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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: The "Grow Your Own" Teacher Education Initiative
- 2) Code Citation: 23 Ill. Adm. Code 60
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
60.10	New Section
60.20	New Section
60.30	New Section
60.40	New Section
60.50	New Section
60.60	New Section
60.70	New Section
60.80	New Section
60.90	New Section
60.100	New Section
- 4) Statutory Authority: 110 ILCS 48/90
- 5) A Complete Description of the Subjects and Issues Involved: This initiative was established by Public Act 93-802, enacted in 2004. The program described in the law has two complementary goals:
 - to create new opportunities for certain individuals to become certified as teachers; and
 - to place graduates of the program in positions or schools that have difficulty attracting or retaining qualified teachers.

The Act seeks to stimulate the development of consortia made up of institutions that prepare teachers, targeted school districts or schools, and community organizations with certain characteristics. Working together, these partners are to identify paraeducators and parents who have been leaders in schools with hard-to-staff positions and provide these individuals with the financial and other support they will need to complete teacher preparation programs. The new teachers are then to be placed in positions in the targeted schools.

An important element of the support candidates for certification will receive is to come in the form of forgivable loans. Loan forgiveness is contingent upon the recipient's completion of five years of teaching in a position or school that qualifies as "hard to staff".

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These rules provide for three separate types of grants that are necessary to implement various portions of the "Grow Your Own" legislation.

- "Potential consortia" may be eligible for planning grants that will enable them to use the latter half of the current fiscal year to secure commitments from other required entities, identify eligible candidates, and outline the services and types of support these individuals will require if they are to become certified teachers. Planning grants may also be issued in future years, depending upon how the program develops and whether funding is available.
- Implementation grants to eligible consortia will generally be available starting in FY 07 and will provide funding for the forgivable loans contemplated by the new law, among other things.
- A limited number of "transitional projects" may receive implementation funding in FY 06 without going through the competitive process for the general implementation grants, if the participating organizations qualify as eligible consortia and if the programs already in operation conform to the requirements of the Grow Our Own Teacher Education Act.

The rules for these types of grants identify the eligible applicants, discuss the general categories of expenditures and activities that each type of grant will support, and describe the respective bases on which proposals will be evaluated.

The rules also address the forgivable loans contemplated by the statute. State funding is to be provided to offset the costs incurred by the teacher candidates in the program that cannot be covered from other sources. Each individual will be given ample time to begin teaching in a qualifying position and to complete five years of service before a determination is made that a loan must be repaid.

It should be noted that new Part 60 will not change the certification requirements for any individual or for any credential. Rather, the "Grow Your Own" program is a means of making certification more accessible to groups of candidates who have an inherent investment in schools that need their contributions.

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

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

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

(217) 782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Some of the community organizations that elect to participate in eligible consortia under this program may be not-for-profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: These rules will require standard bookkeeping and accounting in connection with grant funds and forgivable loans. However, members of each eligible consortium may decide which entities will be responsible for these functions, so it may be the case that they will not rest with any not-for-profit corporations.
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda in which this rulemaking was summarized: July 2005

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 60

THE "GROW YOUR OWN" TEACHER EDUCATION INITIATIVE

Section

60.10	Purpose
60.20	Definitions
60.30	Eligible Applicants
60.40	Implementation Grants – Application Procedure and Content
60.50	Implementation Grants – Criteria for the Review of Proposals
60.60	Implementation Grants – Allocation of Funds
60.70	Continuation of Implementation Funding
60.80	Implementation Funding for "Transitional Projects"
60.90	Planning Grants
60.100	Forgiveness of Loans

AUTHORITY: Implementing the Grow Our Own Teacher Education Act [110 ILCS 48] and authorized by Section 90 of the Act [110 ILCS 48/90].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

Section 60.10 Purpose

This Part establishes the procedure and criteria for approval of applications for grants to support teacher preparation initiatives under the Grow Our Own Teacher Education Act [110 ILCS 48].

Section 60.20 Definitions

- a) A "student with a non-traditional background" is one who begins a baccalaureate program at a point in time other than immediately following graduation from high school.
- b) A "hard-to-staff school" is an Illinois public school that ranks in the upper third among public schools of its type (e.g., elementary, middle, secondary) in terms of the rate of attrition among teachers.

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- c) A "hard-to-staff teaching position in a school serving a substantial percentage of low-income students" is any position in a school that meets the criterion stated in Section 10 of the Act that is identified as hard to staff by the responsible official of the school district.
- d) A "year of service" means full-time employment for at least half a school year, or an equivalent amount of part-time employment, in:
 - 1) a public school that is either one of the schools targeted by the program completed by the individual with assistance under this Part or another school that is defined as hard to staff in Section 10 of the Act; or
 - 2) a teaching position that is hard to staff as defined in Section 10 of the Act.
- e) "Act" means the Grow Our Own Teacher Education Act [110 ILCS 48].

Section 60.30 Eligible Applicants

- a) Only consortia whose membership meets the requirements of Section 20(1) and (2) of the Act shall be eligible to apply for implementation grants to cover expenditures discussed in Section 25 of the Act.
- b) Pursuant to Section 30 of the Act, potential consortia shall be eligible for grant funds for planning purposes under the Act. A four-year institution of higher education shall be eligible as a "potential consortium" if:
 - 1) its application for grant funds for planning purposes provides evidence that at least a subset of the teachers typically prepared by the institution seeks employment in communities where hard-to-staff schools are located; and
 - 2) its application demonstrates that the institution is not currently serving a group of students under a model substantially similar to that described in the Act and that further information is needed about the specific barriers that exist with respect to enabling individuals with a long-term commitment to those communities to complete teacher preparation; and
 - 3) its application includes:

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- A) letters of interest from one or more school districts or schools indicating willingness to collaborate in offering opportunities for candidates in the program to complete pre-student teaching clinical experiences in hard-to-staff schools or positions; and
- B) letters of invitation that the institution has sent to one or more relevant community organizations proposing a role for the organizations in the proposed consortium, along with a rationale provided by the institution for inclusion of these organizations.

Section 60.40 Implementation Grants – Application Procedure and Content

New implementation grants shall be offered in years when the level of available funding is such that one or more new programs or cohorts of candidates can be supported given the requirements of Section 25 of the Act for ongoing support of cohorts that have begun their preparation in previous years. (See Section 60.70 of this Part.)

- a) When sufficient funding is available, the State Superintendent of Education will issue an RFP specifying the information that proposals must include and specifying a deadline for their submission, which shall provide at least 45 calendar days in which to submit proposals.
- b) Each RFP shall specify the descriptive information that applicants will be required to provide, which shall be designed to permit comparative judgments of the degree to which each applicant will address the requirements of Section 20 of the Act and shall address:
 - 1) the teacher preparation programs involved and their qualifications relevant to the requirements of the Act, including specific information on the institution's success in preparing teachers for positions in schools that serve a substantial percentage of low-income students;
 - 2) the consortium's plans for recruiting and providing support to participants, including information that demonstrates that potential or existing members of the cohort are paraeducators or parent and community leaders as defined in the Act;
 - 3) the preparation status of existing candidates, if a cohort is already engaged in the program;

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- 4) the hard-to-staff schools and positions that are targeted; and
 - 5) the demographic make-up of the area served by the targeted schools.
- c) Each RFP shall describe the required proposal format, if any (e.g., cover page, proposal abstract, proposal narrative, letters of intent to participate, etc.).
- d) Each RFP shall identify the categories of allowable expenditures and require the submission of a budget summary and payment schedule, completed on the forms provided, as well as a narrative budget breakdown that provides a detailed explanation of each line item of expenditure and covers the entire period of time during which the identified cohort is expected to be enrolled in the teacher preparation program.
- 1) Applicants shall be required to demonstrate that grant funds will supplement and not supplant amounts typically devoted by the institution of higher education to, and other resources available for, assisting teacher candidates.
 - 2) Applicants shall be required to describe the steps that will be taken to decrease the need for external financial support for the consortium and its program over time.
- e) Each RFP shall identify the information that consortia will be required to collect and furnish to the entity that conducts the evaluation required by Section 35 of the Act, including but not limited to the percentage of candidates who progress at the expected rate through the preparation program, the percentage who complete the program, and information on the positions eventually taken by these candidates.
- f) Each RFP shall identify the assurances and certifications that entities receiving funding must furnish.

Section 60.50 Implementation Grants – Criteria for the Review of Proposals

Proposals for implementation grants shall be evaluated in accordance with the following criteria:

- a) Feasibility, Impact, and Cost-Effectiveness (40 points)
 - 1) The proposal identifies a need for teachers with certification in a specific field in the targeted schools and describes either a cohort that is available

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to enroll in the identified preparation program or time-specific plans for identifying and attracting the members of such a cohort.

- 2) The proposal describes strategies that will be used to reach members of underrepresented groups and outlines plans for serving additional cohorts in future years.
 - 3) The proposal demonstrates that:
 - A) coursework and experiences required for certification will be scheduled and located to be accessible to members of the cohort; and
 - B) supportive services (e.g., child care, counseling, tutoring) that have been identified as necessary will be offered to enable candidates to progress through the program and attain certification.
 - 4) The proposal establishes a timetable or performance level for candidates as a condition for their continued receipt of assistance under this program.
 - 5) The evaluation plan is designed to yield information that can be used both in judging the program's qualitative and quantitative impact and in identifying changes or new approaches that will improve the program's outcomes.
 - 6) The proposal describes commitments on the part of all the consortium's members that will enable the consortium to sustain the program over time with a reduction in the need for external resources.
- b) Quality of the Plan (30 points)
- 1) The proposal describes the role of each entity that is a member of the consortium, including the resources each entity will devote to this initiative, the major areas requiring collaboration among the members, and how decisions will be made with input from the members and the participants. The proposal includes plans for assisting candidates in tapping sources of financial aid beyond those made available under this Part and by the members of the consortium.

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- 2) The proposal demonstrates that the institution of higher education has the capacity (i.e., faculty and other resources) to serve the cohort in its approved teacher preparation program. If a two-year institution is involved in the consortium, the proposal delineates how coursework, other requirements, and services will be coordinated between the institutions.
 - 3) The proposal describes the needs of the targeted schools and demonstrates that the consortium's plan for certification under the program is relevant to those needs and will have an impact on the availability of qualified staff.
 - 4) The plan of work for the program includes specific strategies for overcoming known barriers faced by the targeted schools in retaining qualified teachers as well as barriers faced by the individuals who make up the cohort to be enrolled in the program.
 - 5) The proposal describes the consortium's plans for extending support to candidates for at least two years after they attain certification, including such activities and services as mentoring and group meetings of the cohort.
- c) Experience and Qualifications (20 points)
- 1) The proposal provides evidence that faculty and relevant staff of the institution are knowledgeable regarding the needs of hard-to-staff schools and the specific issues that candidates from non-traditional backgrounds encounter when attempting to complete preparation for teaching careers.
 - 2) The proposal demonstrates that the community organization that is a member of the consortium has conducted projects or initiatives with a specific focus on involving parents and others in school improvement, either in the targeted schools or schools with similar characteristics.
 - 3) The individual who is identified as liaison to the cohort has experience in supporting individuals in the collegiate environment and is knowledgeable about group dynamics, support services, and cultural issues relevant to the cohort.
- d) Evaluation Plans (10 points)

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- 1) The proposal relates plans for the evaluation of candidates' teaching skills to the relevant portions of the institution's educational unit assessment system (see 23 Ill. Adm. Code 25.140) and demonstrates that candidates in the program will be expected to meet the standards applicable to the approved program.
- 2) The proposal includes a plan for the evaluation of the program by or on behalf of the members of the consortium that will provide:
 - A) information on the progress of candidates within the preparation program; and
 - B) when applicable, information on this initiative's outcomes in terms of candidates' placement into hard-to-staff teaching positions or hard-to-staff schools and their retention in those positions.

Section 60.60 Implementation Grants – Allocation of Funds

The State Superintendent of Education shall approve proposals for funding and make final determinations regarding the amounts to be provided based upon:

- a) the total funds appropriated for this initiative;
- b) the needs and resources described and the amounts requested in the top-ranked proposals identified in accordance with the criteria set forth in Section 60.50 of this Part; and
- c) the need to make programs under this Part accessible on a statewide basis in a manner that will increase the availability of candidates to serve in hard-to-staff schools and positions.

Section 60.70 Continuation of Implementation Funding

- a) A consortium that has received implementation funding for a cohort of candidates shall be subject to the requirements of this Section with respect to continued funding for that cohort in subsequent years.
 - 1) The consortium shall submit an application for continued funding for the cohort, using a format specified by the State Superintendent of Education.

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- 2) Each application shall contain a mid-year report on the current status of the program and the cohort, documenting the activities and support provided to date and describing the degree to which candidates are achieving the program's objectives.
 - 3) Each application shall provide an updated narrative description of the objectives, activities, timelines, and evaluation procedures for the renewal year, relating the proposed plan of work to the results that have been achieved to date.
 - 4) Each application shall include an updated budget summary and payment schedule for the renewal year, including a narrative budget breakdown that describes any needed variances from the budget proposed in the initial year of funding.
 - 5) Each application shall include such certifications and assurances as the State Superintendent of Education may require.
- b) The State Board shall, contingent upon appropriation of funds for this initiative, provide continuation funding to consortia that demonstrate that no fewer than 85 percent of the members of the cohort served have completed coursework or other requirements for certification during each semester of the preceding year and that either:
- 1) no funding is being requested to support the individuals who have not progressed toward certification; or
 - 2) identifiable steps have been taken with respect to the progress to be required of each such individual in the upcoming academic year.

Section 60.80 Implementation Funding for "Transitional Projects"

During Fiscal Year 2006, the State Superintendent of Education will invite proposals as described in Section 60.40 of this Part from existing entities already engaged in teacher preparation initiatives whose principal features are congruent with those required by Section 20 of the Act. One or more entities whose applications demonstrate that an eligible consortium exists and that a cohort of eligible candidates is being prepared for service in hard-to-staff positions or schools may receive implementation funding in accordance with an approved proposal and budget, depending upon the preparation status of the candidates, the amounts requested, and the availability of funding.

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Section 60.90 Planning Grants

In order to identify potential consortia with a substantial likelihood of establishing additional Grow Your Own programs, the State Superintendent of Education will issue an RFP for planning grants. The RFP may be issued repeatedly, contingent upon the availability of funding, until the maximum number of consortia permitted under Section 20 of the Act has been established. Each RFP shall indicate the maximum amount to be reserved for planning grants and the maximum available amount per grant. The RFP shall specify the information that proposals must include and a deadline for their submission, which shall provide at least 45 calendar days in which to submit proposals.

- a) Eligible applicants for planning grants shall be as set forth in Section 60.30 of this Part.
- b) Allowable uses of planning grant funds shall include:
 - 1) activities that are designed to secure the participation and commitment of the required members and the optional members of a consortium; and
 - 2) activities that are designed to attract or identify potential candidates for teacher preparation who are paraeducators or parent and community leaders as contemplated by the Act, including assistance that will permit potential candidates to complete "developmental" coursework that will verify their academic readiness for enrolling in teacher preparation; and
 - 3) activities that are designed to identify barriers to teacher certification for potential members of a given cohort and to identify strategies and resources for mitigating those barriers.
- c) Each application shall describe a plan of work for developing a consortium and a Grow Your Own program that will be eligible for an implementation grant under this Part. Each application shall include a budget for the planned activities, provided in a format specified by the State Superintendent of Education.
- d) Applicants may be asked to clarify aspects of their proposals.
- e) Each application that is submitted by an eligible applicant and meets the requirements of this Section shall be considered qualified for funding, and selection among qualified proposals shall be non-competitive. Funding decisions

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shall be made in each cycle by balancing the goals of geographic distribution and accessibility with the level of need and the potential number of candidates to be served by the potential consortia.

Section 60.100 Forgiveness of Loans

Pursuant to Section 25 of the Act, *loan funds provided to candidates as part of this program shall be fully forgiven if a graduate completes five years of service in a hard-to-staff school or hard-to-staff teaching position.* Forgiveness and repayment of loans shall be determined as provided in this Section.

- a) Any candidate in a program administered under this Part may receive a forgivable loan for tuition, fees, and other expenses demonstrably related to his or her ability to enroll in or complete the teacher preparation program (e.g., child care or "developmental" coursework). Any amount expended for an individual's direct or related expenses shall be considered a part of that individual's loan, regardless of how the payment is administered and regardless of whether the individual receives any actual payment of funds. The total amount of any candidate's loan shall not exceed \$25,000.
- b) An individual may accrue the five years of service required for forgiveness of loans under this Part in one or more qualifying schools or positions.
- c) If an individual has not assumed employment in a qualifying school or position within two years after receiving a teaching certificate, the individual shall be required to begin the repayment of amounts loaned under this Part. No interest shall apply. An individual who drops out of the program shall be required to begin repaying the amounts loaned in the month following the month when it becomes evident that he or she will not be completing any of the program's requirements for two consecutive semesters.
- d) If an individual has not completed five years of service within 10 years after receiving a teaching certificate, the individual shall be required to begin the repayment of amounts loaned under this Part.
- e) Repayment of loans shall be made in monthly installments of \$500 each, payable as directed by the State Superintendent of Education.
- f) When a teaching certificate is issued to an individual who received assistance under this Part, the certificate shall be accompanied by:

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- 1) a statement indicating the total amount of the loan received by the individual and identifying the dates applicable to repayment under subsections (c) and (d) of this Section; and
 - 2) a claim form that the individual may use to claim forgiveness of the loan amount, which shall require the individual to identify the periods of service completed in qualifying schools or positions and the school administrators who can verify the individual's service.
- g) Management of Loans
- 1) It shall be the responsibility of the consortium under whose initiative an individual participates in teacher preparation to manage the program of forgivable loans on behalf of the State Board of Education by:
 - A) keeping records of the amounts provided to or on behalf of each individual;
 - B) keeping up-to-date information regarding the address and telephone number of each individual, both during the individual's preparation and after the issuance of a certificate, until the individual has either qualified for forgiveness of the loan or repaid the full amount.
 - 2) Each consortium that receives funding under this Part shall notify the State Superintendent as to which entity within the consortium will keep the records required by subsection (g)(1) of this Section and shall provide contact information for the responsible individual within that organization.
 - 3) It shall be the responsibility of the State Superintendent to take such actions as may be necessary to secure repayment when applicable.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Ceded Reinsurance of Property and Liability Insurers
- 2) Code Citation: 50 Ill. Adm. Code 923
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
923.10	Repeal
923.20	Repeal
923.30	Repeal
923.40	Repeal
923.50	Repeal
923.60	Repeal
923.70	Repeal
- 4) Statutory Authority: Implementing Section 136 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/136 and 401].
- 5) A Complete Description of the Subjects and Issues Involved: Part 923 is being repealed because the information it requires insurance companies to provide in the form of a Ceded Reinsurance Report is now either included in the annual statement, or can be determined using annual statement amounts.

