effectiveness
100.650	Adoption as a Permanent Rule
100.655	Index Department Review of Emergency Rules
100.660	Certificate of Review and Approval
100.670	Modification of an Emergency Rule
100.680	Repeal of an Emergency Rule

SUBPART G: PEREMPTORY RULES

Section	
100.700	Submission; Agency Certification
100.710	Notice of Peremptory Rules
100.720	Text of Peremptory Rules
100.730	File Copy of Peremptory Rules
100.735	Index Department Review of Peremptory Rules
100.740	Certificate of Review and Approval

SUBPART H: INTERNAL RULES

Section	
100.800	Requirements
100.810	Effectiveness; Exemption from Notice
100.815	Index Department Review of Internal Rules
100.820	Certificate of Review and Approval

SUBPART I: PROHIBITED FILING

Section	
100.900	Certified Statements from Joint Committee on Administrative Rules
100.910	Prohibition of the Filing of Rules
100.920	Continuation of Prohibition

SUBPART J: PUBLIC INSPECTION AND COPYING

Section	
100.1000	Certified Rules; Inspection
100.1010	Photocopies and Fees

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NOTICE OF ADOPTED AMENDMENTS

- 100.1020 Illinois Administrative Code
- 100.1025 Public Domain
- 100.1030 State Property (Repealed)

SUBPART K: MISCELLANEOUS

Section

- 100.1100 Recodification of Rules
- 100.1110 Notice of Recodification
- 100.1115 Index Department Review of Recodified Rules
- 100.1120 Certificate of Review and Approval
- 100.1130 Format for Register Publication of Notices of the Joint Committee on Administrative Rules
- 100.1140 Index Department Review of Other Notices and Materials Submitted for Register Publication
- 100.1150 Regulatory Agendas
- 100.1160 Regulatory Flexibility Notice

SUBPART L: ILLINOIS ADMINISTRATIVE CODE

Section

- 100.1200 Availability
- 100.1210 Fees
- 100.APPENDIX A Proposed Rules
 - 100.ILLUSTRATION A Notice of Proposed Rules
 - 100.ILLUSTRATION B Notice of Withdrawal of Proposed Rules
 - 100.ILLUSTRATION C Notice of Modification, Withdrawal or Refusal in Response to an Objection by the Joint Committee on Administrative Rules
 - 100.ILLUSTRATION D Notice of Corrections to Proposed Rules
 - 100.ILLUSTRATION E Notice of Public Hearing on Proposed Rules
 - 100.ILLUSTRATION F Notice of Corrections to Notice Only (Renumbered)
- 100.APPENDIX B Adopted Rules
 - 100.ILLUSTRATION A Notice of Adopted Rules
 - 100.ILLUSTRATION B Text of Adopted Rules (Repealed)
 - 100.ILLUSTRATION C Agency Certification
 - 100.ILLUSTRATION D Format for Filing Adopted Rules
 - 100.ILLUSTRATION E Notice of Automatic Repeal of Adopted Rules
 - 100.ILLUSTRATION F Notice of Corrections to Adopted Rules (Repealed)
 - 100.ILLUSTRATION G Request for Expedited Correction

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NOTICE OF ADOPTED AMENDMENTS

100.ILLUSTRATION H	Refusal to Certify Expedited Correction
100.ILLUSTRATION I	Notice of Expedited Correction
100.APPENDIX C	Emergency Rules
100.ILLUSTRATION A	Notice of Emergency Rules
100.ILLUSTRATION B	Text of Emergency Rules (Repealed)
100.ILLUSTRATION C	Agency Certification of Emergency Rules
100.ILLUSTRATION D	Notice of Modification to Emergency Rules
100.APPENDIX D	Peremptory Rules
100.ILLUSTRATION A	Notice of Peremptory Rules
100.ILLUSTRATION B	Text of Peremptory Rules (Repealed)
100.ILLUSTRATION C	Agency Certification of Peremptory Rules
100.ILLUSTRATION D	Notice of Automatic Repeal of Peremptory Rules
100.APPENDIX E	Miscellaneous
100.ILLUSTRATION A	Notice of Recodification
100.ILLUSTRATION B	Notice of Corrections to Notice Only
100.ILLUSTRATION C	Certificate of Review and Approval
100.ILLUSTRATION D	Notice of Codification Changes
100.ILLUSTRATION E	Format for Statements of Objections or Recommendations Issued by the Joint Committee on Administrative Rules
100.ILLUSTRATION F	Regulatory Agenda
100.ILLUSTRATION G	Regulatory Flexibility Notice
100.ILLUSTRATION H	Notice of Publication Error

AUTHORITY: Implementing and authorized by the Illinois Administrative Procedure Act [5 ILCS 100].

SOURCE: Adopted at 7 Ill. Reg. 10880, effective September 1, 1983; amended at 7 Ill. Reg. 16460, effective January 1, 1984; amended at 8 Ill. Reg. 12488, effective July 1, 1984; amended at 8 Ill. Reg. 19831, effective October 1, 1984; emergency amendments at 9 Ill. Reg. 427, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9180, effective May 31, 1985; emergency amendments at 10 Ill. Reg. 4014, effective February 19, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12080, effective July 1, 1986; amended at 11 Ill. Reg. 724, effective January 1, 1987, and May 1, 1987; amended at 15 Ill. Reg. 13939, effective September 10, 1991; amended at 17 Ill. Reg. 10414, effective July 1, 1993; amended at 18 Ill. Reg. 13067, effective August 11, 1994; emergency amendments at 18 Ill. Reg. 17275, effective November 22, 1994, for a maximum of 150 days; emergency expired April 21, 1995; amended at 19 Ill. Reg. 7626, effective June 1, 1995; amended at 22 Ill. Reg. 11532, effective July 1, 1998; amended at 29 Ill. Reg. 13224, effective August 12, 2005.

SUBPART C: RULE DRAFTING REQUIREMENTS

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Section 100.355 Underlying Data

- a) For the purpose of this Part, underlying data is defined as any data, including written information or material, statistics, measurements, calculations or other information used as the basis for reasoning, recommendation or conclusions, including any information provided to the promulgating agency by a consultant, vendor or other third party under contract with the agency that was used as the basis for a published study or report used in the development of the rule.
- b) Any published study or report used in developing the rule shall be identified on the Notice Page for the rulemaking by a descriptive title or other description, the identity of the person or entity that performed the study or report, the publisher's name and publication date, and a description of where the public may obtain a copy of the study or report.
- c) If the published study or report was performed by an agency or by a person or entity that contracted with the agency for the performance of the study or report, in addition to identifying the study or report, the agency shall also make copies of the underlying data available to members of the public upon request, if the data are not protected from disclosure under the Freedom of Information Act [5 ILCS 140]. If the agency must pay a fee to a contracting entity to obtain a copy of the underlying data, the agency may charge the requester a fee equaling the cost of obtaining the data. This fee shall reflect actual costs incurred by the agency.

(Source: Added at 29 Ill. Reg. 13224, effective August 12, 2005)

SUBPART D: PROPOSED RULES

Section 100.410 Notice of Proposed Rules

- a) Each proposed rule (amendment, repealer) submitted for publication in the Illinois Register (see Section 100.220) must be part of a Notice of Proposed Rules (Amendments, Repealers) at the beginning of which the information listed in subsections (a)(1) through (12) below shall appear (see also Appendix A, Illustration A). The next page shall be the full text of the rules, amendments, or repealer and, if the proposal is an amendment to or repeal of an existing Part, the text shall appear as it is on file in the Index Department with all changes indicated by strike-outs and/or underscoring (however, if an entire Part is being repealed, the text is printed without strike-outs and if a new Part is being proposed the text

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NOTICE OF ADOPTED AMENDMENTS

appears without underscoring):

- 1) The heading of the Part;
- 2) The Code citation (include only the Chapter number, the Code abbreviation, the General Act Number followed by a colon and the Part number);
- 3) Section Numbers Proposed Action
(list in numerical order) (include supplementary material (new Section, amendment, repeal, renumber, etc.)
- 4) The specific statutory citation upon which the Part is based and authorized;
- 5) A complete description of the subjects and issues involved;
- 6) [Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355;](#)
- 76) Whether the proposed rule will replace an emergency rule currently in effect;
- 87) Whether the proposed rule contains an automatic repeal date;
- 98) Whether the proposed rule (amendment, repealer) contains incorporations by reference;
- 109) Whether there are any other amendments to this Part, other than those appearing in the same Register issue, pending. If so, specify the Section numbers, the proposed action, and a Register citation to the Notice of proposal;
- 1140) A Statement of Statewide Policy Objectives (See Sections 100.110 and 100.415(b));
- 1244) The time, place and manner in which interested persons may present their

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NOTICE OF ADOPTED AMENDMENTS

views concerning the proposed action, and the name, address and phone number of the individual within the agency who may be contacted; and

1312) Initial Regulatory Flexibility Analysis (see "Regulatory Flexibility Analysis", Section 100.110):

- A) Types of small businesses (see Section 1-75 of the Act), small municipalities (see Section 1-80 of the Act) and not for profit corporations (see Section 1-85 of the Act) affected
- B) Reporting, bookkeeping or other procedures required for compliance
- C) Types of professional skills necessary for compliance.

14) Whether the rulemaking was summarized in a previous Regulatory Agenda. The Regulatory Agenda in which the rulemaking was summarized shall be indicated by the month (January or July) and year it was published. The agency must provide an explanation in this area if the rulemaking was not included on either of the two most recent agendas.

- b) Under the Section Numbers and Proposed Action columns at the beginning of the Notice of Proposed Rules as described above in subsection (a)(3) of this Section shall be listed the specific Section Number(s) in numerical order and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Code Division staff to accurately compile the Sections Affected Index for each week's Register on a quarterly basis. Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns.
- c) Only one Part shall be listed per Notice. All new Sections, amendments to existing Sections, and/or repealers of Sections shall be contained on this Notice. Only one Notice per Part for proposed rules will be accepted by the Index Department for publication in a single issue of the Register, unless the agency is repealing a Part in its entirety and proposing a new Part to replace the repealed Part (same subject matter). In this instance only, the Index Department will accept two Notices of proposed rulemaking for one Part number, one for the proposed repealer and one for the proposed new Part, for publication in the same issue of the Register.

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NOTICE OF ADOPTED AMENDMENTS

- d) If an agency is proposing, amending, or repealing more than one Section, and the agency wishes to have any of the Sections considered as separate rulemakings, the agency shall specify the statutory authority for each separate rulemaking. The agency shall follow the procedure in Section 100.410(a)(1) through ~~100.410(a)(1412)~~ and, if necessary, specify different people to be contacted for each separate rulemaking. This procedure permits an agency to take those portions of the rulemaking into second notice separately or adopt those portions of the Part at different times.
- e) If an agency intends to hold a public hearing on the proposed rules, the information on the hearing may be included in the Time, Place, and Manner item on the Notice (subsection (a)~~(12)(11) above~~) or the agency may submit a Notice of Public Hearing on Proposed Rules as shown in Appendix A, Illustration E. Notice for public hearings on proposed rules will be accepted for Register publication unless a notice for another type of public hearing is required by State statute to be published in the Register.

(Source: Amended at 29 Ill. Reg. 13224, effective August 12, 2005)

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NOTICE OF ADOPTED AMENDMENTS

Section 100.APPENDIX A Proposed Rules

Section 100.ILLUSTRATION A Notice of Proposed Rules

For detailed information on this Notice, please refer to Section 100.410.

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF PROPOSED RULES

- 1) Heading of the Part:
- 2) Code Citation:
- 3) Section Numbers: Proposed Action:
- 4) Statutory Authority:
- 5) A Complete Description of the Subjects and Issues Involved:
- 6) [Published studies or reports, and sources of underlying data, used to compose this rulemaking:](#)
- 76) Will this proposed rule replace an emergency rule currently in effect?
- 87) Does this rulemaking contain an automatic repeal date? __Yes __No
If "yes," please specify the date:
- 98) Does this proposed rule (amendment, repealer) contain incorporations by reference?
- 109) Are there any other proposed amendments pending on this Part?
- Section Numbers Proposed Action Illinois Register Citation
- 1140) Statement of Statewide Policy Objectives:
- 1244) Time, Place, and Manner in which interested persons may comment on this

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proposed rulemaking:

~~13~~¹⁴)

Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected:
- B) Reporting, bookkeeping or other procedures required for compliance:
- C) Types of professional skills necessary for compliance:

~~14~~¹³)

Regulatory Agenda on which this rulemaking was summarized:

Jan. ~~2019~~ __ July ~~2019~~ __ OR

This rule was not included on either of the 2 most recent agendas because:

The full text of the Proposed Rule(s) begins on the next page:

AGENCY NOTE: The solid line shall be exactly one inch from the top of the page. Also, if the proposal is a new Part, use the type of action statement as shown in this illustration; if the proposal is an amendment to a Part (new Sections being added, existing Sections being amended or repealed), the action shall state NOTICE OF PROPOSED AMENDMENT(S); If the proposal is a repealer of an entire Part, the action shall state NOTICE OF PROPOSED REPEALER.

(Source: Amended at 29 Ill. Reg. 13224, effective August 12, 2005)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.81 Adopted Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104(b), 6-507(a) and 6-521(b)
- 5) Effective Date of Amendment: August 11, 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) Notice of Proposed Published in the Illinois Register: 29 Ill. Reg. 6226; May 6, 2005
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Difference between proposal and final version: Grammatical, punctuation, or nonsubstantive technical changes were made as agreed upon with JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1030.140	New	29 Ill. Reg. 3865
1030.91	Amendment	29 Ill. Reg. 6877
1030.11	Amendment	29 Ill. Reg. 8094
1030.Appendix B	Amendment	29 Ill. Reg. 8094
- 15) Summary and Purpose of Amendment: The Federal Motor Carrier Safety Administration issued a Final Rule on July 31, 2002, changing 49 CFR 383.93 and 383.123 establishing

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NOTICE OF ADOPTED AMENDMENT

new and revised CDL Standards, Requirements and Penalties for all CDL holders. The new School Bus Endorsement (SBE) has been added to the list of federal endorsements required of CDL holders to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events.

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

Office of the Secretary of State
Driver Services Department
Jo Ann Wilson, Legislative Liaison
c/o Director's Office
2701 S. Dirksen Parkway
Springfield, IL 62723

Telephone (217) 785-1441

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

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

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NOTICE OF ADOPTED AMENDMENT

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

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

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- 1030.96 Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License
- 1030.100 Anatomical Gift Donor
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

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

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

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May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005.

Section 1030.81 Endorsements

- a) For purposes of this Section, the following definitions shall apply:

"Commercial Driver's License (CDL)" – a driver's license issued by a state to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles (see 625 ILCS 5/6-500).

"Commercial Motor Vehicle" – a motor vehicle having a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or any combination of

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vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicles being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Endorsement" – an indication on the driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Hazardous Material" – a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. (See 49 USCA 1802.)

"Representative Vehicle" – a motor vehicle which represents the type that a driver applicant operates or expects to operate.

"School Bus" – a commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school sponsored events. School bus does not include a bus used as a common carrier.

"Tanker-type Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle. However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.

- b) To obtain any of the following endorsements, a commercial driver's license ~~holderoperator~~ must correctly answer 80% of the questions comprising a written knowledge test based on the Illinois Vehicle Code and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 2704):
- 1) (T) Double or triple trailers (20 questions).
 - 2) (P) Passenger carrying vehicles (16 or more passengers, including the driver) (20 questions). A skills test in a representative vehicle is required (~~20 questions~~).

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- 3) (N) Tank vehicles (20 questions).
- 4) (H) Any vehicle carrying hazardous materials which requires placarding (30 questions).
- 5) (X) Combination tank vehicle and hazardous materials endorsement. A knowledge test for tank vehicles (N) and hazardous materials (H) must both be successfully completed prior to obtaining this endorsement (20 questions).
- 6) *(C) Charter bus driver endorsement. Successfully complete a knowledge test on transporting students Grade 12 or below to and from school related functions (20 questions).*
- 7) (S) School bus. Successful completion of a written test (20 questions) and a skills test in a representative vehicle is required. However, current CDL holders who meet the requirements set forth in 49 CFR 383.123 (2004) are exempt from the written and skills tests for this endorsement.

(Source: Amended at 29 Ill. Reg. 13237, effective August 11, 2005)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Number: 1650.335 Adopted Action:
New
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/16].
- 5) Effective Date of Amendment: August 9, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Teachers' Retirement System's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 18, 2005; 29 Ill. Reg. 4344
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Various punctuation changes and clarifications recommended by JCAR were made in the final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: TRS Section 1650.335 codifies the procedure for handling the situation where an employer fails to report a member's regular TRS service and earnings credit when more than four fiscal years have elapsed since the failure to report occurred. The rule is authorized by 40 ILCS 5/16-125, Creditable Service – Statement of Services. In the event four fiscal years have elapsed prior to a member

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

bringing an error in regular service and earnings reporting to the System's attention, the member will be required to pay the requisite member contributions, plus interest as required under 40 ILCS 5/16-127(b)(2) to purchase out of System optional teaching service credit to receive such regular service and earnings credit.

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

Thomas S. Gray, General Counsel
Teachers' Retirement System
2815 West Washington, P.O. Box 19253
Springfield, Illinois 62794-9253

(217) 753-0375

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF
THE STATE OF ILLINOIS

PART 1650
THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section
1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section
1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section
1650.201 Disability Benefits – Application Procedure
1650.202 Disability and Occupational Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

Rates

1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Impermissible Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section

1650.310	Effective Date of Membership
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)
1650.357	Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360	Settlement Agreements and Judgments
1650.370	Calculation of Average Salary (Renumbered)
1650.380	Definition of Actuarial Equivalent
1650.390	Independent Contractors
1650.391	Optional 2.2 Upgrade of Earned and Credited Service
1650.392	2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

1650.410	Return of Contributions for Duplicate or Excess Service
1650.415	Return of Optional Increase in Retirement Annuity Contributions
1650.416	Optional Increase in Retirement Annuity – 1% Contribution Reduction
1650.420	Interest on Deficiencies (Repealed)
1650.430	Installment Payments (Repealed)
1650.440	Small Deficiencies, Credits or Death Benefit Payments
1650.450	Definition of Salary
1650.451	Reporting of Conditional Payments
1650.460	Calculation of Average Salary
1650.470	Rollover Distributions
1650.480	Rollovers to the System

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section

1650.505	Beneficiary (Repealed)
1650.510	Re-entry Into Service
1650.520	Suspension of Benefits
1650.530	Power of Attorney
1650.540	Conservators/Guardians
1650.550	Presumption of Death
1650.560	Benefits Payable on Death
1650.570	Survivors' Benefits
1650.571	Payment of Monthly Survivor Benefits to a Trust
1650.575	Full-time Student – Receipt of Survivors Benefits Until Age 22
1650.580	Evidence of Eligibility
1650.590	Comptroller Offset
1650.595	Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section