Additionally, Part 923 specifies certain conditions under which credit may be allowed for reinsurance ceded by licensed property and casualty insurers in their annual statements, but these provisions are obsolete and have been superseded by Section 173.1 of the Illinois Insurance Code [215 ILCS 5/173.1].
- 6) Will this proposed repealer replace an emergency rulemaking currently in effect? No
- 7) Does this proposed repealer contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This repealer will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed repealer may submit written comments no later than 45 days after the publication of this Notice to:

Joseph Clennon, Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington
Springfield, Illinois 62767-0001

or

Barb Smith, Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington
Springfield, Illinois 62767-0001

(217) 785-0813

(217) 557-1396

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this proposed repealer was summarized: January 2000

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF [FINANCIAL AND PROFESSIONAL
REGULATION](#)~~INSURANCE~~

SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 923

CEDED REINSURANCE OF PROPERTY AND LIABILITY INSURERS ([REPEALED](#))

Section

923.10	Authority
923.20	Applicability
923.30	Ceded Reinsurance Report
923.40	Report of Reinsurance Transactions
923.50	Requirements for Reinsurance Credit
923.60	Instructions for Completing Ceded Reinsurance Report
923.70	Waiver Requirements

AUTHORITY: Implementing Section 136 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 748 and 1013).

SOURCE: Adopted at 5 Ill. Reg. 1037, effective January 14, 1981; codified at 7 Ill. Reg. 3005; repealed at 30 Ill. Reg. _____, effective _____.

Section 923.10 Authority

This Rule is issued by the Director of Insurance pursuant to Section 401 of the Illinois Insurance Code which empowers the Director "... *to make reasonable rules and regulations as may be necessary for making effective ...*" insurance laws of this State. It is the purpose of this Rule to implement Section 136 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 748) by specifying certain conditions under which credit may be allowed for reinsurance ceded by licensed property and casualty insurers in their Annual Statements.

Section 923.20 Applicability

This regulation is applicable to all licensed insurers with respect to reinsurance transactions for all kinds of insurance except life insurance and disability insurance.

Section 923.30 Ceded Reinsurance Report

All companies to which this regulation applies shall file a "ceded reinsurance report" with the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

Director at the time of filing of the company's Annual Statement. The report shall consist of answers to the following questions:

- a) What is the amount of return commission which would have been due reinsurers if they or you had cancelled all of your company's reinsurance as of the end of the period covered by the accompanying Annual Statement, with the return of the unearned premium reserve?
- b) What would be the amount of the reduction in surplus as shown on the accompanying Annual Statement if adjustments were made to reflect the full amount described in paragraph (a) above?
- c) Have you accrued earned additional or return reinsurance premiums or commissions which, on the basis of loss experience to date, would be payable or refundable in the future if the reinsurer or you cancelled all of your company's reinsurance as of the end of the period covered by the accompanying Annual Statement? If you have not so accrued, what would be the amount of such additional or return premium or commission?
- d) What would be the amount of the reduction in surplus as of the end of the period covered by the accompanying Annual Statement if adjustments were made to reflect the full amount described in paragraph (c) above?
- e) What would the percentage reduction in surplus as of the end of the period covered by the accompanying Annual Statement from the combined effects of the amounts described in paragraphs (b) and (d) above?
- f) What is the amount of additional reinsurance premiums, computed at the maximum level provided by the reinsurance contracts, in excess of amounts previously paid and presently accrued (including as accrued the amount shown in response to paragraph (c) in retrospective adjustment periods covering the most recent three years?
- g) What is the amount of return reinsurance commission, computed at the minimum level provided by the reinsurance contracts, in excess of amounts previously paid and presently accrued (including as accrued the amount shown in response to paragraph (c)) on retrospective adjustment periods covering the most recent three years?
- h) What would be the percentage reduction in surplus as of the end of the period

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covered by the accompanying Annual Statement from the combined effects of the amounts described in paragraph (f) and (g)?

- i) What would be the percentage reduction in surplus as of the end of the period covered by the accompanying Annual Statement from the combined effects of the amounts described in paragraphs (b), (d), (f) and (g)?

Section 923.40 Report of Reinsurance Transactions

Whenever any company to which this regulation applies enters into a new reinsurance contract or alters the terms of any existing ceded reinsurance contract, it shall answer the questions set forth in Section 923.30 as of the date of such new or altered contracts. If the answer to Section 923.30(e) shows a reduction in the then current surplus of 30 percent or more, it shall report such fact to the Director within 15 days after the date of such new contract or alternation.

Section 923.50 Requirements for Reinsurance Credit

Whenever the answer to Section 923.30(e) as required to be reported to the Director under Section 923.30 or 923.40 shows a reduction in surplus of 30 percent or more, or whenever the answer to Section 923.30(h) shows a reduction in surplus of 50 percent or more, or whenever the answer to Section 923.30(i) shows a reduction in surplus of 60 percent or more, the reinsured company shall be denied credit for its ceded reinsurance unless:

- a) The reinsured company shall file with the Director in respect of each reinsurer separately as of the end of each calendar quarter, a statement of balances which shall include cash balances, unearned premium reserves, loss reserves and accruals for retrospective adjustments. Such statement shall be certified by the reinsurer and filed by the company with the Director within 45 days after the end of each calendar quarter; and
- b) Its reinsurance contract provided that in the event of termination the reinsurer shall continue to be obligated, with respect to business in force, for 90 days or until the earliest date thereafter as of which such original business may be terminated, but in no event more than 12 months; and
- c) In the event of insolvency of the reinsured company the reinsurer shall be entitled to recoup unearned ceding commission only to the extent that original commissions and taxes are recouped by the reinsured company; and
- d) The reinsured company submits all reinsurance contracts in force and thereafter

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

negotiated to the Director; and

- e) The reinsurance agreements for which credit is claimed by the ceding company contains provisions protecting the reinsured from an element of risk from ultimate underwriting loss.

Section 923.60 Instructions for Completing Ceded Reinsurance Report

- a) This amount should be computed by applying the fixed or provisional commission rates for each treaty to the unearned premium reserve for each such treaty.
- b) The amount determined in response to paragraph (a) should be reduced to reflect applicable income taxes and unearned premium reserves ceded to unauthorized companies, if any.
- c) The amount determined in response to this paragraph should be based on loss experience to date reflecting amounts claimed as reinsurance recoverable on paid and unpaid losses as set forth in Schedule F, Part 1A, Section 1.
- d) The amount determined in response to paragraph (c) should be adjusted to reflect applicable income taxes.
- e) Divide the sum of the answers to paragraphs (b) and (d) by Surplus As Regards Policyholders as shown on page 3, line 27 of the accompanying Annual Statement.
- f)
 - 1) These instructions apply to retrospective rated contracts and sliding scale commission contracts.
 - 2) The amounts below should be computed separately for each retrospective adjustment period which is currently in force or which was in force during the most recent three years:
 - A) In regard to retrospective adjustment periods which commenced within the most recent three years and ended during this period, the amount should be computed at the maximum level provided by the reinsurance contracts less amounts previously paid to reinsurers

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and less amounts presently accrued (including as accrued the amount shown in response to paragraph (c)).

- B) In regard to retrospective adjustment period which commenced prior to the most recent three years and which ended during this period, the amount should be determined as in (A) above, but should be pro rata reduced for the period of time of the retrospective adjustment period which is prior to the most recent three year period.
 - C) In regard to retrospective adjustment periods which commenced within the most recent three years but will end after this period, the amount should be computed at the maximum level provided by the reinsurance contracts on the basis of inception to statement date premium data. Otherwise, with this exception the instructions in (A) above should be followed.
 - D) In regard to retrospective adjustment periods which commenced prior to the most recent three years and which will end after this period, the amount should be determined at the maximum level provided by the reinsurance contracts on the basis of inception to statement date premium data. This amount should be pro rata reduced for the period of time of the retrospective adjustment period which is prior to the most recent three year period. Otherwise, with these exceptions the instructions in (A) above should be followed.
- g) Divide the sum of the amounts determined as answers to paragraph (f) less applicable income taxes by Surplus As Regards Policyholders as shown on page 3, line 27 of the accompanying Annual Statement.
 - h) Divide the sum of the answers to paragraphs (b), (d) and (f) (adjusted by applicable income taxes) by Surplus As Regard Policyholders as shown on page 3, line 27 of the accompanying Annual Statement.

Section 923.70 Waiver Requirements

Consistent with the purpose of this Rule, the Director may waive one or more requirements of the rule. The Director's decision to waive may be based on, but not limited to, such factors as the number of reinsurers involved, the percentage of participation of the various reinsurers, the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

length and complexity of the reinsurance contracts, or the availability of financial information from other sources.

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Registration of Workers' Compensation Utilization Review
- 2) Code Citation: 50 Ill. Adm. Code 2905
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2905.10	New Section
2905.20	New Section
2905.30	New Section
2905.40	New Section
2905.50	New Section
2905.Exhibit A	New Section
2905.Exhibit B	New Section
- 4) Statutory Authority: Implementing Section 8.7 of the Worker's Compensation Act [820 ILCS 305/8.7] and authorized by Section 8.7 of the Worker's Compensation Act [820 ILCS 305/8.7] and Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) A Complete Description of the Subjects and Issues Involved: PA 92- 0277 requires the registration of workers compensation utilization review organizations within the Department of Financial and Professional Regulation. This proposed new rule will establish the format for this registration based on existing registration requirements for health care utilization review organizations as provided in the Managed Care Reform and Patient Rights Act. With the addition of Exhibit A, the Department will be able to accommodate both health and workers compensation registration in its existing administrative scheme.
- 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 Objectives: This Part will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Eve Blackwell-Lewis, Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington
Springfield, Illinois 62767-0001

or

Barb Smith, Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington
Springfield, Illinois 62767-0001

(217) 785-0813

(217) 782-2867

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Workers' compensation utilization review organizations, as that term is defined in Section 2905.10 of this Part, will be affected by this new rule.
- B) Reporting, bookkeeping or other procedures required for compliance: Notification of workers' compensation review.
- C) Types of professional skills necessary for compliance: Executive, administrative and, or clerical.
- 13) Regulatory Agenda on which this rule was summarized: July 2005

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER hh: WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY

PART 2905

REGISTRATION OF WORKERS' COMPENSATION UTILIZATION REVIEW

Section

2905.10	Definitions
2905.20	Registration
2905.30	Fees
2905.40	Material Changes
2905.50	Renewals and Appeals
2905.EXHIBIT A	Application for Registration of a Utilization Review Organization
2905.EXHIBIT B	Utilization Review Organization Officers and Directors Biographical Affidavit

AUTHORITY: Implementing Section 8.7 of the Workers' Compensation Act [820 ILCS 305/8.7] and authorized by Section 8.7 of the Workers' Compensation Act and Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

Section 2905.10 Definitions

Department means the Illinois Department of Financial and Professional Regulation.

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

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

Utilization Review Organization means an entity that has established one or more utilization review programs. This definition does not include:

persons providing utilization review program services only to the federal government;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

self-insured health plans under the Federal Employee Retirement Income Security Act of 1974 (ERISA); however, this Part does not apply to persons conducting a utilization review program on behalf of these health plans;

hospitals and medical groups performing utilization review activities for internal purposes; however, this Part does apply when the hospital or medical group is conducting utilization review for another person.

Section 2905.20 Registration

On or after July 1, 2005, a workers' compensation utilization review organization may not conduct utilization review for workers' compensation services as provided by Section 8.7 of the Workers' Compensation Act [820 ILCS 305/8.7] unless the utilization review organization has registered with the Director. An application for registration shall be in a format as set forth in Exhibits A and B of this Part, and must be signed by an officer or director of the utilization review organization. Initial registration applications shall be deemed approved unless the Director finds the application to be noncompliant with either the standards set forth in Section 8.7 of the Workers' Compensation Act or this Part. Entities currently registered as health care utilization review organizations in accordance with the Managed Care Reform and Patient Rights Act [215 ILCS 134/85] that perform workers' compensation utilization review must revise Section 2 of their application forms (50 Ill. Adm. Code 5420.Exhibit D) within 60 days after the effective date of this Part.

Section 2905.30 Fees

A workers' compensation utilization review organization must register with the Director every two years. A fee of \$3,000 must be submitted with each application or renewal unless the utilization review organization is accredited under the Health Utilization Management Standards or the Workers' Compensation Utilization Management Standards of the American Accreditation Healthcare Commission (URAC), in which case the fee is \$1500.

Section 2905.40 Material Changes

Any material changes in the information filed pursuant to this Part shall be filed with the Director within 30 days after the change. Loss of accreditation status will require re-registration and payment of a \$3000 fee pursuant to Sections 2905.20 and 2905.30 of this Part. Entities currently registered as health care utilization review organizations in accordance with the Managed Care Reform and Patient Rights Act [215 ILCS 134/85] that perform workers'

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compensation utilization review must revise Section 2 of their application forms (50 Ill. Adm. Code 5420.Exhibit D) within 60 days after the effective date of this Part.

Section 2905.50 Renewals and Appeals

- a) If a renewal application and fee are not received prior to the renewal date, the registration will automatically expire and the utilization review organization must re-register and pay a fee pursuant to Sections 2905.20 and 2905.30 of this Part in order to conduct utilization review for workers' compensation services as provided by Section 8.7 of the Workers' Compensation Act [820 ILCS 305/8.7].
- b) If an application for registration or renewal is denied under this Part, the applicant may appeal that denial by requesting a hearing under the terms of Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and 50 Ill. Adm. Code 2402. A petition for hearing must be postmarked no later than 30 days from the date of initial denial. A hearing shall be scheduled within 45 days after the petition is filed with the Director. A decision by the Director shall be rendered within 60 days after the close of the hearing.

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Section 2905.EXHIBIT A Application for Registration of a Utilization Review Organization

1. Name of Applicant _____

Type of Application (check one):

- Corporation
- Partnership
- Limited Liability Corporation
- Other (Describe) _____

FEI Number _____

Contact Person _____

Business Telephone Number () _____

Fax Number () _____

Email Address _____

2. Type of Utilization Review Organization (check **all** that apply):

- Health Care Utilization Review
- Comprehensive Utilization Review
- Specialty Utilization Review
- Workers' Compensation Review

Check **all** categories that apply (as applicable)

- Licensed HMO providing utilization review services outside of the HMO
- Licensed HMO providing utilization review services only within that HMO
- Third Party Administrator
- Licensed Insurance Company providing utilization review services outside of that Insurance Company
- Licensed Insurance Company providing utilization review services only within that Insurance Company
- Hospital or Medical Group providing utilization review services for other than internal purposes
- Workers' Compensation Utilization Review Organization
- Other (Describe) _____

3. Business Address

Street (do not use P.O. Box) _____

City _____ State _____ Zip _____ - _____

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4. Mailing Address
Street or P.O. Box _____
City _____ State _____ Zip _____ - _____
5. Business Telephone Number () _____
Toll Free Number () _____
Fax Number () _____
Email Address/Website _____
6. Agent for Service of Process **in Illinois**
Name _____
Street (do not use P.O. Box) _____
City _____ State _____ Zip _____ - _____
7. For each Utilization Review Program supply the following information:
- The name, address, telephone number and normal business hours of the utilization review programs.
 - The organization and governing structure of the utilization review programs.
 - The number of reviews in Illinois for which utilization review is conducted by each utilization review program.
 - Hours of operation of each utilization review program.
 - Description of the grievance process for each utilization review program.
 - Please check (all that apply) to determine if you are using the Health Standards and/or the Workers' Compensation Standards in order to meet or exceed American Accreditation Healthcare Commission (URAC) Standards and provide the Division with a copy of your current certificates, if applicable.
 Health Utilization Standards
 Workers' Compensation Standards
 - Number of reviews in Illinois for which utilization review was conducted for the previous calendar year for each utilization program.
 - Written policies and procedures for protection of confidential information according to applicable State and Federal laws for each utilization review program.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

i) Biographical information for organization officers and directors. Biographical affidavits shall be stamped "confidential" by the utilization review organization.

8. Indicate accreditation status below:

a) Health accredited by:

- URAC
- NCQA
- JCAHO

b) Workers' compensation accredited under:

- URAC Health Standards
- URAC Workers' Compensation Standards

c) Unaccredited

9. Check Enclosed

- a) Accredited fee \$1500 biennially
- b) Unaccredited fee \$3000 biennially

10. Affirmation (to be signed by an officer or director of the utilization review organization only):

I, _____ do hereby certify that
(Typed name, title)

(Utilization Review Organization)

complies with the Health and/or Workers' Compensation Utilization Management Standards of the American Accreditation Healthcare Commission (URAC) sufficient to achieve American Accreditation Healthcare Commission (URAC) accreditation or submits evidence of accreditation by the American Accreditation Healthcare Commission (URAC) for its Health and/or Workers' Compensation Utilization Management Standards, and do hereby affirm that all of the information presented in this application is true and correct.

(Signature)

(Date)

Please mail completed application to:

Illinois Department of Financial and Professional Regulation

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

Division of Insurance
Utilization Review Unit
320 West Washington Street
Springfield IL 62767-0001
(217) 558-2309

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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Section 2905.EXHIBIT B Utilization Review Organization Officers and Directors Biographical Affidavit

Full name and address of company (do not use group name)	
In connection with the above-named company, I herewith make representations and supply information about myself as hereinafter set forth. (Attach addendum or separate sheet if space is insufficient to answer any question fully.) If answer is "No" or "None", so state.	
1. Affiant's full name (initials not acceptable)	
2a. Have you ever had your name changed? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give the reason for the change.	
2b. Give other names used at any time	
3. Affiant's Social Security No.	4. Date and place of birth
5. Affiant's business address	Business telephone #
6. List your residences for the last 10 years starting with your current address, giving:	
Date	Address City and State
7. Education: List dates, names, locations and degrees	
College:	
Graduate Studies:	
Others:	
8. List memberships in Professional Societies and Associations	

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

9. Present or proposed positions with the applicant company									
10. List complete employment record (up to and including present jobs, positions, directorates or officerships) for the past 20 years, giving:									
<table border="1"> <thead> <tr> <th>Dates</th> <th>Employer and Address</th> <th>Title</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Dates	Employer and Address	Title						
Dates	Employer and Address	Title							
Please check one									
11. May present employer be contacted? <input type="checkbox"/> Yes <input type="checkbox"/> No May former employers be contacted? <input type="checkbox"/> Yes <input type="checkbox"/> No									
12a. Have you ever been in a position that required a fidelity bond? <input type="checkbox"/> Yes <input type="checkbox"/> No If any claims were made on the bond, give details.									
12b. Have you ever been denied an individual or position schedule fidelity bond, or had a bond cancelled or revoked? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give details.									
13. List any professional, occupational, and vocational licenses issued by any public or governmental licensing agency or regulatory authority that you presently hold or have held in the past (state date, license issued, issuer of license, date terminated, reasons for termination).									
14. During the last 10 years, have you ever been refused a professional, occupational or vocational license by any public or governmental licensing agency or regulatory authority, or has any such license held by you ever been suspended or revoked? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give details.									

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

15. List any administrators, insurers or HMOs in which you control directly or indirectly or own legally or beneficially 10% or more of the outstanding stock (in voting power).

If any of the stock is pledged or hypothecated in any way, give details.

16. Will you or members of your immediate family subscribe to or own, beneficially or of record, shares of stock of the applicant administrator or its affiliates? Yes No
If any of the shares of stock are pledged or hypothecated in any way, give details.

17. Have you ever been adjusted bankrupt? Yes No

18. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or an indictment charging any felony or charging a misdemeanor involving embezzlement, theft, larceny, or mail fraud, or charging a violation of any corporate securities statute or any insurance law, or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? Yes No If yes, give details.

19. Has any company been charged as described in No. 18, allegedly as a result of any action or conduct on your part? Yes No If yes, give details.

20. Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any insurer, HMO or administrator that, while you occupied such position or capacity, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship?
 Yes No

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21. Has the certificate of authority or license to do business of any insurance company or registration of any administrator of which you were an officer or director or key management person ever been suspended, revoked or denied while you occupied such position? Yes No If yes, give details.

Declaration

Dated and signed this _____ day of _____ at _____

I hereby certify under penalty of perjury that I am acting on my own behalf and that the foregoing statements are true and correct to the best of my knowledge and belief.

State of _____

County of _____

Personally appeared before me the above named _____

personally known to me who being duly sworn deposes and says that he or she executed the above instrument and that the statements and answers contained therein are true and correct to the best of his or her knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 20 _____

(Notary Public)

(SEAL)

My commission expires _____

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

Important Notice: Disclosure of this information is required by 50 Ill. Adm. Code 2905

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Managed Care Reform & Patient Rights
- 2) Code Citation: 50 Ill. Adm. Code 5420
- 3) Section Numbers: 5420.Exhibit D Proposed Action: Amendment
- 4) Statutory Authority: Implementing the Managed Care Reform and Patient Rights Act [215 ILCS 134/1 through 299] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) A Complete Description of the Subjects and Issues Involved: This amendment to Part 5420 will allow the Division to have one uniform rule for both health and workers compensation utilization review organizations. This amendment is being done in conjunction with the promulgation of a new rule, Part 2905 also published in this Illinois Register.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Eve Blackwell-Lewis, Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington
Springfield, Illinois 62767-0001

or

Barb Smith, Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington
Springfield, Illinois 62767-0001

(217) 785-0813

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NOTICE OF PROPOSED AMENDMENT

(217) 782-2867

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Under the authority of PA 94-0277, workers' compensation utilization review organizations are now required to register with the Division.
- B) Reporting, bookkeeping or other procedures required for compliance: Utilization of workers' compensation review.
- C) Types of professional skills necessary for compliance: Executive, administrative and, or clerical.

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER kkk : HEALTH CARE SERVICE PLANS

PART 5420

MANAGED CARE REFORM & PATIENT RIGHTS

Section

5420.10	Purpose
5420.20	Applicability and Scope
5420.30	Definitions
5420.40	Provision of Information
5420.50	Notice of Nonrenewal or Termination
5420.60	Transition of Services
5420.70	Health Care Services, Appeals, Complaints and External Independent Reviews
5420.80	Joint Resolution of Complaints – Department of Insurance and Department of Public Health – Notification and Resolution Process
5420.90	Record of Complaints
5420.100	Access and Quality of Care from Providers Without Primary Care Physician Referral or Authorization
5420.110	Emergency Services
5420.120	Post Stabilization Services
5420.130	Registration of Utilization Review Organizations
5420.140	Operational Requirements
5420.EXHIBIT A	Description of Coverage – Cover Page
5420.EXHIBIT B	Description of Coverage – Worksheet
5420.EXHIBIT C	Complaint Reporting Column Descriptions
5420.EXHIBIT D	Application for Registration of a Utilization Review Organization
5420.EXHIBIT E	Utilization Review Organization Officers and Directors Biographical Affidavit

AUTHORITY: Implementing the Managed Care Reform and Patient Rights Act [215 ILCS 134] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Emergency rules adopted at 23 Ill. Reg. 12466, effective September 27, 1999, for a maximum of 150 days; adopted at 24 Ill. Reg. 3374, effective February 10, 2000; amended at 24 Ill. Reg. 9429, effective July 1, 2000; amended at 28 Ill. Reg. 13711, effective September 28, 2004; amended at 30 Ill. Reg. _____, effective _____.

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NOTICE OF PROPOSED AMENDMENT

Section 5420.EXHIBIT D Application for Registration of a Utilization Review Organization

1. Name of Applicant _____

Type of Applicant (check one):

- Corporation
- Partnership
- Limited Liability Corporation
- Other (Describe) _____

FEI Number _____

Contact Person _____

Business Telephone Number () _____

Fax Number () _____

Email Address _____

2. Type of Utilization Review Organization (check **all that apply**):

- Health Care Utilization Review
- Comprehensive Utilization Review
- Specialty Utilization Review
- Worker's Compensation Review

Check **all** categories that apply (as applicable):

- Licensed HMO providing utilization review services outside of the HMO
- Licensed HMO providing utilization review services only within that HMO
- Third Party Administrator
- Licensed insurance company providing utilization review services outside of that insurance company
- Licensed Insurance Company providing utilization review services only within that insurance company
- Hospital or medical group providing utilization review services for other than internal purposes
- Worker's compensation utilization review organization
- Other (Describe) _____

3. Business Address

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

Street (do not use PO Box) _____
 City _____ State _____ Zip _____ - _____

4. Mailing Address
 Street or P.O. Box _____
 City _____ State _____ Zip _____ - _____

5. Business Telephone Number () _____
 Toll Free Number () _____
 FAX Number () _____
 Email Address/Website _____

6. Agent for Service of Process **in Illinois**

Name _____
 Street Address (do not use P. O. Box) _____
 City _____ State _____ Zip _____ - _____

7. For each Utilization Review Program supply the following information:

- a) The name, address, telephone number and normal business hours of the utilization programs.
- b) The organization and governing structure of the utilization review programs.
- c) The number of reviews in Illinois~~lives~~ for which utilization review is conducted by each utilization program.
- d) Hours of operation of each utilization review program.
- e) Description of the grievance process for each utilization program.
- f) Please check (all that apply) to determine if you are using the Health Standards and/or the Worker's Compensation Standards in order to meet or exceed American Accreditation Healthcare Commission (URAC) Standards and provide the Division with a copy of your current certificates, if applicable.
 Health Utilization Standards
 Worker's Compensation Standards
- g) Number of reviews in Illinois~~covered~~ lives for which utilization review was conducted for the previous calendar year for each utilization review program.
- hg) Written policies and procedures for protecting confidential information according to applicable State and Federal laws for each utilization review program.
- ih) Biographical information for organization officers and directors as set forth in Exhibit E of this Part. Biographical affidavits shall be stamped "confidential" by the utilization review organization.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

8. Indicate accreditation status below.

a) ~~Health accredited~~Accredited by:

- URAC
- NCQA
- JCAHO

b) Worker's Compensation accredited by:

- URAC Health Standards
- URAC Worker's Compensation Standards

c) Unaccredited.

9. Check Enclosed

a) Accredited fee \$1500 biennially

b) Unaccredited fee \$3000 biennially

10. Affirmation (to be signed by an officer or director of the utilization review organization only):

I, _____ do hereby certify that
(typed name, title)

(utilization review organization)

complies with the Health and/or Worker's Compensation Utilization Management Standards of the American Accreditation Healthcare Commission (URAC) sufficient to achieve American Accreditation Healthcare Commission (URAC) accreditation or submits evidence of accreditation by the American Accreditation Healthcare Commission (URAC) accreditation or submits evidence of accreditation by the American Accreditation Healthcare Commission (URAC) for its Health and/or Worker's Compensation Utilization Management Standards, and do hereby affirm that all of the information presented in this application is true and correct.

(signature)

(date)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

Please mail completed application to:

Illinois Department of Financial and Professional Regulation

Division of Insurance

Utilization Review Unit

320 West Washington Street

Springfield IL 62767-0001

(217) 558-2309

(Source: Amended at 30 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Fire Sprinkler Contractor Licensing Rules
- 2) Code Citation: 41 Ill. Adm. Code 109
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
109.10	Amendment
109.20	Amendment
109.30	Amendment
109.40	Amendment
109.110	Amendment
- 4) Statutory Authority: Authorized by and implementing Section 50 of the Fire Sprinkler Contractor Licensing Act [225 ILCS 317].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking adopts a statutory change and the current national standards.
- 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? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These amendments have no impact on local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Misty Matykiewicz
Director of the Fire Prevention Division
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

Facsimile: 217-782-1062

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses that are licensed under the Fire Sprinkler Contractor Licensing Act [225 ILCS 317].
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: Expands those professionals who may prepare and stamp automatic sprinkler layout drawings to include Illinois licensed architects and holders of a valid NICET level 3 or 4 certification in fire protection technology automatic sprinkler system layout.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: the need for the amendments was not anticipated at the time that the agendas were published.

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHALPART 109
FIRE SPRINKLER CONTRACTOR LICENSING RULES

Section	
109.10	Purpose
109.20	Applicability of Rules
109.30	Definitions
109.40	Application for License
109.50	Communications by Business
109.60	Required Notifications to the Office
109.70	Termination of License
109.80	Display of License and Retention of Sprinkler System Plans
109.90	Availability of Books, Records, Forms and Stationery
109.100	Renewal of License
109.110	Compliance Standards
109.120	Administrative Actions
109.130	Administrative Fines
109.140	Appeal of an Administrative Action

AUTHORITY: Implementing and authorized by Section 50 of the Fire Sprinkler Contractor Licensing Act [225 ILCS 317].

SOURCE: Adopted at 28 Ill. Reg. 9239, effective June 28, 2004; amended at 30 Ill. Reg. _____, effective _____.

Section 109.10 Purpose

The purpose of this Part is to regulate persons engaged in the business of ~~planning, selling,~~ installing, ~~maintaining,~~ or ~~repairing~~ ~~servicing~~ fire ~~protection~~ sprinkler systems, in the interest of safeguarding lives and property.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 109.20 Applicability of Rules

This Part shall apply to all ~~persons~~ ~~individuals~~ and businesses who desire to engage in fire sprinkler contracting in this State, except as otherwise exempted in Section 15(i) of the Act.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 109.30 Definitions

The following definitions shall apply to this Part:

"Act" means the Fire Sprinkler Contractor Licensing Act [225 ILCS 317].

"Business" means any person, ~~firm, or company~~ engaged in the business of ~~planning, selling,~~ installing, ~~maintaining~~ or ~~repairing~~ ~~servicing~~ fire ~~protection~~ sprinkler systems in the State of Illinois.

"Designated certified person" means an individual who has met the qualifications set forth in Section 20 of the Act and who is designated by the fire sprinkler contractor on a full time basis to provide supervision and to assure that each fire sprinkler system is installed and repaired in accordance with this Part.

"Fire sprinkler contractor" means a business that holds itself out to be in the business of installing or repairing or contracts with another business to install or repair a fire sprinkler system. [225 ILCS 317/10]

"Fire sprinkler system" means any water-based automatic fire extinguishing system employing fire sprinklers, including accessory fire pumps and associated piping, fire standpipes, or underground fire main systems, starting at the connection to the water service (after the approved backflow device is installed under the requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890)) and ending at the most remote fire sprinkler. "Fire sprinkler system" includes but is not limited to a fire sprinkler system in residential, commercial, institutional, educational, public or private occupancy. "Fire sprinkler system" does not include single sprinkler heads that are in a loop of the potable water system, as referenced in 77 Ill. Adm. Code 890.1130 and 890.1200. [225 ILCS 317/10]

"Install" or "installation" means the initial placement of the fire sprinkler system or its extension or alteration after initial placement.

"License" means a biennial license issued by the Office pursuant to the Act and this Part.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

"Licensee" means a person or business organization licensed in accordance with the Act. [\[225 ILCS 317/10\]](#)

"NFPA" means the National Fire Protection Association, a nationally recognized standards-making organization, having an address at 1 Batterymarch Park, Quincy, Massachusetts 02269-7471.

"NICET" means the National Institute for Certification in Engineering Technologies. [\[225 ILCS 317/10\]](#)

"Office" means the Office of the State Fire Marshal.

"Officer" means:

if the business is a sole proprietorship, the owner of the business or any person exercising managerial control; or

if the business is a partnership, any partner who has at least 10% ownership interest or any partner who exercises managerial control; or

if the business is a corporation, any officer or director of the corporation or any person who has at least 10% ownership interest in such corporation or who exercises managerial control.

"Person" means an individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois or a department thereof, any other State-owned and operated institution, or any other entity. [225 ILCS 317/10]

"Repair" means any work after the initial installation to correct and maintain the fire sprinkler system to provide performance as originally planned.

"Responsible managing employee" means the individual designated on a full time basis, by the fire sprinkler contractor that is not required to have a certified designated person pursuant to Section 120 of the Act, to provide supervision and to assure that each fire sprinkler system is installed and repaired in accordance with this Part.

"State Fire Marshal" means the Executive Director of the Office of the State Fire Marshal of the State of Illinois.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

"Supervision" means the direction and management by a designated certified person, or by the responsible managing employee if applicable, of the activities of non-certified personnel in the installation or repair of fire sprinkler systems.
(Section 10 of the Act) [225 ILCS 317/10]

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 109.40 Application for License

- a) All applications to obtain a license as a fire sprinkler contractor shall be submitted to the Office on forms provided by the Office and shall include:
- 1) The name and address of the business. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.
 - 2) The names and personal addresses of all officers of the business applying.
 - 3) If an assumed name is to be used, a copy of the assumed name certificate.
 - 4) The name and personal address of the designated certified person or the responsible managing employee, if applicable, and the following:
 - A) For a designated certified person, an original copy of the person's Illinois Professional Engineers License or NICET certification. The original will be returned.
 - B) For a responsible managing employee, the business shall provide:
 - i) The responsible managing employee's name, qualifications and last three years of work experience; and
 - ii) The name, address and telephone number for each person who can verify those qualifications and work experience.
 - 5) If the business is not required to have a designated certified person pursuant to Section 120 of the Act, the business shall provide:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- A) The business' work experience since January 1, 2000, identifying all the jobs in which the business has installed or repaired fire sprinkler systems; and
- B) The name, address and telephone number for each person who can verify that work experience.
- 6) For the initial license and for each renewal license, a fee of \$1,500.
- 7) A Certificate of Insurance *for personal injuries of not less than \$500,000 per person or \$1,000,000 per occurrence, and for property damage not less than \$1,000,000 per occurrence* [\[225 ILCS 317/35\]](#), and proof of worker's compensation insurance. Such insurance coverage shall provide for 30 days' minimum prior to written notice of cancellation to the Office.
- 8) An organizational chart for each business office showing the supervisory duties of the designated certified person or responsible managing employee.
- 9) A list of each license issued by any state, local or federal governmental entity in the previous 3 years to engage in fire sprinkler contracting and a statement of whether the licensee is currently subject to disciplinary action or has been adjudicated to have violated a license.
- 10) Proof of payment of taxes to the Illinois Department of Revenue.
- b) A corporation, in addition to the requirements of subsection (a), shall submit the name and address of its registered agent and a copy of its Articles of Incorporation bearing the seal of the officer responsible for registering the corporation under the laws of the applicable jurisdiction. In addition, a foreign corporation must submit a copy of the Certificate of Authority to transact business in this State.
- c) Partnerships, in addition to the requirements of subsection (a), shall submit an affidavit stating that the partnership has been legally formed.
- d) Limited partnerships, in addition to the requirements of subsection (c), shall submit a letter of authority from the Secretary of State's Limited Partnership Department.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- e) If the business has more than one business location from which it will install or repair fire sprinkler systems, each location shall require a separate designated certified person and a separate license.
- f) Upon receipt of the documents required by this Section and review of the application, the Office shall issue a license to engage in fire sprinkler contracting or shall notify the applicant of the reason for the denial of such license.