1650.605	Policy of the Board Concerning Attorney Generals' Opinion (Repealed)
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SUBPART H: ADMINISTRATIVE REVIEW

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

Section

1650.610	Staff Responsibility
1650.620	Right of Appeal
1650.630	Form of Written Request
1650.635	Presiding Hearing Officer – Duties and Responsibilities
1650.640	Prehearing Procedure
1650.641	Claims Hearing Committee Hearing Packet
1650.650	Hearing Procedure
1650.660	Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section

1650.710	Amendments
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SUBPART J: RULES OF ORDER

Section

1650.810	Parliamentary Procedure
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SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section

1650.910	Summary and Purpose
1650.920	Definitions
1650.930	Submission of Requests
1650.940	Form and Content of FOIA Requests
1650.950	Appeal of a Denial
1650.960	Executive Director's Response to Appeal
1650.970	Response to FOIA Requests
1650.980	Inspection of Records at System Office
1650.990	Copies of Public Records
1650.995	Materials Available Under Section 4 of FOIA

SUBPART L: BOARD ELECTION PROCEDURES

Section

1650.1000	Nomination of Candidates
1650.1001	Elections Date/Election Day – Defined
1650.1010	Petitions

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

- 1650.1020 Eligible Voters
- 1650.1030 Election Materials
- 1650.1040 Marking of Ballots
- 1650.1050 Return of Ballots
- 1650.1060 Observation of Ballot Counting
- 1650.1070 Certification of Ballot Counting
- 1650.1080 Challenges to Ballot Counting

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

- 1650.1110 Definitions
- 1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1650.1112 Curing Minor Deficiencies
- 1650.1113 Required Form
- 1650.1114 Filing a QILDRO with the System
- 1650.1115 Benefits Affected by a QILDRO
- 1650.1116 Effect of a Valid QILDRO
- 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1650.1118 Alternate Payee's Address
- 1650.1119 Electing Form of Payment
- 1650.1120 Automatic Annual Increases
- 1650.1121 Reciprocal Systems QILDRO Policy Statement
- 1650.1122 Providing Benefit Information for Divorce Purposes
- 1650.1123 Suspension and Expiration of a QILDRO

SUBPART N: PAYROLL DEDUCTION PROGRAM

Section

- 1650.1200 Payroll Deduction Program Guidelines
- 1650.1201 Employer Responsibility Under the Payroll Deduction Program Upon Execution of a Payroll Deduction Agreement
- 1650.1202 Payroll Deduction Agreements – Suspensions and Terminations
- 1650.1203 Payroll Deduction Program – Full Time Employment Defined
- 1650.1204 Payroll Deduction Program – Disability Defined
- 1650.1205 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

SUBPART O: RETIRMENT BENEFITS

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

Section

1650.2900 Excess Benefit Arrangement

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005.

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

[Section 1650.335 Unreported Regular Service Credit and Earnings](#)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

If an employer fails to report a member's regular service credit and earnings for a period of teaching and, at the time of the discovery of the error, more than four fiscal years have elapsed since the fiscal year in which the error occurred, the member will be required to:

- a) provide sufficient documentation (e.g., official school records) to establish the unreported service credit and earnings; and
- b) pay the contributions required by Section 16-128(a)(i) and (iii) of the Illinois Pension Code to purchase optional service credit under Section 16-127(b)(2) of the Code.

(Source: Added at 29 Ill. Reg. 13244, effective August 9, 2005)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Numbers: Emergency Action:
50.230 Amendment
50.320 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] and P.A. 93-361.
- 5) Effective date of amendments: August 11, 2005
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable
- 7) Date filed with the Index Department: August 11, 2005
- 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) Reason for Emergency: This emergency rulemaking is necessary to comply with provisions of P.A. 93-361, which require the Department of Human Services to update the child care income eligibility guidelines annually, at the beginning of each fiscal year.
- 10) A complete description of the subject and issues: 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. These changes are effective July 1, 2005.
- 11) Are there any other 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; 11-12-04
50.230	Amendment	28 Ill. Reg. 14737; 11-12-04
50.233	New Section	28 Ill. Reg. 14737; 11-12-04
- 12) Statement of statewide policy objective (if applicable): This rulemaking does not create or expand a State mandate.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 13) Information and questions regarding these emergency amendments 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 the Emergency Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY 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
- [EMERGENCY](#)
- 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

[EMERGENCY](#)

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 EMERGENCY 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; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days.

SUBPART B: APPLICABILITY

Section 50.230 Child Care Eligibility**EMERGENCY**

- 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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

documented by a statement from a local health provider or other health professional.

- 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	\$2,0514,960
3	\$2,5332,421
4	\$3,0162,882
5	\$3,9483,344
6	\$3,9813,805
7	\$4,0713,891
8	\$4,1623,978

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

DEPARTMENT OF HUMAN SERVICES

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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 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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

the parent by the Department or its agents following a determination of ineligibility.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days)

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 Care

EMERGENCY

Family Size 2

Monthly Income	1	1
	Child	Child
	Monthly Co-Pay	Weekly Co-Pay
\$ 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 - 1,962 <u>1,960</u>	186.32	43.00
<u>1,963 - 2,051</u>	<u>212.32</u>	<u>49.00</u>

Family Size 3

Monthly Income	1	1	2	2
	Child	Child	Children	Children
	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay

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NOTICE OF EMERGENCY AMENDMENTS

\$ 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
1,213 - 1,414	65.00	15.00	95.33	22.00
1,415 - 1,616	86.66	20.00	147.32	34.00
1,617 - 1,818	108.33	25.00	190.65	44.00
1,819 - 2,020	134.32	31.00	233.98	54.00
2,021 - 2,222	160.32	37.00	277.31	64.00
2,223 - 2,424 <u>2,421</u>	186.32	43.00	320.64	74.00
<u>2,425 - 2,533</u>	<u>212.32</u>	<u>49.00</u>	<u>363.97</u>	<u>84.00</u>

Family Size 4

	1 Child	1 Child	2 Children	2 Children	3 Children	3 Children
Monthly Income	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay
\$ 0 - 481	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
482 - 722	13.00	3.00	17.33	4.00	17.33	4.00
723 - 962	21.67	5.00	30.33	7.00	34.66	8.00
963 - 1,203	34.66	8.00	52.00	12.00	52.00	12.00
1,204 - 1,443	47.66	11.00	69.33	16.00	73.66	17.00
1,444 - 1,684	65.00	15.00	95.33	22.00	99.66	23.00
1,685 - 1,924	86.66	20.00	147.32	34.00	151.66	35.00
1,925 - 2,165	108.33	25.00	190.65	44.00	194.99	45.00
2,166 - 2,405	134.32	31.00	233.98	54.00	238.32	55.00
2,406 - 2,646	160.32	37.00	277.31	64.00	281.65	65.00
2,647 - 2,887 <u>2,882</u>	186.32	43.00	320.64	74.00	324.98	75.00
<u>2,888 - 3,016</u>	<u>212.32</u>	<u>49.00</u>	<u>363.97</u>	<u>84.00</u>	<u>368.31</u>	<u>85.00</u>

Family Size 5

1 Child	1 Child	2 Children	2 Children	3 Children	3 Children	4 Children	4 Children
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Monthly Income	Monthly Co-Pay	Weekly Co-Pay						
\$ 0 - 558	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
559 - 837	13.00	3.00	17.33	4.00	17.33	4.00	21.67	5.00
838 - 1,116	21.67	5.00	30.33	7.00	34.66	8.00	34.66	8.00
1,117 - 1,395	34.66	8.00	52.00	12.00	52.00	12.00	56.33	13.00
1,396 - 1,674	47.66	11.00	69.33	16.00	73.66	17.00	77.99	18.00
1,675 - 1,953	65.00	15.00	95.33	22.00	99.66	23.00	103.99	24.00
1,954 - 2,232	86.66	20.00	147.32	34.00	151.66	35.00	155.99	36.00
2,233 - 2,511	108.33	25.00	190.65	44.00	194.99	45.00	199.32	46.00
2,512 - 2,790	134.32	31.00	233.98	54.00	238.32	55.00	242.65	56.00
2,791 - 3,069	160.32	37.00	277.31	64.00	281.65	65.00	285.98	66.00
3,070 - <u>3,348</u>								
<u>3,344</u>	186.32	43.00	320.64	74.00	324.98	75.00	329.31	76.00
<u>3,349 - 3,498</u>	<u>212.32</u>	<u>49.00</u>	<u>363.97</u>	<u>84.00</u>	<u>368.31</u>	<u>85.00</u>	<u>372.64</u>	<u>86.00</u>

Family Size 6

	1 Child	1 Child	2 Children	2 Children	3 Children	3 Children	4 Children	4 Children
Monthly Income	Monthly Co-Pay	Weekly Co-Pay						
\$ 0 - 635	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
636 - 952	13.00	3.00	17.33	4.00	17.33	4.00	21.67	5.00
953 - 1,270	21.67	5.00	30.33	7.00	34.66	8.00	34.66	8.00
1,271 - 1,587	34.66	8.00	52.00	12.00	52.00	12.00	56.33	13.00
1,588 - 1,905	47.66	11.00	69.33	16.00	73.66	17.00	77.99	18.00
1,906 - 2,222	65.00	15.00	95.33	22.00	99.66	23.00	103.99	24.00
2,223 - 2,540	86.66	20.00	147.32	34.00	151.66	35.00	155.99	36.00
2,541 - 2,857	108.33	25.00	190.65	44.00	194.99	45.00	199.32	46.00
2,858 - 3,175	134.32	31.00	233.98	54.00	238.32	55.00	242.65	56.00
3,176 - 3,492	160.32	37.00	277.31	64.00	281.65	65.00	285.98	66.00
3,493 - <u>3,809</u>								
<u>3,805</u>	186.32	43.00	320.64	74.00	324.98	75.00	329.31	76.00
<u>3,810 - 3,981</u>	<u>212.32</u>	<u>49.00</u>	<u>363.97</u>	<u>84.00</u>	<u>368.31</u>	<u>85.00</u>	<u>372.64</u>	<u>86.00</u>

DEPARTMENT OF HUMAN SERVICES

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5 5
Children Children

Monthly Income	Monthly Co-Pay	Weekly Co-Pay
\$ 0 - 635	\$ 8.67	\$ 2.00
636 - 952	21.67	5.00
953 - 1,270	39.00	9.00
1,271 - 1,587	60.66	14.00
1,588 - 1,905	82.33	19.00
1,906 - 2,222	108.33	25.00
2,223 - 2,540	160.32	37.00
2,541 - 2,857	203.65	47.00
2,858 - 3,175	246.98	57.00
3,176 - 3,492	290.31	67.00
3,493 - <u>3,809</u>	333.64	77.00
<u>3,805</u>		
<u>3,810 - 3,981</u>	<u>376.97</u>	<u>87.00</u>

Family Size 7

	1 Child	1 Child	2 Children	2 Children	3 Children	3 Children	4 Children	4 Children
Monthly Income	Monthly Co-Pay	Weekly Co-Pay						
\$ 0 - 649	\$ 4.33	\$ 1.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00
650 - 974	13.00	3.00	17.33	4.00	17.33	4.00	21.67	5.00
975 - 1,299	21.67	5.00	30.33	7.00	34.66	8.00	34.66	8.00
1,300 - 1,623	34.66	8.00	52.00	12.00	52.00	12.00	56.33	13.00
1,624 - 1,948	47.66	11.00	69.33	16.00	73.66	17.00	77.99	18.00
1,949 - 2,273	65.00	15.00	95.33	22.00	99.66	23.00	103.99	24.00
2,274 - 2,598	86.66	20.00	147.32	34.00	151.66	35.00	155.99	36.00
2,599 - 2,922	108.33	25.00	190.65	44.00	194.99	45.00	199.32	46.00
2,923 - 3,247	134.32	31.00	233.98	54.00	238.32	55.00	242.65	56.00
3,248 - 3,572	160.32	37.00	277.31	64.00	281.65	65.00	285.98	66.00
3,573 - <u>3,897</u>								
<u>3,891</u>	186.32	43.00	320.64	74.00	324.98	75.00	329.31	76.00

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

<u>3,898 - 4,071</u>	<u>212.32</u>	<u>49.00</u>	<u>363.97</u>	<u>84.00</u>	<u>368.31</u>	<u>85.00</u>	<u>372.64</u>	<u>86.00</u>
	5 Children	5 Children	6 Children	6 Children				
Monthly Income	Monthly Co-Pay	Weekly Co-Pay	Monthly Co-Pay	Weekly Co-Pay				
\$ 0 - 649	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00				
650 - 974	21.67	5.00	21.67	5.00				
975 - 1,299	39.00	9.00	39.00	9.00				
1,300 - 1,623	60.66	14.00	65.00	15.00				
1,624 - 1,948	82.33	19.00	86.66	20.00				
1,949 - 2,273	108.33	25.00	112.66	26.00				
2,274 - 2,598	160.32	37.00	164.65	38.00				
2,599 - 2,922	203.65	47.00	207.98	48.00				
2,923 - 3,247	246.98	57.00	251.31	58.00				
3,248 - 3,572	290.31	67.00	294.64	68.00				
3,573 - <u>3,897</u>	333.64	77.00	337.97	78.00				
3,891								
<u>3,898 - 4,071</u>	<u>376.97</u>	<u>87.00</u>	<u>381.30</u>	<u>88.00</u>				

Family Size 8

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

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3,652 - <u>3,983</u>									
<u>3,978</u>	186.32	43.00	320.64	74.00	324.98	75.00	329.31	76.00	
<u>3,984 - 4,162</u>	<u>212.32</u>	<u>49.00</u>	<u>363.97</u>	<u>84.00</u>	<u>368.31</u>	<u>85.00</u>	<u>372.64</u>	<u>86.00</u>	
	5	5	6	6	7	7			
	Children	Children	Children	Children	Children	Children			
	Monthly	Monthly	Weekly	Monthly	Weekly	Monthly	Weekly		
	Income	Co-Pay	Co-Pay	Co-Pay	Co-Pay	Co-Pay	Co-Pay		
\$ 0 - 664	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00	\$ 8.67	\$ 2.00			
665 - 996	21.67	5.00	21.67	5.00	26.00	6.00			
997 - 1,328	39.00	9.00	39.00	9.00	43.33	10.00			
1,329 - 1,660	60.66	14.00	65.00	15.00	65.00	15.00			
1,661 - 1,992	82.33	19.00	86.66	20.00	90.99	21.00			
1,993 - 2,323	108.33	25.00	112.66	26.00	116.99	27.00			
2,324 - 2,655	160.32	37.00	164.65	38.00	168.99	39.00			
2,656 - 2,987	203.65	47.00	207.98	48.00	212.32	49.00			
2,988 - 3,319	246.98	57.00	251.31	58.00	255.65	59.00			
3,320 - 3,651	290.31	67.00	294.64	68.00	298.98	69.00			
3,652 - <u>3,983</u>									
<u>3,978</u>	333.64	77.00	337.97	78.00	342.31	79.00			
<u>3,984 - 4,162</u>	<u>376.97</u>	<u>87.00</u>	<u>381.30</u>	<u>88.00</u>	<u>385.64</u>	<u>89.00</u>			

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.210	Amendment
310.Appendix A Table X	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services is amending the Pay Plan (80 Ill. Adm. Code 310) 310.210 to reflect the Civil Service Commission approval on July 21, 2005, of the new classification Laborer Foreman (Title Code 23085), which will be paid the prevailing rate effective July 1, 2005. The Agreement between the Department of Central Management Services and the Laborer's International Union of North America signed December 7, 2004, and effective July 1, 2004 through June 30, 2008 includes the classification Laborer Foreman in Appendix A.

The Department of Central Management Services is amending the Pay Plan (80 Ill. Adm. Code 310) Appendix A Table X to reflect the salary grade RC-063-26 alternative pension formula rate and maximum-security institution rate. The Memorandum of Understanding between the Department of Central Management Services and American Federation of State, County, and Municipal Employees (AFSCME) was signed July 14, 2005 and effective January 25, 2005. The rates effective for the steps on January 1, 2006 are based on the 3.75% increase effective January 1, 2006 in the Agreement between the Department of Central Management Services and AFSCME for July 1, 2004 through June 30, 2008.

- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date: August 11, 2005
- 7) A Complete Description of the Subjects and Issues Involved: Section 310.210 Prevailing Rate is amended by adding the Laborer Foreman title to the list of prevailing rate titles.

Section 310.Appendix A Table X RC-063 (Professional Employees, AFSCME) tables of salary grade steps are amended to reflect the rates effective July 1, 2005, and January 1, 2006, for the salary grade 26 alternative pension formula (Q) rate and maximum-security institutions (S) rate.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: August 11, 2005
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix A, Table D	Amendment	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table E	Amendment	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table F	Amendment	28 Ill. Reg. 13949, 10/29/04
310.230	Amendment	29 Ill. Reg. 6148, 5/6/05
310.280	Amendment	29 Ill. Reg. 6148, 5/6/05
310.320	Repeal	29 Ill. Reg. 6148, 5/6/05
310.410	Amendment	29 Ill. Reg. 6148, 5/6/05
310.Appendix A Table W	Amendment	29 Ill. Reg. 6148, 5/6/05
310.280	Amendment	29 Ill. Reg. 8253, 6/10/05
310.410	Amendment	29 Ill. Reg. 8253, 6/10/05
310.50	Amendment	29 Ill. Reg. 12683, 8/19/05
310.80	Amendment	29 Ill. Reg. 12683, 8/19/05
310.100	Amendment	29 Ill. Reg. 12683, 8/19/05
310.210	Amendment	29 Ill. Reg. 12683, 8/19/05
310.220	Amendment	29 Ill. Reg. 12683, 8/19/05
310.230	Amendment	29 Ill. Reg. 12683, 8/19/05
310.270	Amendment	29 Ill. Reg. 12683, 8/19/05
310.280	Amendment	29 Ill. Reg. 12683, 8/19/05
310.290	Amendment	29 Ill. Reg. 12683, 8/19/05
310.410	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table G	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table H	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table I	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table J	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table K	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table N	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table O	Amendment	29 Ill. Reg. 12683, 8/19/05

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix A Table P	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table R	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table V	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table W	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table X	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table Y	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table Z	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix B	Amendment	29 Ill. Reg. 12683, 8/19/05

- 13) Statement of Statewide Policy Objective: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding these preemptory amendments shall be directed to:

Mr. Jason Doggett
Acting Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-7964
Fax: 217/524-4570

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

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310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
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310.210	Prevailing Rate
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310.230	Part-Time Daily or Hourly Special Services Rate
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- 310.300 Educator Schedule for RC-063 and HR-010
- 310.310 Physician Specialist Rate
- 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
- 310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
- 310.455 Intermittent Merit Increase
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
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- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation
- 310.540 Annual Merit Increase Guidechart for Fiscal Year 2006
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

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

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310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
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310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2006
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2006
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2006
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2006

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

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

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emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27,

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1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective

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August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective

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December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20,

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2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 14, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29

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Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005.