Section 109.110 Compliance Standards

- a) The fire sprinkler system shall be installed, repaired and maintained in accordance with the edition of the following copyrighted standards and recommended practices in effect at the time of installation or alteration. These standards are available from the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269-7471.
 - 1) NFPA 13 – Standard for the Installation of Sprinkler Systems;
 - 2) NFPA 13D – Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and ~~Manufactured~~ Mobile Homes;
 - 3) NFPA 13R – Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height;
 - 4) NFPA 14 – Standard for the Installation of Standpipe and Hose Systems;
 - 5) NFPA 15 – Standard for Water Spray Fixed Systems for Fire Protection;
 - 6) NFPA 16 – Standard for the Installation of ~~Deluge~~ Foam-Water Sprinkler and Foam-Water Spray Systems;
 - 7) NFPA 20 – Standard for the Installation of ~~Stationary~~ Centrifugal Fire Pumps of Fire Protection;
 - 8) NFPA 22 – Standard for Water Tanks for Private Fire Protection;
 - 9) NFPA 24 – Standard for the Installation of Private Fire Service Mains and Their Appurtenances;

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- 10) NFPA 25 – Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;
 - 11) ~~NFPA 30 – Flammable and Combustible Liquids Code;~~
 - 12) ~~NFPA 30A – Automotive and Marine Service Station Code;~~
 - 13) ~~NFPA 30B – Code for the Manufacture and Storage of Aerosol Products;~~
 - 14) ~~NFPA 214 – Standard on Water-Cooling Towers;~~
 - 15) ~~NFPA 231 – Standard for General Storage;~~
 - 16) ~~NFPA 231C – Standard for Rack Storage of Materials;~~
 - 17) ~~NFPA 231D – Standard for Storage of Rubber Tires;~~
 - 18) ~~NFPA 231F – Standard for Storage of Roll Paper;~~
 - 19) ~~NFPA 232 – Standard for Protection of Records;~~
 - 20) ~~NFPA 307 – Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves; and~~
 - 21) ~~NFPA 409 – Standard on Aircraft Hangars.~~
- b) All equipment used in the installation or repair of a fire sprinkler system shall be tested and approved by either the Underwriters Laboratories, Inc. or Factory Mutual Laboratories, Inc.
- c) The local governmental authority shall determine the documentation and approvals required to issue a permit for the installation, alteration and/or repair of the fire sprinkler system. All design drawings of engineered sprinkler systems shall be stamped by a Illinois licensed professional engineer prior to submittal to the authority having jurisdiction.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Storage, Transportation, Sale, and Use of Liquefied Petroleum Gases
- 2) Code Citation: 41 Ill. Adm. Code 200
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
200.5	Amendment
200.10	Amendment
200.20	Amendment
200.30	Amendment
200.40	Amendment
200.100	Amendment
- 4) Statutory Authority: Authorized by and implementing Section 3 of the Liquefied Petroleum Gas Regulation Act [430 ILCS 5/3].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking adopts the current national standards.
- 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? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: These amendments have no impact on local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Shelly Bradley, Division Manager
Division of Petroleum and Chemical Safety
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

Facsimile: 217-782-1062

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those small businesses that store and handle Liquefied Petroleum Gases, and install gas appliances and gas piping.

B) Reporting, bookkeeping or other procedures required for compliance: To comply with the adopted standard, LP-Gas cylinders will have to be requalified by January 1, 2008.

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 agendas because: the need for the new amendments was not anticipated at the time that the agendas were published.

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 200

STORAGE, TRANSPORTATION, SALE, AND USE
OF LIQUEFIED PETROLEUM GAS

Section

200.5	Introduction
200.7	Incorporations by Reference
200.10	Storage and Handling of Liquefied Petroleum Gases
200.20	Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants
200.30	Rules For Installation of Gas Appliances And Gas Piping
200.40	Storage and Handling of Liquefied Petroleum Gas at Gas Processing Plants
200.50	Installations Must Be In Compliance
200.60	Submittal Of Plans
200.70	Applications, Plans and Blueprints Must Be Filed in Triplicate – What Applications and Drawings Must Show
200.80	Operation of Installation Prohibited Until Final Inspection and Approval
200.90	No Supplier Shall Service Any Installation Not In Compliance With Law
200.100	Personnel Must be Properly Trained
200.110	No Self Service Permitted
200.120	Interstate Commerce Commission or Department of Transportation Containers (Repealed)
200.160	Cylinder System Installations (Bottled Gas) (Repealed)
200.170	Minimum Safety Requirements for Manifolding American Society of Mechanical Engineers Containers (Repealed)
200.180	Location of Containers (Repealed)
200.190	Abandoned Tanks
200.200	Marking of Tank Trucks and Trailers (Repealed)
200.210	Lighting Requirements on Trucks and Trailers (Repealed)
200.230	Drivers of Trucks and Trailers Must Be Properly Trained (Repealed)
200.240	When Tank Truck May Not Be Left Unattended (Repealed)
200.250	Tank Trucks and Tractors Must Be In Good Repair (Repealed)
200.260	Parking In Congested Areas Prohibited (Repealed)
200.270	Travel In Heavy Traffic Districts To Be Avoided (Repealed)
200.280	Gear Shift Requirements for Loaded Tank Trucks (Repealed)
200.290	Semi-Trailers Loading and Unloading (Repealed)
200.300	Fire Extinguisher Requirements (Repealed)
200.310	Excess Flow Valves Not To Be Tampered With (Repealed)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

200.320	When Transportation and Sale Prohibited (Repealed)
200.330	Containers To Be Transported In Upright Position (Repealed)
200.340	Fireworks Prohibited
200.350	Additional Safety Measures Authorized

AUTHORITY: Authorized by and implementing Section 3 of the Liquefied Petroleum Gas Regulation Act [430 ILCS 5/3].

SOURCE: Rules for the Storage, Transportation, Sale and Use of Liquefied Petroleum Gases, filed October 15, 1971; codified at 5 Ill. Reg. 10697; amended at 8 Ill. Reg. 2467, effective June 1, 1984; amended at 19 Ill. Reg. 11455, effective August 1, 1995; amended at 21 Ill. Reg. 4999, effective April 15, 1997; amended at 23 Ill. Reg. 4227, effective April 1, 1999; amended at 25 Ill. Reg. 3655, effective March 1, 2001; amended at 26 Ill. Reg. 10814, effective July 1, 2002; amended at 30 Ill. Reg. _____, effective _____.

Section 200.5 Introduction

Pursuant to the authority conferred upon the Office of the State Fire Marshal by Section 3 of the [Liquid Petroleum Gas Regulation Gas Storage Act \(Ill. Rev. Stat. 1991, ch. 96½, par. 5603\)](#) [430 ILCS 5/3], the office of the State Fire Marshal is adopting this Part [220 ILCS 15/3] the following [rules and regulations](#) in relation to the storage, transportation, sale and use of liquefied petroleum gases ~~are hereby adopted~~.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 200.10 Storage and Handling of Liquefied Petroleum Gases

Standards for the Storage and Handling of Liquefied Petroleum Gases as contained in the ~~2004~~2004 Edition ([except that Section 5.2.3, regarding the requalification of cylinders filled on site, will not be effective until January 1, 2008](#)) of NFPA ~~Standard No. 58~~ (Liquefied Petroleum Gas Code), ~~by the National Fire Protection Association~~ are mandatory.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 200.20 Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants

Standards for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants as published in the ~~2004~~1992 Edition of [NFPA Standard NFPA No. 59 by the National Fire Protection Association \(Utility LP Gas Plant Code\)](#) are mandatory.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 200.30 Rules For Installation of Gas Appliances And Gas Piping

Standards for the Installation of ~~Gas Appliances~~ [gas appliances](#) and ~~Gas Piping~~ [gas piping](#) as published in the ~~2002~~ [1999](#) Edition of ~~NFPA Standard NFPA No. 54~~ [by the National Fire Protection Association](#) (National Fuel Gas Code) are mandatory. Standards for ~~Fuel Systems~~ [fuel systems](#) and ~~Equipment~~ [equipment](#) in ~~Recreational Vehicles~~ [recreational vehicles](#) as published in the ~~2002~~ [1996](#) Edition of ~~NFPA 1192 Standard NFPA No. 501C~~ [by the National Fire Protection Association](#) ([Standards on](#) Recreational Vehicles) are mandatory.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 200.40 Storage and Handling of Liquefied Petroleum Gas [at Gas Processing Plants](#)

~~Standards for~~ Storage and [handling of liquefied petroleum gas at natural gas processing plants, refineries, and petrochemical plants](#) ~~Handling of Liquefied Petroleum Gas at Natural Gas Processing Plants, Refineries, and Petrochemical Plants~~ shall comply with the ~~1995~~ [1989](#) Edition of Standard API 2510 ~~of~~ [by](#) the American Petroleum Institute (Design and Construction of ~~LPG~~ [LPG](#) Gas Installation).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 200.100 Personnel Must be Properly Trained

Personnel performing installation, service, operation and maintenance work must be properly trained in such work [in accordance with the applicable NFPA Standard cited in this Part.](#) [Documentation of training must be made available to the OSFM upon request.](#)

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.464 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: This emergency amendment pertains to encounter rate clinics that provide comprehensive health care for women and infants. The rate of \$75 per encounter is being increased to \$90 per encounter to assure continued access to essential medical services for certain vulnerable medical assistance clients. This change is expected to result in an additional fiscal year 2006 expenditure of approximately \$115,000.
- 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? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.80	Amendment	August 12, 2005 (29 Ill. Reg. 12338)
140.400	Amendment	September 30, 2005 (29 Ill. Reg. 14463)
140.435	Amendment	September 30, 2005 (29 Ill. Reg. 14463)
140.436	Amendment	September 30, 2005 (29 Ill. Reg. 14463)
140.442	Amendment	October 7, 2005 (29 Ill. Reg. 14957)
140.463	Amendment	September 30, 2005 (29 Ill. Reg. 14463)
140.924	Amendment	September 30, 2005 (29 Ill. Reg. 14463)
- 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: 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:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 15610:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

DEPARTMENT OF LABOR

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
350.10	Repeal
350.20	Repeal
350.30	Repeal
350.40	Repeal
350.50	Repeal
350.60	Repeal
350.70	Repeal
350.80	Repeal
350.90	Repeal
350.100	Repeal
350.110	Repeal
350.120	Repeal
350.130	Repeal
350.140	Repeal
350.150	Repeal
350.160	Repeal
350.170	Repeal
350.180	Repeal
350.190	Repeal
350.195	Repeal
350.200	Repeal
350.210	Repeal
350.220	Repeal
350.230	Repeal
350.240	Repeal
350.250	Repeal
350.260	Repeal
350.270	Repeal
350.280	Repeal
- 4) Statutory Authority: Safety Inspection and Education Act [820 ILCS 220] Health and Safety Act [820 ILCS 225]
- 5) A Complete Description of the Subjects and Issues Involved: This repeal of the existing rules was recommended by the Joint Committee on Administrative Rules in order to

DEPARTMENT OF LABOR

NOTICE OF PROPOSED REPEALER

incorporate necessary Section updates that correspond with the approved statutory changes under new rulemaking. These changes will allow for the Illinois State program to be at least as effective as the federal OSHA program. It is being repealed and proposed as new rulemaking due to the extensive amount of changes and for clarity. The proposed rulemaking under Part 350 is being submitted concurrently.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Effective when the new rules are approved, concurrent submittal.
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Register Code Citation:</u>
350.10	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.20	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.30	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.40	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.50	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.60	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.70	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.80	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.90	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.100	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.110	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.120	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.130	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.140	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.150	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.160	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.170	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.180	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.190	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.195	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.200	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.210	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.220	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.230	New Section	October 14, 2005; 29 Ill. Reg. 15455

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350.240	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.250	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.260	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.270	New Section	October 14, 2005; 29 Ill. Reg. 15455
350.280	New Section	October 14, 2005; 29 Ill. Reg. 15455

- 10) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted in writing, within 45 days of this Notice to:
- Name: Cheryl J. Hawkins
Industrial Hygienist
Address: Illinois Department of Labor
#1 West Old State Capitol Plaza, Suite 300
Springfield, Illinois 62701
- Telephone: (217) 782-9386
Facsimile: (217) 785-8776
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: public sector in Illinois
- 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: It was not anticipated

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

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 350

HEALTH AND SAFETY (REPEALED)

SUBPART A: INSPECTIONS AND CITATIONS

Section	
350.10	Purpose and Scope
350.20	Definitions
350.30	Posting of Notice
350.40	Availability of Rules and Standards
350.50	Inspection Authority
350.60	Advance Notice of Inspection
350.70	Conduct of Inspections
350.80	Closing Conferences
350.90	Representatives of Employers and Employees
350.100	Objections During Inspection
350.110	Trade Secrets or Confidential Information
350.120	Consultation with Employees
350.130	Complaints by Employees
350.140	Imminent Danger
350.150	Citations
350.160	Posting of Citations
350.170	Appeal of Citation
350.180	Appeal of Abatement Period
350.190	Petition for Variance from Standards
350.195	Hearings
350.200	Advisory Inspections

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section	
350.210	Emergency Notification
350.220	Recordable Injuries and Illnesses
350.230	Log of Injuries and Illnesses
350.240	Supplementary Record of Injuries and Illnesses
350.250	Annual Summary

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350.260 Retention of Records
350.270 Access to Records

SUBPART C: FEDERAL STANDARDS

Section
350.280 Adoption of Federal Standards

AUTHORITY: Implementing and authorized by the Safety Inspection and Education Act [820 ILCS 220] and the Health and Safety Act [820 ILCS 225].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8518, effective May 26, 1992; amended at 17 Ill. Reg. 1074, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 7072, effective April 27, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 14724, effective September 15, 1994; amended at 19 Ill. Reg. 11923, effective August 7, 1995; amended at 20 Ill. Reg. 7419, effective May 10, 1996; amended at 21 Ill. Reg. 12850, effective September 4, 1997; amended at 23 Ill. Reg. 3993, effective October 1, 1999; amended at 23 Ill. Reg. 12447, effective October 2, 1999; amended at 24 Ill. Reg. 13693, effective August 23, 2000; amended at 25 Ill. Reg. 860, effective January 5, 2001; amended at 25 Ill. Reg. 10196, effective July 30, 2001; repealed at 30 Ill. Reg. _____, effective _____.

SUBPART A: INSPECTIONS AND CITATIONS

Section 350.10 Purpose and Scope

- a) The Health and Safety Act (Ill. Rev. Stat. 1991, ch. 48, par. 137.1 et seq.) requires that employers covered by the Act provide to their employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employees. The Act also requires that employers comply with occupational safety and health standards adopted under the Act and with rules issued under the Act which are applicable to their own actions and conduct. Under the Safety Inspection and Education Act (Ill. Rev. Stat. 1991, ch. 48, par. 59.01 et seq.) the Department of Labor is authorized to enforce these standards, to conduct inspections, and to issue citations for violations of these standards.
- b) This Part contains the department's rules under these Acts and sets forth general

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policies for enforcement of the inspection and citation provisions of these Acts in relation to public employers. Private employers are not covered by this Part, but are covered by federal regulations adopted by the Occupational Safety and Health Administration (29 CFR 1901.1 et seq.). This Part parallels the provisions contained in portions of these federal regulations (29 CFR 1903 and 1904).

Section 350.20 Definitions

As used in this Part, the following terms shall have the meanings indicated here:

"Calendar days" means each and every day, including Saturdays, Sundays, and holidays.

"Department" means the Department of Labor.

"Director" means the Director of the Department of Labor.

"Employee representative" means any person authorized by the employees to represent their interests in collective bargaining and other labor relations matters.

"Imminent danger" means the existence of conditions or practices in a workplace which could reasonably be expected to cause death or serious physical harm to employees in the workplace immediately or before the danger of such death or harm can be eliminated through the citation procedures provided in Section 350.150. Factors such as the location of the hazard, the proximity of the employees to the hazard, and the availability of alternatives to continued exposure to the hazard will be considered in determining whether or not a condition constitutes imminent danger.

"Inspection Act" means "AN ACT in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act therein named" (Ill. Rev. Stat. 1985, ch. 48, par. 59.1 et seq.).

"Officer" or "inspection officer" means any individual or agent of the Department of Labor who has been authorized by the department to conduct inspections and issue citations under this Part.

"Post" or "post in a conspicuous location" means to attach the notice to a bulletin board customarily used for notices to employees or, if such a bulletin board is not available in the workplace, to visibly display the notice in another location where

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the affected employees can be expected to have an opportunity to see and read the notice.

"Public employer" or "employer" means the State of Illinois and all political subdivisions, except State agencies that exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health pursuant to Section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021).

"Safety Act" means the Health and Safety Act (Ill. Rev. Stat. 1985, ch. 48, par. 137.1 et seq.).

"Service of notice" or "serve" means personal delivery or delivery postage prepaid via regular United States Postal Service mail. When service is effected by mail, the date of service shall be the date of the United States Postal Service postmark.

"Working days" means Mondays through Fridays. It shall not include Saturdays, Sundays, or State holidays.

Section 350.30 Posting of Notice

- a) Each employer covered by this Part shall post and keep posted a notice to be furnished by the department upon request, informing employees of the protections and obligations provided for in the Acts. The notice shall contain a general description of the provisions of the Safety Act and Inspection Act. The notice shall indicate that employees may contact the department to obtain assistance or additional information, such as copies of the Acts and information concerning how to obtain copies of specific standards. The requirement that employers post the notice required in this subsection shall not be enforced until the department has made the notice available to employers.
- b) Such notice shall be posted by the employer in each place of business in a conspicuous location or locations where notices to employees are customarily posted. Each employer shall take reasonable steps to insure that the notice is not altered, defaced, removed, or covered by other material.
- c) Posting of a photocopy or facsimile of the notice provided by the department shall constitute compliance with the requirements of this Section.

Section 350.40 Availability of Rules and Standards

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- a) Copies of the Acts and all rules and standards adopted under the Act will be available for inspection and copying at the offices of the department. These materials shall be made available in compliance with the Freedom of Information Act (Ill. Rev. Stat. 1984 Supp., ch. 116, pars. 201 et seq.).
- b) If an employer has obtained copies of these materials, he shall make them available upon request to any employee or any authorized representative of any employee for review. The materials shall be made available for review at the place of business where the employee is employed on the same day the request is made or at the earliest time mutually convenient to the employee or authorized representative and the employer.

Section 350.50 Inspection Authority

- a) Inspection officers are authorized to:
 - 1) Enter without delay and at any times when employees are present any establishment, plant, workplace, or site where work is performed by an employee of an employer covered by this Part;
 - 2) Inspect and investigate any such place of employment, including all conditions, structures, machines, equipment, devices, and materials in such place of employment;
 - 3) Collect and retain any necessary samples, including taking photographs and other means of documenting findings;
 - 4) Interview or confer privately with any employer, owner, operator, supervisor, or employee; and
 - 5) Review any records required by this Part and any other records directly related to the purpose of the inspection, such as equipment maintenance records or equipment manufacturers' required or recommended maintenance and warranty specifications.
- b) Officers shall comply with any internal security procedures of the employer regarding handling of any confidential information and records which must be reviewed during the course of an inspection.

Section 350.60 Advance Notice of Inspection

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- a) Advance oral notice of inspections shall be provided by the department to the employer, only when the department finds the existence of one or more of the following circumstances requiring such advance notice:
 - 1) Where there appears to be an imminent danger and advance notice to the employer may enable the employer to abate the danger as quickly as possible;
 - 2) Where special preparations by the employer, such as ensuring the personal security and privacy of persons at the workplace, are necessary prior to the inspection. Advance notice shall be limited to the time necessary to make such necessary preparations; or
 - 3) Where the presence of specific individuals, such as a specific employee or appropriate technical personnel, is needed to aid in the inspection.
- b) When the department provides advance notice of an inspection to an employer, the employer shall notify affected employees, and any representatives of affected employees.
- c) Any employee of the department providing advance notice of an inspection to an employer in violation of the provisions of this Section shall be subject to disciplinary action by the department and criminal penalties as provided in Section 2(c) of the Inspection Act (Ill. Rev. Stat. 1985, ch. 48, par. 59.2(c)).

Section 350.70 Conduct of Inspections

- a) Times and places of inspections shall be set by the department or the inspection officer.
- b) At the beginning of an inspection, the inspection officer or officers shall identify themselves to the operator, supervisor, or agent in charge of the place of employment at the time of the inspection and present credentials signed by the Director to verify their identification. The officer shall explain the purpose and nature of the inspection and indicate generally the scope of the inspection. The officer shall also specify any records which they wish to review, although such specification shall not preclude access to additional records which the officer later determines need review during the course of the inspection.

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- c) Officers shall comply with all employer health and safety rules and practices at the place of employment during the inspection, including the use of any prescribed protective clothing and equipment which shall be provided by the employer.
- d) When the officer finds that it is necessary to collect samples of materials or take photographs in order to determine if a violation exists, the officer shall take precautions to insure that such activities are not hazardous.
- e) Inspections shall be conducted in a manner designed to minimize any disruption of the operations of the place of employment.

Section 350.80 Closing Conferences

- a) At the conclusion of an inspection, the officer shall confer with the employer or his representative and advise him of any observed safety or health violations disclosed by the inspection. During such conference, the employer shall be afforded the opportunity to bring to the attention of the officer any pertinent information regarding conditions in the workplace.
- b) At the request of employees or representatives of employees of an employer covered by this Part, the officer shall seek permission of the employer or his representative to include the employees or representatives in the closing conference.
 - 1) If such permission is granted, the employees or representatives shall be included in the closing conference with the employer or his representative.
 - 2) If permission from the employer or his representative for a joint conference is denied, the officer shall arrange a separate closing conference with the employees or representatives. The separate closing conference may be held in the workplace only with the agreement of the employer or his representative. The separate closing conference shall be held as soon as practicable after the end of the inspection considering the availability of the employees or representatives and the availability of a location for the conference.

Section 350.90 Representatives of Employers and Employees

- a) A representative of the employer and a representative authorized by the

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employees shall be given an opportunity to accompany the inspection officer during the physical inspection of any workplace for the purpose of aiding in the inspection. The officer shall permit additional employer and employee representatives to accompany him during the inspection when he finds that such additional representatives will not interfere with the inspection and will further aid in the inspection. The officer shall allow different individuals to serve as employer and employee representatives during different phases of the inspection upon request by the employer or employees.

- b) If the inspection officer is unable to determine who has been authorized to serve as the representative of the employees, he shall consult with a representative number of employees concerning safety and health matters in the workplace.
- c) The representative of the employees shall be an employee of the employer, unless the inspection officer determines that a non-employee has been appropriately authorized by the employees and that the non-employee has specialized skill and knowledge which will be useful in the inspection. Such non-employees may include, but are not limited to, industrial hygienists or safety engineers.
- d) The officer shall deny the right of accompaniment under this Section to any individual whose conduct is abusive, obstructive, or similarly interferes with a fair and orderly inspection.

Section 350.100 Objections During Inspection

- a) If an employer refuses to permit an inspection officer to enter a place of employment without delay, to carry out authorized inspection activities, to view pertinent records, or to permit an employee representative to accompany the officer during an inspection, or otherwise attempts to restrict the inspection, the officer shall terminate the inspection or confine the inspection to areas where the employer has not raised objections.
- b) The employer shall explain to the officer the reasons for the refusal of entry. The officer shall promptly report the objections to the department.
- c) If, after reviewing the stated reasons, the department finds that the refusal is not authorized by either the Safety Act or the Inspection Act and the employer continues to refuse entry for those reasons, the department shall take administrative or legal action to compel entry.

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Section 350.110 Trade Secrets or Confidential Information

- a) At the commencement of an inspection, the employer may identify to the inspection officer areas in the place of employment which contain trade secrets. The inspection officer shall clearly label all information obtained from such areas during the inspection and shall not disclose such information except confidentially to other officers or agents responsible for carrying out the purposes of the Safety Act or Inspection Act.
- b) Upon request of the employer, the officer shall require the authorized representative of the employees to be an employee authorized by the employer to be in the area containing trade secrets. When there is no such representative or employee, the officer shall consult with a representative number of employees who work in the area containing trade secrets.

Section 350.120 Consultation with Employees

Inspection officers shall be given an opportunity to consult with employees concerning matters of occupational safety and health during the course of an inspection. Any employee shall be given an opportunity during the course of an inspection to bring to the attention of the officer any condition which he believes to be a violation of the Safety Act or Inspection Act.

Section 350.130 Complaints by Employees

- a) Any employees or representatives of employees who believe that conditions or practices exist in the workplace which constitute a violation of any health and safety standard adopted under the Safety Act or which constitute an imminent danger to the health or safety of the employees may request an inspection of such workplace by the department.
- b) The request shall be made by submission of a written complaint to the department. The request shall contain:
 - 1) The name and address of the employer;
 - 2) The specific location of the workplace which is the subject of the complaint;
 - 3) A description of the specific conditions or practices which the employees or representatives believe constitute a violation of the standards or an

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imminent danger;

- 4) The specific standards which the employees or representatives believe have been violated, if known; and
 - 5) The signature of the employees or representatives submitting the complaint.
- c) At the request of the employees or representatives submitting the complaint, the names of the employees or representatives shall be considered confidential and not included in any copy of the complaint provided to the employer or any other person or published by the department.
 - d) A copy of the complaint shall be provided to the employer or his authorized representative no later than the beginning of the inspection.
 - e) If the department determines that the complaint contains the required information and allegations of conditions which, if true, would constitute a violation of the standards, the department shall conduct an expedited inspection of the workplace. The inspection shall be conducted as expeditiously as practicable considering the seriousness of the alleged violation or danger, the availability of inspection officers, the location of the workplace, and the complexity of the inspection.
 - f) If the department determines that the complaint contains the required information and allegations of conditions which, if true, would constitute an imminent danger, the department shall conduct a special expedited inspection of the workplace. The inspection shall be conducted within two working days of the receipt of the complaint.
 - g) The department shall notify the employees or employee representatives submitting the complaint in writing of its determination within six months of the date the department received the complaint.

Section 350.140 Imminent Danger

- a) Whenever and as soon as an officer finds on the basis of an inspection or investigation that an imminent danger as defined in Section 350.20(g) exists in the workplace and that such imminent danger is not immediately abated in the presence of the officer, he shall notify the employees and the employer of the finding and shall recommend to the Director that legal action be sought to restrain

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the conditions or practices which are the cause of the imminent danger.

- b) If, upon review of the officer's findings and recommendations, the Director finds that an imminent danger exists in the workplace and has not been abated, he shall file a complaint in the circuit court for the circuit in which the workplace is located for appropriate relief against the employer or employee to cease and desist from the practice or to alleviate the condition creating the imminent danger as authorized by Section 2(e) of the Inspection Act (Ill. Rev. Stat. 1985, ch. 48, par. 59.2(e)).

Section 350.150 Citations

- a) Based on the report and recommendations of the inspection officer, the department shall issue a citation to the employer when it finds that the inspection has established that the employer has violated, or is violating, any of the health and safety standards adopted by the department under the Safety Act.
- b) Citations shall be issued promptly following the conclusion of the inspection. Citations shall be issued within six months after the occurrence of the violation.
- c) If the citation is issued as a result of an inspection which was requested by an employee complaint pursuant to Section 350.130, the department shall send a copy of the citation to the employees or employee representatives who submitted the complaint.
- d) Each citation shall include the following:
 - 1) The date of the inspection;
 - 2) A description of the conditions or practices which have been found to be in violation of the health and safety standards;
 - 3) The specific health and safety standards which have been or are being violated;
 - 4) A specific abatement date based upon consideration of factors such as the availability of necessary materials, cost, degree of risk present prior to abatement, and extent of anticipated disruption of business;
 - 5) A statement that the employer has the right to appeal the citation and a

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description of the procedures for appealing the citation; and

- 6) A statement that the employer may not discharge or discriminate against any employee because such employee has filed a complaint or otherwise provided information to the department concerning any conditions or practices which are related to alleged health and safety violations or because of the employee's exercise of any other rights provided by the Safety Act.

Section 350.160 Posting of Citations

- a) Immediately upon receipt of a citation, the employer shall post a copy of the citation in a conspicuous location and, unless physically prohibited by the nature of the workplace, at or near each place cited in the citation.
- b) Each citation shall remain posted for three working days or until the violation has been abated, whichever is later. The employer shall take steps to insure that the citation is not altered, defaced, or covered by other materials.
- c) Filing of an appeal of a citation shall not affect the employer's responsibility to post the citation and to insure that the citation remains posted. However, the employer may post an additional notice in the same location as the citation indicating that the citation is being appealed.

Section 350.170 Appeal of Citation

- a) The employer shall have the right to appeal a citation. To exercise this right, the employer shall file a notice of appeal with the department within 15 working days of the receipt of a citation. The notice shall be in writing and shall indicate the specific reasons the employer believes that a violation of the specific health and safety standards cited in the citation has not existed and does not exist in the workplace.
- b) At the same time that the notice of appeal is filed with the department, the employer shall post a copy of the notice in a conspicuous location in the workplace where all affected employees will have notice of the appeal. The notice shall remain posted for a period of at least ten working days. Where affected employees are represented by an authorized representative, a copy of the notice shall be served on the representative by the employer at the same time that the notice is filed with the department.

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- c) If the citation was issued as a result of an inspection which was requested by an employee complaint pursuant to Section 350.130 and the names of the employees or employee representatives submitting the complaint are not confidential under Section 350.130(c), the employer shall serve a copy of any notice of appeal on the employees or employee representatives who submitted the complaint.
- d) Affected employees or their authorized representatives may participate in the hearing on the appeal by filing a request to participate with the department within ten working days of the date of the posting of the notice or the service of the notice.
- e) If the employees or their authorized representatives do not file a request to participate or otherwise raise objections to the appeal and the department finds that the appeal demonstrates by a preponderance of the evidence that the violation cited in the citation did not and does not exist in the workplace, the department shall revoke the citation without holding a hearing.
- f) Within fifteen working days of the receipt of the notice of appeal, the department shall schedule a hearing on the appeal, appoint an impartial hearing officer to conduct the hearing, and serve notice of the time and location of the hearing on the employer. The employer shall post a copy of the notice in a conspicuous location in the workplace. The hearing officer shall not be the immediate supervisor of the officer who conducted the inspection. The hearing shall be held within forty-five calendar days of the receipt of the notice of appeal.
- g) The department shall fully consider the notice of appeal of the citation and all evidence presented at the appeal hearing. The citation shall be revoked only when the department finds that the evidence presented demonstrates by a preponderance of the evidence that the violation cited in the citation did not and does not exist in the workplace.

Section 350.180 Appeal of Abatement Period

- a) The employer, employees, and employee representatives shall have the right to appeal the abatement period set in a citation. To exercise this right, the employer, employees or employee representatives shall file a notice of appeal with the department within 15 working days of the receipt of a citation. The notice shall be in writing and shall indicate the specific reasons that the violations cannot be abated during the prescribed abatement period or that the violations can be abated

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within a shorter period.

- b) At the same time that the notice of appeal is filed with the department, the filing party shall post a copy of the notice in a conspicuous location in the workplace where all parties will have notice of the appeal. The notice shall remain posted for a period of at least ten working days. A copy of the notice shall be served by the filing party on each of the other parties at the same time that the notice is filed with the department.
- c) In addition to the filing party, other parties (employer, employees or employee representatives) may participate in the hearing on the appeal by filing a request to participate with the department within ten working days of the date of the posting of the notice or the service of the notice.
- d) If no request to participate or objections to the appeal have been filed and the department finds that the appeal and record of the proceeding demonstrate by a preponderance of the evidence that the violation cannot be corrected within the prescribed abatement period or that the violation can be corrected within a shorter period, the department shall adjust the abatement period without holding a hearing.
- e) Within fifteen working days of the receipt of the notice of appeal, the department shall schedule a hearing on the appeal, appoint an impartial hearing officer to conduct the hearing, and serve written notice of the time and location of the hearing on the employer. The employer shall post a copy of the notice in a conspicuous location in the workplace. The hearing officer shall not be the immediate supervisor of the officer who conducted the inspection. The hearing shall be held within forty-five calendar days of the receipt of the notice of appeal.
- f) The department shall fully consider the notice of appeal of the abatement period and all evidence presented at the appeal hearing. The abatement period shall be adjusted only when the department finds that the evidence presented demonstrates by a preponderance of the evidence that the violation cannot be corrected within the prescribed abatement period or that the violation can be corrected within a shorter period. In making this determination, the department will consider factors such as the availability of necessary materials, cost, degree of risk present prior to abatement, and extent of anticipated disruption of business.

Section 350.190 Petition for Variance from Standards

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- a) An employer may file a petition for variance from a health and safety standard when he finds that compliance has not been, or will not be, completed prior to the effective date of the standard because of factors beyond his control, as authorized by Section 4(e) of the Safety Act (Ill. Rev. Stat. 1985, ch. 48, par. 137.4(e)). Such a petition shall be filed by the employer as soon as practicable when he finds that compliance has not been, or will not be, achieved.
- b) The petition for a variance from a standard shall include the following information:
 - 1) A description of all steps taken by the employer and the dates of such action in an effort to achieve compliance;
 - 2) The specific additional time needed to achieve compliance and the date by which compliance will be achieved;
 - 3) The reasons, such as the unavailability of necessary professional or technical personnel or of materials or equipment, for the employer's inability to achieve compliance by the required date;
 - 4) A description of interim steps which are being taken to safeguard the employees against the hazard during the period of noncompliance; and
 - 5) A statement that a copy of the petition has been posted in a conspicuous location in the workplace.
- c) At the same time that the petition is filed with the department, the employer shall post a copy of the petition in a conspicuous location in the workplace where all affected employees will have notice of the petition. The petition shall remain posted for a period of at least ten working days. Where affected employees are represented by an authorized representative, a copy of the petition shall be served on the representative at the same time that the notice is filed with the department.
- d) Affected employees or their authorized representatives may participate in the hearing on the petition by filing a request to participate with the department within ten working days of the date of the posting of the petition or the service of the petition.
- e) Within fifteen working days of the receipt of the petition, the department shall schedule a hearing on the petition, appoint an impartial hearing officer to conduct

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the hearing, and serve notice of the time and location of the hearing on the employer and any employees and employee representatives who have filed a request to participate in the hearing. The hearing shall be held within forty-five calendar days of the receipt of the petition.