SUBPART B: SCHEDULE OF RATES

Section 310.210 Prevailing Rate

The rate of pay for each class and locality certified as being correct by the Director of Labor and approved by the Director of Central Management Services; or as established under "An Act regulating wages for laborers, mechanics, and other workmen employed in any public work by the state, county or city or any public body or any political subdivision or by anyone under contract for public works", approved June 26, 1941, as amended [820 ILCS 130]. The following are prevailing rate classes:

Baker	Plumber
Barber	Roofer
Beautician	Sewage Plant Operator
Brickmason	Sign Hanger
Carpenter	Sign Hanger Foreman
Carpenter Foreman	Sign Painter
Cement Finisher	Sign Painter Helper
Electrician	Stationary Engineer
Highway Construction Equipment Operator	Stationary Engineer – Assistant Chief
Laborer	Stationary Engineer – Chief
Laborer (Building)	Stationary Fireman
Laborer Foreman	Steamfitter
Machinist	Teacher of Barbering
Maintenance Worker (Power Plant)	Teacher of Beauty Culture
Motion Picture Operator	Tinsmith
Painter	Trades Tender
Plasterer	Water Plant Operator

(Source: Peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005)

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NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE X RC-063 (Professional Employees, AFSCME)**

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Architect	RC-063-22	01440
Chaplain I	RC-063-16	06901
Chaplain II	RC-063-19	06902
Child Welfare Administrative Case Reviewer	RC-063-22	07190
Child Welfare Advanced Specialist	RC-063-19	07215
Child Welfare Court Facilitator	RC-063-22	07196
Child Welfare Senior Specialist	RC-063-22	07217
Child Welfare Specialist	RC-063-18	07218
Child Welfare Supervisor	RC-063-22	07230
Civil Engineer I	RC-063-15	07601
Civil Engineer II	RC-063-17	07602
Civil Engineer III	RC-063-19	07603
Civil Engineer IV	RC-063-22	07604
Clinical Pharmacist	RC-063-25	08235
Clinical Psychologist	RC-063-23	08250
Day Care Licensing Representative II	RC-063-18	11472
Dentist I	RC-063-23	11751
Dentist II	RC-063-26	11752
Environmental Engineer I	RC-063-15	13751
Environmental Engineer II	RC-063-17	13752
Environmental Engineer III	RC-063-19	13753
Environmental Engineer IV	RC-063-22	13754
Environmental Protection Engineer I	RC-063-15	13791
Environmental Protection Engineer II	RC-063-17	13792
Environmental Protection Engineer III	RC-063-19	13793
Environmental Protection Engineer IV	RC-063-22	13794
Environmental Protection Geologist I	RC-063-14	13801
Environmental Protection Geologist II	RC-063-16	13802
Environmental Protection Geologist III	RC-063-18	13803
Geographic Information Specialist I	RC-063-19	17271
Geographic Information Specialist II	RC-063-23	17272
Geographic Information Trainee	RC-063-15	17276
Graduate Pharmacist	RC-063-20	17345
Hearing and Speech Advanced Specialist	RC-063-22	18227

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Hearing and Speech Associate	RC-063-18	18231
Hearing and Speech Specialist	RC-063-20	18233
Information Services Intern	RC-063-15	21160
Information Services Specialist I	RC-063-17	21161
Information Services Specialist II	RC-063-19	21162
Information Systems Analyst I	RC-063-21	21165
Information Systems Analyst II	RC-063-23	21166
Information Systems Analyst III	RC-063-25	21167
Laboratory Research Scientist	RC-063-23	23025
Landscape Architect	RC-063-22	23145
Landscape Planner	RC-063-19	23150
Librarian I	RC-063-16	23401
Management Systems Specialist	RC-063-21	25583
Mechanical Engineer I	RC-063-15	26201
Mechanical Engineer II	RC-063-17	26202
Mechanical Engineer III	RC-063-19	26203
Nutritionist	RC-063-18	29820
Occupational Therapist	RC-063-17	29900
Occupational Therapist Program Coordinator	RC-063-19	29908
Optometrist	RC-063-14	30300
Pharmacy Services Coordinator	RC-063-25	32010
Physical Therapist	RC-063-17	32145
Physical Therapist Program Coordinator	RC-063-19	32153
Podiatrist	RC-063-14	32960
Project Designer	RC-063-19	34725
Psychologist I	RC-063-17	35611
Psychologist II	RC-063-20	35612
Psychologist III	RC-063-22	35613
Psychologist Associate	RC-063-15	35626
Public Health Educator	RC-063-19	36430
Rehabilitation/Mobility Instructor	RC-063-19	38163
Rehabilitation/Mobility Instructor Trainee	RC-063-15	38167
School Psychologist	RC-063-18	39200
Social Worker II	RC-063-18	41412
Social Worker III	RC-063-19	41413
Social Worker IV	RC-063-21	41414
Staff Pharmacist	RC-063-24	41787
Veterinarian I	RC-063-18	47901
Veterinarian II	RC-063-20	47902
Veterinarian III	RC-063-21	47903

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Vision/Hearing Consultant I	RC-063-16	47941
Vision/Hearing Consultant II	RC-063-20	47942
Vision/Hearing Consultant III	RC-063-21	47943

Effective July 1, 2005

RC-063

S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8
14	2693	2763	2838	2913	3024	3142	3279	3399	3528	3733	3845
14Q	2784	2858	2935	3013	3131	3257	3399	3526	3661	3874	3990
14S	2839	2913	2990	3071	3192	3317	3460	3587	3723	3935	4053
15	2797	2871	2949	3028	3161	3292	3421	3561	3693	3915	4033
15Q	2893	2970	3051	3135	3275	3412	3549	3696	3832	4062	4183
15S	2948	3025	3109	3196	3336	3471	3613	3758	3893	4124	4247
16	2921	3000	3082	3170	3313	3458	3603	3753	3903	4133	4257
16Q	3021	3105	3194	3286	3433	3588	3739	3892	4049	4289	4418
16S	3080	3165	3254	3347	3496	3652	3803	3956	4113	4350	4482
17	3051	3137	3227	3321	3475	3635	3789	3942	4102	4347	4477
17Q	3160	3251	3346	3441	3606	3772	3930	4090	4256	4510	4646
17S	3219	3312	3406	3504	3669	3836	3994	4153	4318	4574	4711
18	3207	3299	3394	3495	3664	3835	4009	4173	4340	4599	4738
18Q	3323	3419	3520	3626	3805	3979	4161	4332	4503	4772	4915
18S	3383	3479	3584	3687	3866	4042	4223	4393	4568	4834	4979
19	3375	3473	3576	3684	3872	4055	4244	4421	4606	4885	5032
19Q	3499	3603	3711	3822	4017	4204	4404	4587	4780	5068	5220
19S	3561	3667	3775	3885	4081	4269	4466	4651	4843	5131	5285
20	3564	3672	3781	3893	4090	4280	4483	4678	4871	5167	5322
20Q	3699	3809	3922	4039	4243	4442	4652	4852	5054	5363	5524

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

20S	3760	3872	3985	4102	4305	4503	4714	4915	5116	5423	5587
21	3762	3876	3992	4110	4321	4530	4742	4958	5164	5486	5651
21Q	3904	4022	4140	4264	4485	4699	4920	5144	5359	5693	5864
21S	3967	4084	4202	4329	4546	4762	4984	5207	5420	5755	5928
22	3976	4096	4220	4346	4572	4795	5022	5254	5473	5813	5987
22Q	4126	4251	4378	4508	4743	4977	5210	5451	5679	6031	6213
22S	4189	4312	4441	4573	4804	5039	5270	5513	5744	6095	6277
23	4220	4346	4476	4609	4853	5102	5345	5591	5834	6200	6386
23Q	4378	4508	4643	4785	5037	5295	5544	5800	6053	6432	6625
23S	4441	4573	4707	4846	5099	5357	5607	5863	6115	6494	6690
24	4489	4624	4762	4905	5166	5437	5698	5961	6230	6620	6819
24Q	4657	4797	4942	5092	5362	5640	5912	6184	6464	6870	7077
24S	4721	4860	5004	5154	5422	5702	5974	6248	6527	6932	7139
25	4785	4929	5077	5229	5515	5806	6095	6385	6675	7104	7317
25Q	4964	5113	5266	5423	5722	6022	6324	6626	6926	7370	7591
25S	5029	5175	5331	5487	5785	6084	6386	6687	6987	7433	7656
26	5057	5209	5366	5581	5885	6197	6512	6815	7121	7582	7809
<u>26Q</u>	<u>5259</u>	<u>5417</u>	<u>5580</u>	<u>5805</u>	<u>6121</u>	<u>6444</u>	<u>6772</u>	<u>7087</u>	<u>7405</u>	<u>7885</u>	<u>8121</u>
<u>26S</u>	<u>5310</u>	<u>5469</u>	<u>5634</u>	<u>5861</u>	<u>6180</u>	<u>6507</u>	<u>6837</u>	<u>7155</u>	<u>7477</u>	<u>7961</u>	<u>8200</u>

Effective January 1, 2006

RC-063

S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8
14	2774	2846	2923	3000	3115	3236	3377	3501	3634	3845	3960
14Q	2888	2965	3045	3126	3248	3379	3526	3658	3798	4019	4140
14S	2945	3022	3102	3186	3312	3441	3590	3722	3863	4083	4205

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

15	2881	2957	3037	3119	3256	3391	3524	3668	3804	4032	4154
15Q	3001	3081	3165	3253	3398	3540	3682	3835	3976	4214	4340
15S	3059	3138	3226	3316	3461	3601	3748	3899	4039	4279	4406
16	3009	3090	3174	3265	3412	3562	3711	3866	4020	4257	4385
16Q	3134	3221	3314	3409	3562	3723	3879	4038	4201	4450	4584
16S	3196	3284	3376	3473	3627	3789	3946	4104	4267	4513	4650
17	3143	3231	3324	3421	3579	3744	3903	4060	4225	4477	4611
17Q	3279	3373	3471	3570	3741	3913	4077	4243	4416	4679	4820
17S	3340	3436	3534	3635	3807	3980	4144	4309	4480	4746	4888
18	3303	3398	3496	3600	3774	3950	4129	4298	4470	4737	4880
18Q	3448	3547	3652	3762	3948	4128	4317	4494	4672	4951	5099
18S	3510	3609	3718	3825	4011	4194	4381	4558	4739	5015	5166
19	3476	3577	3683	3795	3988	4177	4371	4554	4744	5032	5183
19Q	3630	3738	3850	3965	4168	4362	4569	4759	4959	5258	5416
19S	3695	3805	3917	4031	4234	4429	4633	4825	5025	5323	5483
20	3671	3782	3894	4010	4213	4408	4617	4818	5017	5322	5482
20Q	3838	3952	4069	4190	4402	4609	4826	5034	5244	5564	5731
20S	3901	4017	4134	4256	4466	4672	4891	5099	5308	5626	5797
21	3875	3992	4112	4233	4451	4666	4884	5107	5319	5651	5821
21Q	4050	4173	4295	4424	4653	4875	5105	5337	5560	5906	6084
21S	4116	4237	4360	4491	4716	4941	5171	5402	5623	5971	6150
22	4095	4219	4347	4476	4709	4939	5173	5412	5637	5987	6167
22Q	4281	4410	4542	4677	4921	5164	5405	5655	5892	6257	6446
22S	4346	4474	4608	4744	4984	5228	5468	5720	5959	6324	6512
23	4347	4476	4610	4747	4999	5255	5505	5759	6009	6386	6578

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

23Q	4542	4677	4817	4964	5226	5494	5752	6018	6280	6673	6873
23S	4608	4744	4884	5028	5290	5558	5817	6083	6344	6738	6941
24	4624	4763	4905	5052	5321	5600	5869	6140	6417	6819	7024
24Q	4832	4977	5127	5283	5563	5852	6134	6416	6706	7128	7342
24S	4898	5042	5192	5347	5625	5916	6198	6482	6772	7192	7407
25	4929	5077	5229	5386	5680	5980	6278	6577	6875	7317	7537
25Q	5150	5305	5463	5626	5937	6248	6561	6874	7186	7646	7876
25S	5218	5369	5531	5693	6002	6312	6625	6938	7249	7712	7943
26	5209	5365	5527	5748	6062	6383	6707	7019	7335	7809	8043
26Q	5456	5620	5789	6023	6351	6686	7026	7353	7683	8181	8426
26S	5509	5674	5845	6081	6412	6751	7093	7423	7757	8260	8508

(Source: Peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005)

ILLINOIS DEPARTMENT ON AGING

JULY 2005 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citations): Community Senior Services and Resource Act; 89 Ill. Adm. Code 235
- 1) Rulemaking:
- A) Description: New rules will be added as Part 235 to reflect recent statutory changes as a result of Public Act 93-246.
- B) Statutory Authority: 320 ILCS 60/20
- C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: The Department anticipates filing this rulemaking during the next six months of this year.
- E) Effect on small businesses, small municipalities or not for profit corporations: Any community senior services and resource center that applies for a grant from the Department will be affected by this rulemaking.
- F) Agency contact person for information:
- Name: Karen Alice Kloppe, Assistant General Counsel
Address: Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
Telephone: (217) 785-3346
- G) Related rulemakings and other pertinent information: None
- b) Parts (Heading and Code Citation): Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act; 89 Ill. Adm. Code 295
- 1) Rulemaking:
- A) Description: New rules will be added as Part 295 to recodify the provisions under 86 Ill. Adm. Code 530 to reflect the re-assignment of administration responsibility for the "Circuit Breaker" Property Tax Relief and Pharmaceutical Assistance Programs which were transferred from the

ILLINOIS DEPARTMENT ON AGING

JULY 2005 REGULATORY AGENDA

Department of Revenue to the Department on Aging and Department of Public Aid as a result of Executive Order 2004-3, effective July 1, 2004.

- B) Statutory Authority: 320 ILCS 25/12 and Executive Order 2004-3
- C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: The Department anticipates filing this rulemaking during the next six months of this year.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Karen Alice Kloppe, Assistant General Counsel
Address: Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
Telephone: (217) 785-3346
- G) Related rulemakings and other pertinent information: The Department of Healthcare and Family Services (formerly Public Aid) has recodified certain provisions relating to the Pharmaceutical Assistance Program as Part 119 of Title 89.

ATTORNEY GENERAL

JULY 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: January, 2006

E) Effect on small businesses, small municipalities or not for profit corporation: The rules should not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Jennifer Kuhn, Chief
Crime Victim Services Division
Address: Office of the Attorney General
100 West Randolph Street, 11th floor
Chicago, Illinois 60601
Telephone: (312) 814-1427

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): This will be a new part to be 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

JULY 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: September, 2005

E) Effect on small businesses, small municipalities or not for profit corporation: 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:

Name: Jennifer Kuhn, Chief
Crime Victim Services Division
Address: Office of the Attorney General
100 West Randolph Street, 11th floor
Chicago, Illinois 60601
Telephone: (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 de-

ATTORNEY GENERAL

JULY 2005 REGULATORY AGENDA

couple the method of calculating the amount of the State's tax from the 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: August, 2005
- E) Affect on small businesses, small municipalities or not for profit corporation: None.
- F) Agency contact person for information:

Name: John R. Simpson
Address: Revenue Litigation Bureau
Office of the Attorney General
500 S. Second Street
Springfield, Illinois 62706
Telephone: (217) 782-3939
- G) Related rulemakings and other pertinent information: None.

d) Part (Heading and Code Citation): Tobacco Products Manufacturers' Escrow Enforcement Act of 2003, 14 Ill. Adm. Code 250

- 1) Rulemaking: Proposed amendments
 - A) Description: The Attorney General's Office is considering revisions to the way in which tobacco product manufacturers that do not participate in the Master Settlement Agreement (arising out of State litigation against tobacco manufacturers) may dispute the Attorney General's determination that they have failed to comply with escrow funding requirements.
 - B) Statutory Authority: Tobacco Products Manufacturers' Escrow Enforcement Act of 2003 [30 ILCS 167].
 - C) Scheduled meeting/hearing date: None

ATTORNEY GENERAL

JULY 2005 REGULATORY AGENDA

- D) Date agency anticipates First Notice: September, 2005
- E) Effect on small businesses, small municipalities or not for profit corporation: The rules would only affect the procedures available to small manufacturers of tobacco products that wish to contest determinations that they have not met the requirements to be included on the list of compliant manufacturers.
- F) Agency contact person for information:
Name: Marilyn A. Kueper
Tobacco Enforcement Bureau
Address: Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706
Telephone: (217) 785-8541
- G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 9, 2005 through August 15, 2005 and have been scheduled for review by the Committee at its September 13, 2005 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
9/23/05	<u>Department of Financial and Professional Regulation – Division of Banks and Real Estate, Residential Mortgage License Act of 1987 (38 Ill. Adm. Code 1050)</u>	4/15/05 29 Ill. Reg. 5183	9/13/05
9/28/05	<u>State Board of Education, Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)</u>	6/3/05 29 Ill. Reg. 7891	9/13/05
9/28/05	<u>State Board of Education, Certification (23 Ill. Adm. Code 25)</u>	6/3/05 29 Ill. Reg. 7932	9/13/05
9/28/05	<u>State Board of Education, Evaluation of Certified School District Employees in Contractual Continued Service (Repealer) (23 Ill. Adm. Code 50)</u>	6/3/05 29 Ill. Reg. 8003	9/13/05
9/28/05	<u>State Board of Education, Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180)</u>	6/3/05 29 Ill. Reg. 8016	9/13/05
9/28/05	<u>State Board of Education, Conservation Education (Repealer) (23 Ill. Adm. Code 251)</u>	6/3/05 29 Ill. Reg. 8048	9/13/05
9/28/05	<u>State Board of Education, Comprehensive</u>	6/3/05	9/13/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