- f) The department shall fully consider the petition and any testimony presented by the employer, employees, and employee representatives. The requested variance shall be granted when the department finds that the employer has made and is making a good faith effort to achieve compliance (such as ordering necessary materials and designing, planning, and scheduling alterations), that the health and safety of the employees is being safeguarded during the noncompliance period (such as by the use of barriers, prohibition of access to the hazardous area, or posting of warning notices), and that such modification is necessary due to circumstances beyond the control of the employer. If the department finds that these conditions have not been met, the variance shall be denied.
- g) If the employees or their authorized representatives do not file a request to participate or otherwise raise objections to the petition and the department finds that the requested variance meets the conditions set forth in subsection (f), the department shall issue the requested variance without holding a hearing.

Section 350.195 Hearings

Hearings conducted by the Department under this Part shall be conducted in accordance with the Administrative Procedure Act [5 ILCS 100/Art. 10] and 56 Ill. Adm. Code 120.

Section 350.200 Advisory Inspections

- a) Any employer covered by this Part may request an advisory inspection by the department. The request shall include a statement signed by the employer or his representative that any violations discovered during the course of the requested inspection will be abated, if the department finds that the violations constitute conditions or practices which are likely to result in death or serious physical harm to the employees in the workplace. In making this determination, the department will consider factors such as the location of the hazard, the proximity of the employees to the hazard, and the availability of alternatives to continued exposure to the hazard.
- b) The department shall conduct an advisory inspection based on the employer's request, unless it finds that an employee complaint has been filed, that inspection

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officers are unavailable to conduct the inspection, or that a regular inspection will be, or has been, conducted which would make an advisory inspection duplicative.

- c) No citations shall be issued as a result of an advisory inspection. The employer shall be fully informed of any violations uncovered by the inspection and whether or not any citations would have been issued. The provisions of Section 350.140 concerning imminent danger shall apply to advisory inspections.
- d) Conducting an advisory inspection of a workplace shall not prohibit the department from conducting a regular inspection of the workplace at any time.

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section 350.210 Emergency Notification

After the occurrence of an employment incident which is fatal to one or more employees or which results in hospitalization of three or more employees, the employer shall report the incident to the department as soon as physically possible. The notification shall be made within eight (8) hours after the incident or death. The employer shall notify the department orally or in writing by telephone or telegraph. The notification shall relate the circumstances of the incident, the number of fatalities, the number of employees hospitalized, and the extent of the injuries.

Section 350.220 Recordable Injuries and Illnesses

Records of occupational injuries and illnesses must be completed and maintained by the employer for every occupational death, every nonfatal occupational illness, and every nonfatal occupational injury which involves one or more of the following: loss of consciousness, restriction of work or motion, transfer to another job, or medical treatment other than routine first aid.

Section 350.230 Log of Injuries and Illnesses

- a) Each employer shall maintain in each workplace a log of all recordable occupational injuries and illnesses for that workplace. The employer shall enter each recordable illness and injury on the log as early as practicable but no later than six working days after receiving information that a recordable injury or illness has occurred.
- b) The log shall contain the following information for each recordable injury and illness:

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- 1) A nonduplicating number assigned by the employer to this specific illness or injury to facilitate comparisons with the supplementary record of the illness or injury;
- 2) The date of the injury, or initial occurrence or diagnosis of the illness;
- 3) The name of the employee affected;
- 4) The job title of the employee or, if the employee has no formal job title, a brief description of the employee's duties;
- 5) The department or division in which the employee works;
- 6) A description of the illness or injury which resulted, including the specific parts of the body affected;
- 7) A classification of the occurrence as an injury or as an illness;
- 8) An indication of whether or not the employee died and, if the employee died, the date of the death;
- 9) An indication of whether or not the illness or injury involved days of restricted work activity and, if days of restricted work activity were involved, the number of days the employee's work was restricted;
- 10) An indication of whether or not the illness or injury involved days away from work and, if days away from work were involved, the number of days the employee was away from work;
- 11) A classification of each illness into one of the following categories:
 - A) Occupational skin disease or disorder;
 - B) Dust disease of the lungs;
 - C) Respiratory condition due to toxic agents;
 - D) Poisoning;

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- E) Disorder due to physical agents;
 - F) Disorder associated with repeated trauma; or
 - G) Any other occupational illness.
- c) The log may be maintained on the federal Occupational Safety and Health Administration Form No. 200, or on an equivalent form which contains the same information. Employees may maintain the log by means of data processing equipment, provided that there is available at the workplace a copy of the log which reflects separately the injury and illness experience of that workplace which is complete and current to a date within 45 calendar days.

Section 350.240 Supplementary Record of Injuries and Illnesses

- a) In addition to the log required by Section 350.230, each employer shall maintain in each workplace a supplementary record of each recordable occupational injury and illness for that workplace. The employer shall complete the supplementary record and make it available as early as practicable but no later than six working days after receiving information that a recordable injury or illness has occurred.
- b) The supplementary record shall contain the following information for each recordable injury and illness:
 - 1) The nonduplicating number which was assigned to this specific illness or injury in the log;
 - 2) The name, address, and location of the workplace of the employer;
 - 3) The name, address, age, sex, and job title of the employee;
 - 4) The department or division in which the employee works;
 - 5) The location of the occurrence of the injury or accident, including an indication of whether or not the injury or accident occurred on the employer's premises;
 - 6) A description of what the employee was doing when the injury or accident occurred, a description of how the injury or accident occurred and a description of the object or substance which directly injured the employee;

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- 7) A description of the illness or injury which resulted, including the specific parts of the body affected;
 - 8) An indication of whether or not the employee died;
 - 9) The date of the injury or initial diagnosis of the illness;
 - 10) The name of the physician providing care to the employee and the name and address of the hospital, if the employee was hospitalized as a result of the illness or injury; and
 - 11) The date that the report was completed and the name and job title of the individual completing the report.
- c) The supplementary record may be maintained on the Illinois Industrial Commission Form No. 45, the federal Occupational Safety and Health Administration Form No. 101, or on an equivalent form, such as an insurance company claim form, which contains the same information.

Section 350.250 Annual Summary

- a) Each employer shall post an annual summary of occupational injuries and illnesses for each workplace. The summary may be presented on a copy of the federal Occupational Safety and Health Administration Form No. 200, or on an equivalent form which contains the same information.
- b) The summary shall present the year's totals of injuries and illnesses, including the following:
 - 1) The number of injury related deaths;
 - 2) The number of injuries which involved employee days away from work;
 - 3) The total number of employee days away from work due to injuries;
 - 4) The number of injuries which involved employee days of restricted work activity;
 - 5) The total number of employee days of restricted work activity due to

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injuries;

- 6) The number of injuries which did not involve employee days away from work or employee days of restricted work activity;
 - 7) The number of illnesses which occurred in each of the following categories:
 - A) Occupational skin diseases or disorders;
 - B) Dust diseases of the lungs;
 - C) Respiratory conditions due to toxic agents;
 - D) Poisonings;
 - E) Disorders due to physical agents;
 - F) Disorders associated with repeated trauma; or
 - G) All other occupational illnesses.
 - 8) The number of illness related deaths;
 - 9) The number of illnesses which involved employee days away from work;
 - 10) The total number of employee days away from work due to illnesses;
 - 11) The number of illnesses which involved employee days of restricted work activity;
 - 12) The total number of employee days of restricted work activity due to illnesses; and
 - 13) The number of illnesses which did not involve employee days away from work or employee days of restricted work activity.
- c) Each employer or the employee of the employer who supervises the preparation of the summary shall certify that the summary is true and complete to the best of his knowledge. The certification shall be accomplished by signing the final page

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of the summary, or by appending a separate signed certification to the summary.

- d) The summary shall be completed and posted no later than February 1st for the preceding calendar year. The summary shall be posted conspicuously in the workplace. The employer shall take reasonable steps to insure that the summary is not altered, defaced, removed, or covered by other materials, and that the summary remains posted until at least March 1st.

Section 350.260 Retention of Records

Records required by Sections 350.230, 350.240, and 350.250 shall be retained by the employer in each workplace for at least five years following the end of the year for which the records were produced.

Section 350.270 Access to Records

- a) Each employer shall provide access to all occupational injury and illness records and logs to any representative of the department for purposes of an inspection or for compilation of statistical records.
- b) Upon request, the employer shall make the log and summary required by Sections 350.230 and 350.250 available to any employee, former employee, or authorized representatives of employees of the workplace. The log and summary shall be made available for inspection and copying in a reasonable manner and at reasonable times. Supplementary records required by Section 350.240 shall be considered confidential and shall not be made available as required by Section 4(c) of the Safety Act (Ill. Rev. Stat. 1985, ch. 48, par. 137.4(c)).

SUBPART C: FEDERAL STANDARDS

Section 350.280 Adoption of Federal Standards

- a) Incorporations
 - 1) Pursuant to Section 4 of the Health and Safety Act, the Department hereby adopts by reference the general health and safety standards and special maritime and construction industry standards adopted by the federal Occupational Safety and Health Administration as effective January 18, 2001 and amended at FR66:5196; FR66:5318. These standards are located at 29 CFR 1910, 1915, and 1926 and do not include any later amendments

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or editions.

- 2) The following interpretations of 29 CFR 1910.134, Respiratory Protection Standard (1998, no later amendments or editions) are incorporated into this Part. Where specific reference is made, and that reference incorporates material by reference, the material incorporated is a part of this Part and shall be that which is effective as indicated, not including any later amendments or editions. Copies are available at the Department's Chicago office. Copies of the federal Occupational Safety and Health Administration material may also be obtained at <<http://www.osha-slc.gov/SLTC/respiratoryprotection/index.html>>.

Preamble: Respiratory Protection; Final Rule, 63 Fed. Reg. 1152 (Jan. 8, 1998).

Questions & Answers on the Respiratory Protection Standard, OSHA Memorandum (Aug. 17, 1998).

Inspection Procedure for the Respiratory Protection Standard, CPL 2-0.120 (Sept. 18, 1998).

Small Entity Compliance Guide for the Revised Respiratory Protection Standard, OSHA Directorate of Health Standards Programs (Sept. 30, 1998).

Illinois Fire Chiefs Association - A Guideline on OSHA's 1998 Update of Its 1971 Respiratory Protection Standard (March 9, 1999).

- 3) The following interpretation of 29 CFR 1910 and 1926, Standards Improvement (Miscellaneous Changes) For General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic (1998, no later amendments or editions), 29 CFR 1915 and 1926, Occupational Exposure to Asbestos (1998, no later amendments or editions), 29 CFR 1910, Methylene Chloride (1998, no later amendments or editions), 29 CFR 1910, Permit-Required Confined Spaces (1998, no later amendments or editions), 29 CFR 1910, 1915, 1917, 1918, and 1926, Powered Industrial Truck Operator Training (1999, no later amendments or editions) are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be

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obtained at <<http://www.osha.gov/comp-links.html>>.

Preamble: Standards Improvement (Miscellaneous Changes) For General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic; Final Rule, 63 Fed. Reg. 33450 (June 18, 1998).

Preamble: Occupational Exposure to Asbestos; 63 Fed. Reg. 35137 (June 29, 1998).

Preamble: Methylene Chloride; Final Rule, 63 Fed. Reg. 50711 (Sept. 22, 1998).

Preamble: Permit-Required Confined Spaces; Final Rule, 63 Fed. Reg. 66018 (Dec. 1, 1998).

Preamble: Powered Industrial Truck Operator Training; Final Rule, 63 Fed. Reg. 66238 (Dec. 1, 1998).

- 4) The following interpretation of 29 CFR 1910, Dipping and Coating Operations (1999, no later amendments or editions) is incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <<http://www.osha.gov/comp-links.html>>.

Preamble: Dipping and Coating Operations; Final Rule, 64 Fed. Reg. 13897 (March 23, 1999).

- 5) The following interpretation of 29 CFR 1926 Safety Standards for Steel Erection (2001, no later amendments or editions), 29 CFR 1910 Occupational Exposure to Bloodborne Pathogens; Needlesticks and Other Sharps Injuries (2001, no later amendments or editions) are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <<http://www.osha.gov/comp-links.html>>.

Preamble: Safety Standards for Steel Erection; Final Rule, 66 Fed. Reg. 5196 (Jan. 18, 2001).

Preamble: Occupational Exposure to Bloodborne Pathogens; Needlesticks and Other Sharps Injuries; Final Rule, 66 Fed. Reg. 5318 (Jan. 18, 2001).

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- b) The Department shall consider any subsequent amendments to the health and safety standards adopted by the federal Occupational Safety and Health Administration. Such amendments will be adopted by reference, or substitute provisions which provide equivalent protection will be adopted. Amendments will be adopted through filing with the Secretary of State and publication in the Illinois Register as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].
- c) The Department hereby adopts as a rule of the Department, through incorporation by reference, 29 CFR 1910.1030, Occupational Exposure to Bloodborne Pathogens (1991, no later amendments or editions). The dates listed in paragraph (i) of 29 CFR 1910.1030 are not applicable to Illinois public sector employers. The effective date (paragraph (i)(1) of the adopted standard) for the Illinois public sector shall be the effective date of this amendment, as published in the Illinois Register. The compliance date for paragraph (i)(2) of the adopted standard shall be 30 days after the effective date, the date for paragraph (i)(3) shall be 60 days after the effective date, and the date for paragraph (i)(4) shall be 90 days after the effective date.
- d) The effective dates for 29 CFR 1910.119(e)(1)(i), (ii), (iii), and (iv), which establish timelines for hazard analyses for hazardous materials, are one, two, three, and four years, respectively, after August 1, 1994.

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- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
350.10	New Section
350.20	New Section
350.30	New Section
350.40	New Section
350.50	New Section
350.60	New Section
350.70	New Section
350.80	New Section
350.90	New Section
350.100	New Section
350.110	New Section
350.120	New Section
350.130	New Section
350.140	New Section
350.210	New Section
350.220	New Section
350.230	New Section
350.240	New Section
350.250	New Section
350.300	New Section
- 4) Statutory Authority: Safety Inspection and Education Act [820 ILCS 220] Health and Safety Act [820 ILCS 225]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking incorporates necessary Section updates that correspond with the approved statutory changes. These changes will allow for the Illinois State program to be at least as effective as the federal OSHA program. It is being proposed a new rulemaking due to the extensive amount of changes and for clarity. The original rules under Part 350 are being repealed concurrently.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes, repeal of existing.

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Register Code Citation:</u>
350.10	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.20	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.30	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.40	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.50	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.60	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.70	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.80	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.90	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.100	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.110	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.120	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.130	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.140	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.150	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.160	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.170	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.180	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.190	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.195	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.210	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.220	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.230	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.240	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.250	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.260	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.270	Repeal	October 14, 2005; 29 Ill. Reg. 15427
350.280	Repeal	October 14, 2005; 29 Ill. Reg. 15427

- 10) Statement of Statewide Policy Objectives:
 This proposed rulemaking does not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted in writing, within 45 days after this notice to:

Name: Cheryl J. Hawkins
Industrial Hygienist
Address: Illinois Department of Labor
#1 West Old State Capitol Plaza, Suite 300
Springfield, Illinois 62701

Telephone: (217) 782-9386
Facsimile: (217) 785-8776

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Public sector in Illinois
- B) Reporting, bookkeeping or other procedures required for compliance: N/A
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent regulatory agendas because: It was inadvertently omitted.

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

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONSPART 350
HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section	
350.10	Purpose and Scope
350.20	Definitions
350.30	Availability of Rules and Standards
350.40	Petition for Variance from Standards
350.50	Inspection Authority
350.60	Advance Notice of Inspection
350.70	Representatives of Employers and Employees
350.80	Imminent Danger
350.90	Complaints by Employees
350.100	General Inspection Procedures
350.110	Violations
350.120	Review System for Contested Cases
350.130	Posting of Notice
350.140	Voluntary Compliance Program

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section	
350.210	Emergency Notification
350.220	Recordable Injuries and Illnesses
350.230	Log of Injuries and Illnesses – OSHA 300
350.240	Injury and Illness Incident Report – OSHA 301
350.250	Annual Summary of Work-Related Injuries and Illnesses – OSHA 300A

SUBPART C: FEDERAL STANDARDS

Section	
350.300	Adoption of Federal Standards

AUTHORITY: Implementing and authorized by the Safety Inspection and Education Act [820

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ILCS 220] and the Health and Safety Act [820 ILCS 225].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8518, effective May 26, 1992; amended at 17 Ill. Reg. 1074, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 7072, effective April 27, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 14724, effective September 15, 1994; amended at 19 Ill. Reg. 11923, effective August 7, 1995; amended at 20 Ill. Reg. 7419, effective May 10, 1996; amended at 21 Ill. Reg. 12850, effective September 4, 1997; amended at 23 Ill. Reg. 3993, effective October 1, 1999; amended at 23 Ill. Reg. 12447, effective October 2, 1999; amended at 24 Ill. Reg. 13693, effective August 23, 2000; amended at 25 Ill. Reg. 860, effective January 5, 2001; amended at 25 Ill. Reg. 10196, effective July 30, 2001; old Part repealed at 30 Ill. Reg. _____ and new Part adopted at 30 Ill. Reg. _____, effective _____.

SUBPART A: INSPECTIONS AND CITATIONS

Section 350.10 Purpose and Scope

- a) The Health and Safety Act [820 ILCS 225] requires that employers covered by the Act provide to their employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employees. The Act also requires that employers comply with occupational safety and health standards adopted under the Act and with the applicable rules issued under the Act. Under the Safety Inspection and Education Act [820 ILCS 220], the Department of Labor is authorized to enforce these standards, to conduct inspections, and to issue citations for violations of these standards.
- b) This Part contains the Department's rules under these Acts and sets forth general policies for enforcement of the inspection and citation provisions of these Acts in relation to public employers. In Illinois, private employers are not covered by this Part, they are covered by federal regulations adopted by the Occupational Safety and Health Administration.

Section 350.20 Definitions

As used in this Part, the following terms shall have the meanings indicated:

"Acts" means the Safety Inspection and Education Act [820 ILCS 220] and the

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Health and Safety Act [820 ILCS 225].