	Health Education (Repealer) (23 Ill. Adm. Code 253)	29 Ill. Reg. 8053	
9/28/05	<u>State Board of Education</u> , Health Examinations and Immunizations (Repealer) (23 Ill. Adm. Code 625)	6/3/05 29 Ill. Reg. 8062	9/13/05
9/28/05	<u>State Board of Education</u> , Staff Development Plans and Programs (Repealer) (23 Ill. Adm. Code 30)	6/24/05 29 Ill. Reg. 8572	9/13/05
9/28/05	<u>State Board of Education</u> , Insurance for Certified Employees (Repealer) (23 Ill. Adm. Code 56)	6/24/05 29 Ill. Reg. 8578	9/13/05
9/28/05	<u>State Board of Education</u> , Professional Development Block Grant (Repealer) (23 Ill. Adm. Code 160)	6/24/05 29 Ill. Reg. 8590	9/13/05
9/28/05	<u>State Board of Education</u> , Scientific Literacy (Repealer) (23 Ill. Adm. Code 220)	6/24/05 29 Ill. Reg. 8595	9/13/05
9/28/05	<u>State Board of Education</u> , Alcohol and Drug Education Initiative (Repealer) (23 Ill. Adm. Code 225)	6/24/05 29 Ill. Reg. 8604	9/13/05
9/28/05	<u>State Board of Education</u> , Summer School for Remedial Education (Repealer) (23 Ill. Adm. Code 230)	6/24/05 29 Ill. Reg. 8615	9/13/05
9/28/05	<u>State Board of Education</u> , Alternative Learning Opportunities Program (23 Ill. Adm. Code 240)	6/24/05 29 Ill. Reg. 8621	9/13/05
9/28/05	<u>State Board of Education</u> , Urban Education Partnership Program (Repealer) (23 Ill. Adm. Code 245)	6/24/05 29 Ill. Reg. 8632	9/13/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

9/28/05	<u>State Board of Education</u> , Comprehensive Arts Programs (Repealer) (23 Ill. Adm. Code 250)	6/24/05 29 Ill. Reg. 8644	9/13/05
9/28/05	<u>State Board of Education</u> , Mathematics and Science Loan Program (Repealer) (23 Ill. Adm. Code 360)	6/24/05 29 Ill. Reg. 8650	9/13/05
9/28/05	<u>State Board of Education</u> , Replacement of Required Rules (23 Ill. Adm. Code 500)	6/24/05 29 Ill. Reg. 8657	9/13/05
9/28/05	<u>State Board of Education</u> , School Technology Program (23 Ill. Adm. Code 575)	6/24/05 29 Ill. Reg. 8661	9/13/05

OFFICE OF THE TREASURER

NOTICE OF PUBLIC INFORMATION

NOTICE OF NAMES OF PERSONS APPEARING
TO BE OWNERS OF UNCLAIMED PROPERTY WHOSE
LAST KNOWN ADDRESSES ARE IN CERTAIN STATES

Pursuant to Public Act 91-0016, the Illinois State Treasurer's Office is publishing the names and last known addresses of unclaimed property owners whose last known addresses are allegedly in a state other than Illinois. The other state does not have a reciprocity arrangement with Illinois.

If your name or that of a person you represent appears below, you may contact this Agency for further information about the assets.

INQUIRIES MUST BE IN WRITING. The written inquiry should include the name and address as listed, and the correct name and address for reply. If inquiring about a name other than your own, you must indicate your authority to act on behalf of that person.

Address written inquiries to:

ILLINOIS STATE TREASURER'S OFFICE
UNCLAIMED PROPERTY DIVISION
P.O. Box 19495
Springfield, Illinois 62794-9495

AUTHORITY: Implementing and required by the Illinois Uniform Disposition of Unclaimed Property Act, (765 ILCS 1025/12).

OFFICE OF THE TREASURER

NOTICE OF PUBLIC INFORMATION

Acosta Juan	13026 Harwin Dr	Houston	TX 77072
Adams Danny	PO Box 1471	Minneapolis	MN 55440
Ahn Donna	1 Harbour Rd Flat 3317	Hong Kong	11360
Aiken Eleanor	Quebec 339 Gros Venor Ave	Canada	61710
Ajayi Mickhael	6931 Idaho Ave	Hammond	IN 46323
Albertson Alta M		State Park	00000
Alonso Mancos	14500 Dallas Pkwy	Dallas	TX 75240
Altilia Anthony	28 Glengrove Ave	Toronto	00000
Amarnarth A			
	Gurgaon Haryana Qutab Enclave Pahse Mehrauli Gurgaon Rd		00000
Amsouth	PO Box 830843	Birmingham	AL 35283
Annemieke Broughton Sa	PSC 9 Box 2479 OC		99999
Apac Teleservices	PO Box 3300	Cedar Rapids	IA 52401
Arrington Cynthia			00000
Bank of NT Butterfield And Son Ltd	PO Box HM 195	Hamilton HM AX	00000
Basamh Saeed	PO Box 16362	Saudi Arabia	21464
Berryhill Mabel	W Chestnut	St Louis	MO 63117
Billy Theodore M	2212 Coachmans Trl	South Bend	IN 00000
Bloom Catherine C	Sw156nx Uni 45 Howards Lane	London	00000
Bowan Alethia	15648 SW 112th Dr		FL 33196

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Boyle Marion B	700 Jenkinson	Shields Towns	60044
Boyle Robert	700 Jenkinson	Shields Towns	60044
Breymeyer Byron	101 S Main	Guadalajara	55555
Brisco Willie Lee	7347 S Blackstone Ave	Drexel Gardens	00000
Brown Dorothy	915 Tamarack Drive	Rosoooo	19112
Brown Mary	31 John D Shields Street East	St Louis	MO 00000
Buch Robert H	PSC 802 Box 7	FPO	00000
Burtman Vladimir	708 Oregon St 1 W	Albana	61001
Byers Fred	Calle De La Vista 155		FN 00000
Carlson Wagonlit Travel	43 Rue Porte Dijeaux	Bordeau	France 00000
Carnahan Jacqueline E	3525 Morganford	St Louis	MO 63117
Carnahan William M	3525 Morganford	St Louis	MO 63117
Carr Mark	527 Dundee Road	Houston	TX 77019
Casillas Reynaldo	47 W Byersn Pl	Denver	CO 80223
Chavezmata Rosa	Margaritas Leon 1022 Col		FN 00000
Cofre Semone	984 Gladmer Park Regina	Saskatchewan	00000
Cofre William	984 Gladmer Park Regina	Saskatchewan	00000
Craig John David	Bkhs Cmr 438 Box 1136	APO Ae	00000
Davis Edgar N	3001 Pioneer Trail	New Smyrna	BC 00000
Davis Elizabeth	3001 Pioneer Trail	New Smyrna	BC 00000

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Delmastro John A	61425 North Ridge Trail	Romeo	48094
Delmastro Mary Patricia	61425 North Ridge Trail	Romeo	48094
Depart Of Orthopedic Surgery	Japan	Kagoshima	00000
Dickens Simon	710 Clice Ct	Maida Val Uk W91sg	00000
Diehl Joseph B	6726 Koerner Road	Kickapoo Twsp	00000
Dietz Virginia M	123 N Jackson St	Wabronta	00000
Donald Kolosieke	350 Sunset Dr	Punta Gorda	FL 33982
Dunham Ralph E	3537 North Wayman	Flagstaff	AZ 92345
Eargle Krystal L	PSC41 Box 6813		00000
Eargle Philander	PSC41 Box 6813		00000
Edwards Nathen	166515 S Halsted	Denver	CO 80206
Eterna Inc	PO Box 491	Canada	00000
Fitzpatrick Gordon T	1300 East Kane Place Apt 1609	Milwaukee	WI 53202
Fredda Bratcher	Unit E	Austin	TX 78701
Glenn Susan	2702357 Main Hall	Vancouver	00000
Gold Palace	PO Box 174	Jamaica West Indies	FN 99999
Golladay Alice L	1300 East Kane Place Apt 1609	Milwaukee	WI 53202
Gomolski Frank S	Rt 1 Box 73a	Weirgor	54835
Gomolski Lucy	Rt 1 Box 73a	Weirgor	54835
Granada Media Internation			

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	London Se1 9lt E London TV Ctr Upper GrEngland	UK	00000
Grant Shauna M	494 Fs Psc 41 Box 5481 Apo Ae 90464		00000
Grant Stuart B	494 Fs Psc 41 Box 5481 Apo Ae 90464		00000
Gray Latonya	13 Cranbrook Dr	St Louis	MO 62209
Greek Bertha	1601 4th St	St Louis	MO 63117
Grolmes Evelyn	1601 4th St	St Louis	MO 63117
Guy Sharon	633d Amss Unit 5145	APO	96262
Guy Terry L	633d Amss Unit 5145	APO	96262
Harris Edythe Est	Co 112 Bonham Mississauga On L5m 1c7		00000
Herr Neal	Bkhs Cmr 438 Box 1136	APO AE	00000
Hildebrand Dieter	Nerotat 11 Wiesbaden Germany		00000
Hilgenbrinck Bill	PSC Box 2076	APO	09470
Hill Marie	2125 E	St Louis	MO 63117
Ho Richard	1 Harbour Rd Flat 3317	Hong Kong	11360
Holley Charles	2788 Festival Ln	Dublin	OH 43017
Hoyos Maria N		San Juan	00901
International Pharmanews			
	92535 Levallois Perret Cedex	France	00000
James Phillip	4430 Po Vly Rd	Ft Drm	NY 13602
Johnson Ann	2618 Brookwood Dr	Fort Collins	CO 80525