"Calendar days" means each day and every day, including Saturdays, Sundays, and holidays.

"Department" means the Illinois Department of Labor.

"Director" means the Director of the Illinois Department of Labor.

"Employee" means every person in the service of:

the State, including members of the General Assembly, members of the Commerce Commission, members of the Industrial Commission, and all persons in the service of the University of Illinois;

an Illinois county, including deputy sheriffs and assistant state's attorneys;
or

an Illinois city, township, incorporated village or school district, body politic, or municipal corporation;

whether by election, under appointment or contract, or hire, express or implied, oral or written.

"Employee representative" means any person authorized by the employees to represent their interests in collective bargaining and other labor relations matters.

"Imminent danger" means the existence of conditions or practices in a workplace that could reasonably be expected to cause death or serious physical harm to employees in the workplace immediately or before the danger of such death or harm can be eliminated through the citation procedures. Factors such as the location of the hazard, the proximity of the employees to the hazard, and the availability of alternatives to continued exposure to the hazard will be considered in determining whether a condition constitutes imminent danger.

"Officer" or "inspection officer" means any individual or agent of the Department of Labor who has been authorized by the Department to conduct inspections and issue citations under this Part.

"Post" or "post in a conspicuous location" means to attach the material to a

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bulletin board customarily used for notices to employees or, if such a bulletin board is not available in the workplace, to visibly display the notice in another location where the affected employees can be expected to have an opportunity to see and read the notice.

"Public employer" or "employer" means the State of Illinois and all political subdivisions, except State agencies that exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health pursuant to Section 274 of the Atomic Energy Act of 1954, as amended (42 USC 2021).

"Health and Safety Act" means 820 ILCS 225.

"Safety Inspection and Education Act" means 820 ILCS 220.

"Service of notice" or "serve" means personal delivery or delivery postage prepaid via regular United States Postal Service mail. When service is effected by mail, the date of service shall be the date of the United States Postal Service postmark.

"Working days" or "business days" means Mondays through Fridays, excluding State holidays.

Section 350.30 Availability of Rules and Standards

- a) Copies of the Acts and all rules and standards adopted under the Acts will be available for inspection and copying at the offices of the Department. These materials shall be made available in compliance with the Freedom of Information Act [5 ILCS 140].
- b) If an employer has obtained copies of these materials, he shall make them available upon request to any employee or authorized representative of any employee for review. The materials shall be made available for review at the place of business where the employee is employed on the same day the request is made or at the earliest time mutually convenient to the employee or authorized representative and the employer.

Section 350.40 Petition for Variance from Standards

- a) General. The Director can grant either temporary or permanent variances from any of the State standards upon application by a public employer, as authorized by Health and Safety Act. The petition shall be filed by the employer as soon as

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practicable when he or she finds that compliance has not been, or will not be, achieved.

- b) The petition for a variance from a standard shall be granted if it meets the requirements of this Section and establishes:
 - 1) The reasons for the employer's inability to achieve compliance by the required date, such as the unavailability of necessary professional or technical personnel or of materials and equipment or because necessary construction or alteration of facilities cannot be completed by the effective date;
 - 2) A description of interim steps being taken to safeguard the employees against the hazard during the period of noncompliance;
 - 3) The details of an effective program for coming into compliance as quickly as practicable; and
 - 4) A statement that the employees have been notified of the petition and that a copy of the petition has been posted in a conspicuous location in the workplace for a period of at least 10 working days.
- c) Affected employees or their authorized representatives may participate in the hearing on the petition by filing a request to participate with the Department within 10 working days after the date of the posting of the petition or the service of the petition.
- e) Within 15 working days after receipt of the petition, the Department shall schedule a hearing on the petition, appoint an impartial hearing officer to conduct the hearing, and serve notice of the time and location of the hearing on the employer and any employees and employee representatives who have filed a request to participate in the hearing. The hearing shall be held within 45 calendar days after receipt of the petition.
- f) The Department shall fully consider the petition and any testimony presented by the employer, employees, and employee representatives. The requested variance shall be granted when the Department finds that the employer has made and is making a good faith effort to achieve compliance (such as ordering necessary materials and designing, planning, and scheduling alterations), that the health and safety of the employees is being safeguarded during the noncompliance period

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(such as by the use of barriers, prohibition of access to the hazardous area, or posting of warning notices), and that the non-compliant condition is due to circumstances beyond the control of the employer. If the Department finds that the conditions of this subsection have not been met, the variance shall be denied.

- g) If the employees or their authorized representatives do not file a request to participate or otherwise raise objections to the petition and the Department finds that the requested variance meets the conditions set forth in subsection (f), the Department shall issue the requested variance without holding a hearing.
- h) No order for a temporary variance may be in effect for longer than the period needed by the employer to achieve compliance or one year, whichever is shorter, except that such a variance may be renewed not more than twice, so long as the requirements of this Section are met and if an application for renewal is filed at least 90 days prior to the expiration date of the variance. No interim renewal of a variance may remain in effect for longer than 180 days.
- i) Application. An application for a temporary order shall contain:
 - 1) the standard or portion of a standard from which the employer seeks a variance;
 - 2) a representation by the employer, along with qualified support, of the reasons for not being able to comply with the standard;
 - 3) a statement of the steps taken and to be taken (with specific dates) to protect employees from a hazard covered by the standard;
 - 4) a statement of when the employer expects to comply with the standard; and
 - 5) a certification that the employer has informed the employees and their authorized representatives of the application, their right to petition the Department for a hearing and a copy of the posting.
- j) Permanent Variance
 - 1) The Director can issue an order for permanent variance from a safety standard when:

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- A) notice has been given to affected employees and the employees have been afforded the opportunity to participate in the hearing process; and
 - B) a preponderance of the evidence demonstrates that the conditions, practices, means, methods, operations or processes used or proposed to be used will provide employment and places of employment as safe and healthful as those that would be produced by compliance with the standard.
- 2) The order may be modified or revoked upon application by an affected party at any time after six months following its issuance.

Section 350.50 Inspection Authority

- a) Inspection officers are authorized to:
 - 1) Enter without delay and at any times when employees are present any establishment, plant, workplace, or site where work is performed by an employee of a public employer covered by this Part;
 - 2) Inspect and investigate any such place of employment during normal working hours, including all conditions, structures, machines, equipment, devices, and materials in that place of employment;
 - 3) Collect and retain any necessary samples, including taking photographs and other means of documenting findings;
 - 4) Interview or confer privately with any employer, owner, operator, supervisor, or employee;
 - 5) Review any records required by this Part and any other records directly related to the purpose of the inspection, such as equipment maintenance records or equipment manufacturers' required or recommended maintenance and warranty specifications; and
 - 6) Leave the premises and initiate the compulsory process for entry if the public employer refuses to allow entry or the inspection to proceed.
- b) Officers shall comply with any internal security procedures of the employer

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regarding handling of any confidential information and records that must be reviewed during the course of an inspection.

Section 350.60 Advance Notice of Inspection

- a) The Department and its inspectors are prohibited from providing advance notice of inspections to the employer. However, advance notice may be given when the Department finds the existence of one or more of the following circumstances:
 - 1) Where there appears to be an imminent danger and advance notice to the employer may enable the employer to abate the danger as quickly as possible;
 - 2) Where special preparations by the employer, such as ensuring the personal security and privacy of persons at the workplace or the inspection staff, are necessary prior to the inspection. Advance notice shall be limited to the time necessary to make required preparations; or
 - 3) Where the presence of specific individuals, such as a specific employee or appropriate technical personnel, is needed to aid in the inspection.
- b) When the Department provides advance notice of an inspection to an employer, the employer shall notify affected employees and any authorized representatives of employees.
- c) Any employee of the Department providing advance notice of an inspection to an employer in violation of this Section shall be subject to disciplinary action by the Department and criminal penalties as provided in the Safety Inspection and Education Act.

Section 350.70 Representatives of Employers and Employees

- a) A representative of the employer and a representative authorized by the employees shall be given an opportunity to accompany the inspection officer during the physical inspection of any workplace for the purpose of aiding in the inspection. The officer shall permit additional employer and employee representatives to accompany him or her during the inspection when the officer finds that additional representatives will not interfere with the inspection and will further aid in the inspection. The officer shall allow different individuals to serve as employer and employee representatives during different phases of the

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inspection, upon request by the employer or employees.

- b) If the inspection officer is unable to determine who has been authorized to serve as the representative of the employees or, if an employee representative is not available, the officer shall consult with a representative number of employees concerning safety and health matters in the workplace.
- c) The representative of the employees shall be an employee of the employer, unless the inspection officer determines that a non-employee has been appropriately authorized by the employees and that the non-employee has specialized skill and knowledge that will be useful in the inspection. The non-employees may include, but are not limited to, industrial hygienists, union representatives or safety engineers.
- d) The officer shall deny the right of accompaniment under this Section to any individual whose conduct is abusive or obstructive, or similarly interferes with a fair and orderly inspection.
- e) Participants are required to provide any information in their possession or under their control upon request of the inspection officer to assist in the inspection. All participants shall answer truthfully all questions posed to them and shall cooperate fully in the making of a proper inspection.

Section 350.80 Imminent Danger

- a) Whenever and as soon as an officer finds, on the basis of an inspection or investigation, that an imminent danger as defined in Section 350.20 exists in the workplace and that the imminent danger is not immediately abated in the presence of the officer, he or she shall notify the employees and the employer of the finding and shall recommend to the Director that legal action be sought to restrain the conditions or practices that are the cause of the imminent danger.
- b) If, upon review of the officer's findings and recommendations, the Director finds that an imminent danger exists in the workplace and has not been abated, he or she shall file a complaint, in the circuit court for the circuit in which the workplace is located, for appropriate relief directing the employer or employee to cease and desist from the practice or to alleviate the condition creating the imminent danger, as authorized by the Safety Inspection and Education Act.
- c) If the Director arbitrarily fails to seek relief under the Section, any affected

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employee or representative can bring action against the Director in circuit court for relief by mandamus to compel the Director to seek an order and for further relief as may be appropriate.

Section 350.90 Complaints by Employees

- a) General. Any employee or representative of employees who believes that conditions or practices exist in the workplace that constitute a violation of any health and safety standard adopted under the Health and Safety Act or that constitute an imminent danger to the health or safety of the employees may request an inspection of the workplace by the Department. The complaint can be formal or informal and will be handled as other unprogrammed inspections are handled.
- b) Identity of Complainant. The identity of the complainant shall be kept confidential unless the complainant requests otherwise.
- c) Formalizing Oral Complaints. Every effort will be made to formalize oral complaints, including seeking further clarification of the hazard, working conditions, locations, etc. Attempts will be made to elicit a complaint form signed by a current employee or employee representative. If a complaint is deemed to have no basis or relevance to the occupational safety and health standards, the complainant will be notified of the findings.
- d) Formal Complaints. The request shall be made by submission of a written complaint to the Department. The complaint shall contain:
 - 1) The name and address of the employer;
 - 2) The specific location of the workplace that is the subject of the complaint;
 - 3) A description of the specific conditions or practices that the employees or representatives believe constitute a violation of the standards or an imminent danger;
 - 4) The specific standards that the employees or representatives believe have been violated, if known; and
 - 5) The signature and contact information of the employees or representatives submitting the complaint.

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- e) If the Department determines that the complaint contains the required information and allegations of conditions that, if true, would constitute a violation of the standards, the Department shall conduct an expedited inspection of the workplace within 14 calendar days after receipt. The inspection shall be conducted as expeditiously as practicable considering the seriousness of the alleged violation or danger, the availability of inspection officers, the location of the workplace, and the complexity of the inspection.
- f) A copy of the complaint shall be provided to the employer or authorized representative no later than the beginning of the inspection.
- g) If the Department determines that the complaint, if true, would constitute an imminent danger, the Department shall conduct a special expedited inspection of the workplace. The inspection shall be conducted within two working days of the receipt of the complaint.
- h) **Complaints.** Management within the Department's Public Safety Education Division will handle all complaints. Based upon the severity/legitimacy of the complaint, either an on-site inspection will be scheduled or a notification addressing the concern will be sent to the affected employer.
- i) **Results.** The employer, employees' representative and the complainant will be notified of the Department's findings within six months after the date the Department received the complaint.
- j) **Nondiscrimination.** No employer shall discharge or in any way discriminate against any employee who files a complaint with the Department. Any such "whistleblower" complaints will be thoroughly investigated and, if valid, appropriate relief will be sought in the circuit court of the nearest principal Department office (i.e., Cook or Sangamon County).

Section 350.100 General Inspection Procedures

- a) **Scope.** Comprehensive general inspections cover the majority of areas of concern in an establishment. When the focus of an inspection is limited to certain potentially hazardous areas, operations, conditions or practices, then the scope is considered to be a partial inspection.
- b) **Conduct of Inspection.** Times and places of inspections shall be set by the

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Department or the inspection officer.

- 1) **Presenting Credentials.** At the beginning of an inspection, the inspection officer or officers shall identify themselves to the operator, supervisor, or agent in charge of the place of employment at the time of the inspection and present credentials signed by the Director to verify their identity. When the person in charge is not available, the inspection shall not be delayed unreasonably to await that individual's arrival. This delay should not normally exceed one hour. The physical inspection can be conducted without the management official being present.
 - 2) **Refusal to Permit.** If the public employer refuses entry upon being presented proper credentials or allows entry but then refuses to permit or hinders the inspection in some way, the inspector shall leave the premises and immediately report the refusal to the Area Manager. The Area Manager shall notify the Director and initiate the compulsory legal process and/or obtain an administrative warrant for entry.
 - 3) **Forcible Interference.** If an inspector encounters forcible resistance, opposition, interference, etc., or is assaulted or threatened with assault while engaged in the performance of official duties, all investigative activity shall cease. The Area Manager and Director shall be notified immediately and appropriate legal action taken.
 - 4) **Strike/Labor Dispute.** If an unanticipated labor dispute at a proposed inspection site is encountered, the inspector shall consult the Area Manager as to how to proceed. Programmed inspections may be deferred during a strike or labor dispute; however, unprogrammed inspections will proceed according to protocol.
 - 5) **Employee Participation.** Employees and/or their representatives must be given the opportunity to participate in all aspects of the inspection.
- c) **Opening Conference.** All affected employers shall be informed of the purpose and scope of the inspection and provided a copy of the complaint if applicable. The opening conference shall include employees unless the employer objects. The opening conference shall be kept as brief as possible. A separate opening conference can be held to cover the scope and details for the employees and/or their representatives if the employer initially objects.

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- 1) Walkaround Representatives. Representatives of the employer and employees are allowed to accompany the inspector throughout the inspection process. Different representatives can be designated to represent different aspects of the inspection if necessary.
 - 2) Disruptive Conduct. The inspector may deny the right of accompaniment to any person whose conduct interferes with a full and orderly inspection.
 - 3) Trade Secrets and Classified Areas. In order to assure trade secret status or maintain classified security, employee representatives may be excluded from affected areas during the walkthrough. However, the inspector shall interview employees present in classified areas or involved in trade secret status work.
 - 4) Examination of Records. The inspector shall review the injury/illness records to the extent necessary to determine compliance and assess trends. Other written safety programs and records shall be reviewed at the inspectors' professional discretion.
- d) Walkaround Inspection. The purpose of the walkaround inspection is to identify potential safety and/or health hazards in the workplace. The inspection shall be conducted in such a manner as to eliminate unnecessary personal exposure to hazards and to minimize unavoidable exposure to the extent possible. The employer's safety and health program shall be evaluated to ascertain the employer's good faith. Apparent violations shall be brought to the attention of the employer and employee representatives at the time they are documented.
- 1) Collecting Samples. The inspector shall determine as soon as possible after the start of the inspection whether samples will be collected. Summaries of the sampling results will be provided to all parties present as soon as practicable.
 - 2) Taking Photographs/Video. The inspector shall take photographs or videotapes whenever there is a need. Any photos that support violations shall be properly labeled and included in the file.
 - 3) Interviews. A free and open exchange of information between the inspector and the employees is essential for an effective inspection. Interviews shall be conducted in a reasonable manner and normally will be conducted during the walkaround; however, they can be conducted at any

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time and any location. Privacy shall be maintained in the interview process if the employee so requests.

- 4) Employer Abatement Assistance. Inspectors shall offer appropriate abatement assistance during the walkaround, suggesting how workplace hazards might be eliminated. The information shall provide guidance to the employer in developing acceptable abatement methods or in seeking appropriate professional assistance.
- e) Closing Conferences. At the conclusion of the inspection, the inspector shall conduct a closing conference with the employer and employee representatives, jointly or separately as circumstances dictate. The closing conference may be conducted at the site or by teleconference as deemed appropriate by the inspector. The inspector shall describe the apparent violations found during the inspection and other pertinent issues. Both the employer and the employee representatives shall be informed of their rights to appeal and to participate in any subsequent conferences, meetings or discussions, and of their right to contest. Conference attendance records shall become part of the file.
- f) Special Inspection Procedures. Follow-up and monitoring inspections are necessary to determine if the previously cited violations have been corrected. Monitoring may be conducted to determine if hazards are being corrected and employees are being protected, whenever a long period of time is needed for an establishment to obtain compliance or verify compliance. Follow-up or monitoring inspections would not normally be conducted when evidence of abatement is provided by the employer.
 - 1) Failure to Abate. If the employer has not corrected a violation for which a citation has been issued and the abatement date has passed, a failure to abate violation is issued. The Area Manager shall implement the appropriate measures to rectify the situation, be it extension of deadlines or institution of legal action.
 - 2) Reports. A copy of the original citation shall be reissued, along with a brief explanation of the outstanding citations. If more than one citation was originally issued and some hazards were corrected, it should be noted on the follow-up report. The follow-up inspection reports shall be included in the original (parent) case file.