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Kegley David	PSC 812 Box 210	FPO ae	61710
Keiser Myrhta	Kyburgerhof 1 C 6210 Sursee	Switzerland	61710
Keiser Otto	Kyburgerhof 1 C 6210 Sursee	Switzerland	61710
Kostek Andrew	2267 Leisure World	Mesa	AZ 85206
Kostek Mary H	2267 Leisure World	Mesa	AZ 85206
Kruuse Lillian	15560 Tustin Village Way	Tustin	CA 92780
Kvale Bernard S	12607 Gable Hill Dr	Sun City West	AZ 85375
Kvale Thelma	12607 Gable Hill Dr	Sun City West	AZ 85375
Ky Department Of Ins			
Latin Leonardo	4540 W Valerio St	Burbank	CA 91505
Life Ins Co Manhattan Natl	PO Box 2000	Carmel	IN 46032
Lizardi Felipe	009071583 1479 Ashford	Puerto Rico	00000
Madden Mj	119 Furneaux St	Manuka	2603
Maglaya Elsa	725 Clarendon Springs C	Mexico	00000
Martinez Nelida	5150 Airport Rd Apt E171	Colorado Springs	CO 80916
Marty Mildred M	310 E Angeles	Southbend	IN
Massey Glenn E	2125 E	St Louis	MO 63117
Matthews M	RR 1	Vincennes	00000
Maurice John		Shiresmantown	00000
Mayer John	96 Lincoln Avenue	Holbrook	11741

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Mayer Veronica B	96 Lincoln Avenue	Holbrook	11741
Mayfield Robert C	127 S 10th St	Chesterton	00000
Mcadams Mortuary	8701 49th St N	Pinellas Pk	33782
Mcdonald Eleanor	1832 New York Avenue	Whiting	IN 46394
Mcdonald Joseph	1832 New York Avenue	Whiting	IN 46394
Mcintyre Terrence F	Uss Samuel Elliot Morrison	FPO Aa	61710
Mcintyre Todd	1407 N 7th St	Clinton	IN 47842
Mclain Robt I	529 5th Ave Se	Cedar Rapids	IA 52401
Melciori Cynthia H	Vicolo Foscolo 13	Montegrotto	00000
Menendez Carlos	15856 Santa Fe St	Whittier	CA 90603
Mernissi Mostafa	Villa Mabrouka Ain	Morocco	00000
Meyer Jack	397 Ne Alice St	Jensen Beach	34957
Mhoon Gale	2907 N 6th St	Milwaukee	WI 53212
Miller Harry S	8100 Niles Ave	Niles Center	00000
Miller Nefferson D	130 W 7th Ave	Wabash	00000
Mills Waler J	Rr1 Box 16	Jarvis Twp	00000
Montesano Jesus Md	8770 Sw 72nd St	Miami	33173
Moralez Edvardo	3400 S Coffing Bros Orch	Covington	IN 47932
Morris Dorothy E	10390 E Jenan Dr	Scottsdale	85260
Moskwa Domicela	Ul Blawatkowa 8	Rzeszow	35605

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Moskwa Zbigniew	Ul Blawatkowa 8	Rzeszow	35605
Mosqueda Graciela	Col Miravalle Felipe Angeles Gto Mexica Valle De Santiago		
Mulford Gerturde	300 10th Ave	Rock Hill	99999
Murao Takako	6611 Noma Aza Tanjo	Japan	00000
Murao Takashi	6611 Noma Aza Tanjo	Japan	00000
Murillo Ignacio	11605 Tilia St	Jacinto City	77029
Myg Tex Ltd	Isr Kibutz Glil Yam 46905	See 563986	FN 00000
Nemirow Julius	Po Box 722	Yountville	CA 94599
North American Life	North York Ontario M2m 4g4 5650 Yonge St		Can
North American Life Assurance	North York Ontario M2m 4g4 5650 Yonge St Can		
Oday Johnie Jr	1536 W Wardlow Rd	Long Beach	CA 90810
Oday Toni	1202 Wayland Ave	Sacramento	CA 95825
Oklahoma Insurance Dept			00000
Ortona Rosario	Quebec 3839 Rue De Lintendant	Canada	61710
Parry James William	3101 Barwell RdMississauga On L5l 3z9		
Paul Evelyn	539 Irene St	Ft Wayne	
Paulsen Florence	8701 49th St N	Pinellas Pk	33782
Payne Harold	502 South 7th Ave	Maynard	00000
Peirulla Michael	6263 McNeil Dr	Austin	TX 78729

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Pemberton Jessie	1214 Garrow	Kinzie	99999
Pepper Sally R	The Netherlands 1077		00000
Perez Eneida	009071583 1479 Ashford	Puerto Rico	61710
Perry Sam	2236 NW Miami Ct	Miami	FL 33127
Petrarca	223301 Colpolanca Cp 11560	Mexico	00000
Pitoy Jimmy	3313 Chamlee Dunwoody Rd	Atlanta	GA 30301
Protective Life Insurance Co	Po Box 2506	Birmingham	AL 35202
Regina Heads	1509 San Fransisco	Chulavista	Jalisco 45900
Reidell Louise H	Box 14 Malvern Po	Jamaica West	Indie 00055
Reyes Rene	3925 S Camanbell	Indianapolis	IN 60632
Rich Jonathan D	1 53343 Wachtberg	Wohnung Germany	00000
Rief Albert A	105 Cavern Dr	Frankfort	KY 40601
Ryan Anthony	Me89jb 111 Lonsdale Drive	England	61710
Ryan Suzanne B	Me89jb 111 Lonsdale Drive	England	61710
Sanders Lee R	Po Box 757	Big Pinre Key	FL 33043
Saveur Magazine	Po Box 400861	Des Moines	IO 50350
Schmidt Klaus Hartmut	Hindenburg Strasse 34 82467		
		GarmischpartenkirchenGermany	61710
Sharkey Marlene	M332ye 18 Southgate Court	Cheshire England	00000
Sharkey Paul	M332ye 18 Southgate Court	Cheshire England	00000

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Shiina Jun	100 Wellesley St E Apt 2310 M4y 1h5	Toronto	ON 00000
Smith Eugene Jr	Box 98	APO	09086
Smith Gabriele E	Box 98	APO	09086
Solis Roberto	412 N Illinois Ave	Weslaco	TX 78596
Spellman Margaret M	1200 N Center	Beaver Dam	00000
Splex Alfred R	8140 Greenwood Dr	St Germain	54558
Springer Jerry	2700 Cahuenga Bl E 4309	Los Angles	CA 60611
Stickford Sarah M	1364 N 38th St	St Louis	MO 62209
Susan L Vorburg Der Burg Gude	1 53343 Wachtberg	Wohnung	Germany
Triborough Bridge & Tunnel Authority			
Trinkle Frank	4712 Northgate Avenue	Indiana Lake	00000
Trumball Jean M	12632 Se 68th Pl	Bellevue	WA 98006
Villicano Wendy	13130 Sunnybrook Ln	La Mirada	CA 90638
Vranjes Dusan D	2400 Feather Sound Dr 713	Clearwater	FL 00000
Wang Feng	Pr China		00000
Was Tadeusz	2335 Lakeshore Blvd W 406 M8vib9	Toronto	CN
Wilborn David	7165 Countryclub Dr 6Sun River Terrace		60964
Wronowski Lucille	437 Humphrey Circle	Shawano	54166
Wronowski Walter R	437 Humphrey Circle	Shawano	54166
Zhang Adelaide	5215 49th Ave	Kenosha	WI 53144

PROCLAMATIONS

2005-265**JOHN H. JOHNSON DAY**

WHEREAS, Chicagoan John H. Johnson, founder, publisher and chairman of Johnson Publishing Company, Inc., which includes such publications and products as EBONY and JET magazines, Fashion Fair Cosmetics and EBONY Fashion Fair, passed away on August 8, 2005 at the age of 87; and

WHEREAS, Mr. Johnson began his incredible career with an initial investment of \$500. From there, he went on to become the first nationally recognized African-American business person, and is known by many as the founder of the African-American consumer market; and

WHEREAS, this year, EBONY magazine celebrates its 60th anniversary of existence. Amazingly, through each of those 60 years, EBONY has been the biggest African-American owned magazine in the country; and

WHEREAS, because of his outstanding dedication and tremendous entrepreneurial spirit, Mr. Johnson received numerous awards and honors throughout his career, including the Presidential Medal of Freedom, the Magazine Publisher's Association Publisher of the Year Award, and the Advertising Hall of Fame Award. In 2003, Howard University in Washington, D.C. established the John H. Johnson School of Communications in his honor; and

WHEREAS, coming from the humblest of backgrounds, and going on to achieve remarkable success, John H. Johnson is a prime example of how one can truly accomplish anything if he works hard and remains committed to his chosen endeavor. His "rags to riches" story should serve as an inspiration not only for other African-Americans, but for all people who dare to dream big and dedicate their lives to realizing those dreams; and

WHEREAS, John H. Johnson's passing creates a void in this City and State that will never be filled. Illinois is humbled to join his wife, Eunice W. Johnson, his daughter, Linda Johnson Rice, and all of the countless people who have known and loved him over the years, in mourning this great loss to humanity:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Monday, August 15, 2005 as JOHN H. JOHNSON DAY in Illinois, and encourage all citizens to join in celebrating the life of this highly accomplished and influential man.

Issued by the Governor August 15, 2005.

Filed by the Secretary of State August 15, 2005.

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