Section 350.110 Violations

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- a) Standards and Regulations. The Health and Safety Act states that each public employer has a responsibility to comply with the occupational safety and health standards promulgated under the Act. The specific standards are found in the federal Department of Labor's Occupational Safety and Health Standards in 29 CFR 1910 (see Section 350.300 for incorporation by reference information). Subparts A and B of 29 CFR 1910 specifically establish the source of the standards that are the basis of violations. The most specific subdivision of the standard shall be used for citing violations. Any employer who has been granted a variance from a standard can be cited for violating the standard with a reference to the fact that the provisions of the variance had not been met.
- b) Types of Violations. The citations will be classified according to the following categories:
 - 1) Other-than-Serious. This type of violation shall be cited where the most serious injury or illness that would be likely to result from a hazardous condition cannot reasonably be predicted to cause death or serious physical harm to exposed employees, but does have a direct and immediate relationship to their safety and health.
 - 2) Serious. A serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use in the place of employment, unless the employer did not, and could not with the exercise of reasonable discipline, know of the violation. Four elements must be considered before deeming a violation to be serious:
 - A) The type of accident or health hazard exposure that the violated standard is designed to prevent.
 - B) The most serious injury or illness that could reasonably be expected to result from the type of accident or health exposure.
 - C) Whether the results of the injury or illness could include death or serious physical harm.

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- D) Whether the employer knew, or with the exercise of due diligence could have known, of the hazardous condition.
- 3) General Duty Clause. The general duty provisions of the Health and Safety Act shall be used for citations only where there is no standard that applies to the particular hazard involved.
- 4) Willful. A willful violation exists under the Act when the evidence shows either an intentional violation of the Act or plain indifference to its requirements. It is not necessary that the violation be committed with a bad purpose or evil intent. It is sufficient that the violation was deliberate, voluntary or intentional.
- 5) Criminal/Willful. Any employer who willfully violates any standard, rule or order promulgated under the Health and Safety Act, or of any regulations prescribed pursuant to that Act, and that violation caused death to any employee, shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than six months or both. The following criteria shall be considered in investigating possible criminal/willful violations:
- A) The employer violated a specific standard. A criminal/willful violation cannot be based on a general duty clause violation.
- B) The violation was willful in nature.
- C) The violation of the standard caused the death of an employee. There must be evidence in the file that clearly demonstrates that the violation of the standard was the cause of, or a contributing factor to, an employee's death. When a willful violation is related to a fatality and a civil citation is issued, the case file must contain succinct documentation regarding the decision not to make a criminal referral.
- c) Repeated. An employer may be cited for a repeated violation if that employer has been cited previously for a substantially similar condition and that citation has become a final order.
- d) De Minimis. Violations of the standards that have no direct or immediate relationship to safety or health shall not be included in citations. The employer

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shall be verbally notified of the violations and the inspector shall record the violation and the notification in the case file.

- e) Writing Citations. The inspector shall, with reasonable promptness, issue a citation to the employer. To facilitate the prompt issuance of citations, the Area Manager may issue citations that are unrelated to health inspection air sampling prior to the receipt of sampling results.
- 1) Each citation shall include the following:
 - A) The date of the inspection;
 - B) A description of the conditions or practices found to be in violation of the health and safety standards;
 - C) The specific health and safety standards that have been or are being violated;
 - D) A specific abatement date based upon consideration of factors such as the availability of necessary materials, cost, degree of risk present prior to abatement, and extent of anticipated disruption of business;
 - E) A statement that the employer has the right to appeal the citation and a description of the procedures for appealing the citation; and
 - F) A statement that the employer may not discharge or discriminate against any employee because the employee has filed a complaint or otherwise provided information to the Department concerning any conditions or practices related to alleged health and safety violations or because of the employee's exercise of any other rights provided by the Health and Safety Act.
 - 2) Issuance Time Frame. A citation shall not be issued when any violation alleged in the citation occurred six months or more prior to the date on which the citation is actually signed and dated.
 - 3) Mailing. Citations shall be sent by certified mail. Hand delivery of citations to the employer or an appropriate agent of the employer may be substituted for certified mailing if it is believed that this method would be

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more effective. Citations shall be mailed to employee representatives no later than one day after the citation is sent to the employer.

- 4) Amending. A citation shall be amended or withdrawn when information is presented to the Area Manager indicating a need for the revision.
 - 5) Posting. A copy of the citation shall be posted prominently at or near the place where the violation occurred.
- f) Abatement. The abatement period shall be the shortest interval within which the employer can reasonably be expected to correct the violation.
- 1) Verification. The Area Manager is responsible for determining if abatement has been accomplished. When abatement is not accomplished during the inspection or the employer does not notify the Area Manager by letter of the abatement, either a follow-up inspection will be scheduled or a letter requesting confirmation of abatement will be mailed. The type of violation will dictate the degree of follow-up response.
 - 2) Contested Citation or Abatement Period. In situations where an employer contests either the period set for the abatement or the citation itself, the abatement period shall not begin until the citation and abatement period have been affirmed by the Area Manager.
 - 3) Long-term Abatement Date. Long-term abatement is abatement that will be completed more than one year from the citation issuance date. If it is difficult to set a specific abatement date when the citation is originally issued (e.g., because of extensive redesign requirements associated with appropriate engineering controls and uncertainty as to when the job can be finished), the inspector shall discuss the problem with the employer at the closing conference and, in appropriate cases, shall encourage the employer to seek an informal conference with the Area Manager.
 - A) A specific date for final abatement shall, in all cases, be included in the citation.
 - B) The employer is required to submit an abatement plan outlining the anticipated long-term abatement procedures.

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- g) Penalties. The penalty structure is designed primarily to provide an incentive toward correcting violations voluntarily, not only to the offending employer but, more especially, to other employers who may be guilty of the same infractions. While penalties are not designed primarily as a punishment for violations, the penalty amounts should be sufficient to serve as an effective deterrent to violations.
- 1) Civil Penalties
 - A) Serious, Other-than-Serious and Failure to Abate. Any employer who has received a citation for any alleged violation that is determined to be of serious or other-than-serious nature under subsection (b)(1) or (b)(2) or for failure to abate shall be assessed a civil penalty of up to \$1,000 for each violation. This is a statutory minimum and is not subject to administrative discretion.
 - B) Repeated Violations. An employer who repeatedly violates the Health and Safety Act may be assessed a civil penalty of not more than \$10,000 for each violation.
 - C) Willful Violations. An employer who willfully violates the Health and Safety Act may be assessed a civil penalty of not more than \$10,000.
 - 2) Criminal Penalties. The Health and Safety Act provides for criminal penalties in the following cases:
 - A) Willful violation of a standard, rule or order causing the death of an employee.
 - B) Giving unauthorized advance notice of an inspection.
 - C) Giving false statements or information to the Department.
 - D) Killing, assaulting or hampering the work of an inspector.

Criminal penalties are imposed by the court system after trials and not by the Illinois Department of Labor.

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- h) **Employer Request for Hearing.** An employer who receives a citation, a proposed assessment of penalty, or a notification of failure to correct a violation may, within 15 working days from receipt of the notice of citation or penalty, request in writing a hearing before the Director to appeal the citation, proposed penalty or notification.
- i) **Employee Request for Hearing.** Any employee or representative of any employee may, within 15 working days after the issuance of a citation, file a request in writing for a hearing before the Director to appeal the citation on the ground that the period of time for the abatement is unreasonable.

Section 350.120 Review System for Contested Cases

- a) The Director and/or his/her designee shall afford a hearing to any public employer who, within 15 days after receiving a citation, a proposed assessment of penalty or a notification of violation of a health and safety standard, makes a written request for a hearing. The interested employer can base the request on an appeal of the citation order, the notice of penalty or the abatement period.
- b) The Director and/or his/her designee shall afford a hearing to any employee or representative who makes a written request for a hearing within 15 working days after receipt of a citation order. The hearing will be limited to appealing the period of time fixed in the citation for the abatement of the violation.
- c) The Director, after considering the evidence presented in a formal hearing, will enter a final decision and order no later than 15 working days after the hearing that affirms, modifies or vacates the original citation, proposed penalty or abatement period.
- d) The Area Manager can conduct an informal review of citations and abatement dates upon request by interested parties or public employers. The Area Manager may modify or withdraw a penalty, a citation or a citation item if the employer presents evidence that convinces the Area Manager that the changes are justified.
- e) Any party adversely affected by a final violation order or determination of hearing by the Director and/or designee may obtain a judicial review by filing a complaint for review within 35 days after the order is entered. If no appeal is taken within the 35 days, the order of the Director shall become final.

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- f) Hearings conducted by the Department under this Part shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and 56 Ill. Adm. Code 120.

Section 350.130 Posting of Notice

- a) **Poster.** Each employer covered by this Part shall post and keep posted a notice to be furnished by the Department, upon request, informing employees of the protections and obligations provided for in the Acts. The notice shall contain a general description of the provisions of the Acts. The notice shall indicate that employees may contact the Department to obtain assistance or additional information, such as copies of the Acts and information concerning how to obtain copies of specific standards. The requirement that employers post the notice required in this subsection shall not be enforced until the Department has made the notice available to employers.
- b) **Location.** The notice shall be posted by the employer in each place of business in a conspicuous location or locations where notices to employees are customarily posted. Each employer shall take reasonable steps to insure that the notice is not altered, defaced, removed, or covered by other material.
- c) **Violation.** An Other-than-Serious citation shall be issued with a proposed penalty of \$1,000 for not posting the Job Safety and Health Protection for Public Employees poster.

Section 350.140 Voluntary Compliance Program

- a) **Advisory Inspection.** Any employer covered by this Part may request an advisory inspection by the Department. The request shall include a statement signed by the employer or his representative that any violations discovered during the course of the requested inspection will be abated if the Department finds that the violations constitute conditions or practices that are likely to result in death or serious physical harm to the employees in the workplace. In making this determination, the Department will consider factors such as the location of the hazard, the proximity of the employees to the hazard, and the availability of alternatives to continued exposure to the hazard.
 - 1) The Department shall conduct an advisory inspection based on the employer's request, unless it finds that an employee complaint has been filed, that inspection officers are unavailable to conduct the inspection, or

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that a regular inspection will be, or has been, conducted that would make an advisory inspection duplicative.

- 2) No citations shall be issued as a result of an advisory inspection. The employer shall be fully informed of any violations uncovered by the inspection and whether any citations would have been issued.
- b) Training and Education Programs. The Division will provide professional training programs and educational seminars upon request from any public employer, at no cost.
- c) Priority. Advisory inspections will be scheduled and conducted at the inspector's and employer's convenience, along with other programmed inspections.
- d) Public Information Programs. The Division will make staff available to present professional programs for seminars and meetings. The Division will also present public information programs on behalf of the Department on an as needed basis.
- e) Program Evaluations. Any written programs required by the standards can be submitted for professional review. A report will be provided outlining any changes or corrections.
- f) Ongoing Support. The staff of the Department's Public Safety Education Division will be available during normal office hours to answer questions and provide consultation on an as-needed basis.

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section 350.210 Emergency Notification

After the occurrence of an employment incident that is fatal to one or more employees or that results in hospitalization of three or more employees, the employer shall report the incident to the Department as soon as physically possible. The notification shall be made within eight hours after the incident or death. The employer shall notify the Department orally or in writing by telephone or telegraph. The notification shall relate the circumstances of the incident, the number of fatalities, the number of employees hospitalized, and the extent of the injuries.

Section 350.220 Recordable Injuries and Illnesses

- a) Records of occupational injuries and illnesses must be completed and maintained

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by the employer for every occupational death, every nonfatal occupational illness, and every nonfatal occupational injury that results in death, loss of consciousness, days away from work, restricted work activity or job transfer, or medical treatment beyond first aid. An injury or illness is considered work-related if an event or exposure in the work environment caused or contributed to the condition or significantly aggravated a preexisting condition.

- b) The following conditions must also be recorded, when they are work-related:
- 1) Any needlestick injury or cut from a sharp object that is contaminated with another person's blood or other potentially infectious material;
 - 2) Any case requiring an employee to be medically removed under the requirements of an OSHA health standard; and
 - 3) Tuberculosis infection as evidenced by a positive skin test or diagnosis by a physician or other licensed healthcare provider after exposure to a known case of active tuberculosis.
- c) Medical treatment includes managing and caring for a patient for the purpose of combating disease or disorder. The following are not considered medical treatment, thus are not recordable:
- 1) Visit to a doctor or healthcare professional solely for observation or counseling;
 - 2) Diagnostic procedures, including administering prescription medications that are used solely for diagnostic purposes; and
 - 3) Any procedure that can be labeled first aid.
- d) Incidents requiring only the following types of treatment are considered first aid and are not required to be recorded:
- 1) Using non-prescription medications at non-prescription strength;
 - 2) Administering tetanus immunizations;
 - 3) Cleaning, flushing, or soaking wounds on the skin surface;

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- 4) Using wound coverings, such as bandages, BandAids™, gauze pads, etc., or using SteriStrips™ or butterfly bandages;
- 5) Using hot or cold therapy;
- 6) Using any totally non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc;
- 7) Using temporary immobilization devices while transporting a victim (splints, slings, neck collars, or backboards);
- 8) Drilling a fingernail or toenail to relieve pressure, or draining fluid from blisters;
- 9) Using eye patches;
- 10) Using simple irrigation or a cotton swab to remove foreign bodies not embedded in or adhered to the eye;
- 11) Using irrigation, tweezers, cotton swabs or other simple means to remove splinters or foreign material from areas other than the eye;
- 12) Using finger guards;
- 13) Using massages;
- 14) Drinking fluids to relieve heat stress.

Section 350.230 Log of Injuries and Illnesses – OSHA 300

- a) Each employer shall maintain in each workplace an OSHA 300 log of all recordable occupational injuries and illnesses for that workplace. The name of the establishment, the city and state and the year must be designated at the top of the log. Within seven calendar days after receiving information about a case, the employer shall:
 - 1) Decide if the case is recordable under the recordkeeping provisions of Section 350.220.
 - 2) Determine whether the incident is a new case or a recurrence of an

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existing one.

- 3) Establish whether the case was work-related.
 - 4) Decide which form to fill out as the injury/illness incident report form required under Section 350.240(a), OSHA 301: Injury and Illness Incident Report, or the Illinois Workers' Compensation Commission Form 45: Employer's First Report of Injury, or a suitable substitute that contains the same information.
- b) The OSHA 300 log shall contain the following information for each recordable injury and illness:
- 1) A unique case number assigned by the employer to this specific illness or injury to facilitate comparisons with the supplementary record of the illness or injury;
 - 2) The name of the affected employee, unless protected as a privacy case due to the nature of the injury/illness;
 - 3) The job title of the employees;
 - 4) The date of the injury or onset of illness;
 - 5) Where the event occurred;
 - 6) A description of the injury or illness, parts of the body affected, and object/substance that directly injured or made the person ill (i.e., second degree burns on right forearm from acetylene torch);
 - 7) The most serious result from each case:
 - A) Death;
 - B) Days away from work;
 - C) Remained at work; job transfer or restriction;
 - D) Remained at work; other recordable cases;

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- 8) The number of days the injured or ill worker was either on job transfer or restriction or away from work;
 - 9) The designation of injury or the type of illness (i.e., skin disorder, respiratory condition, poisoning, all other illnesses).
- c) The OSHA 300 log and its supplementary information must be retained for five years by the employer.

Section 350.240 Injury and Illness Incident Report – OSHA 301

- a) In addition to the OSHA 300 log of injuries and illnesses, each employer shall maintain in each workplace a supplementary record of each recordable occupational injury and illness for that workplace. The employer shall complete the incident report and make it available as early as practicable, but no later than seven calendar days after receiving information that a recordable injury or illness has occurred. The OSHA 301, or the Illinois Workers' Compensation Commission Form 45 or a suitable substitute that contains the same information may be used as the supplementary record.
- b) The OSHA 301 injury and illness incident report shall contain the following information for each recordable injury and illness:
 - 1) Information about the employee:
 - A) Full name and address.
 - B) Date of birth and date of hire.
 - C) Gender.
 - 2) Information about the physician or other health care professional:
 - A) Name of physician or health care professional.
 - B) Location where treatment was administered.
 - C) If an emergency room was visited or if the employee was hospitalized overnight as an in-patient.

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- 3) Information about the case:
 - A) Case number corresponding to the Log of Injuries/Illnesses.
 - B) Date of Injury or Illness.
 - C) Time employee began work and time of event, if known.
 - D) What the employee was doing just before the incident occurred.
 - E) What happened.
 - F) What was the injury or the illness.
 - G) What object or substance directly harmed the employee.
 - H) If the employee died, date of death.
- c) The name and title of the individual who completed the form, along with the telephone number and the date of completion.
- d) This form must be kept on file for five years following the year to which it pertains.

Section 350.250 Annual Summary of Work-Related Injuries and Illnesses – OSHA 300A

- a) Each employer shall post an annual summary of work-related injuries and illnesses for each workplace. The summary shall be presented on OSHA Form 300A.
- b) The summary shall present the year's totals of injuries and illnesses, including the following:
 - 1) Number of cases, including:
 - A) Total number of deaths;
 - B) Total number of cases, with days away from work;
 - C) Total number of cases, with job transfer or restriction; and

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- D) Total number of other recordable cases.
- 2) Number of days:
 - A) Total number of days of job transfer or restriction; and
 - B) Total number of days away from work.
- 3) Injury and Illness Types:
 - A) Total number of injuries; and
 - B) Total number of skin disorders, respiratory conditions, poisonings and all other illnesses.
- c) The summary shall also contain the establishment information, some employment figures and certification by an agency executive. Knowingly falsifying this document can result in a fine.
- d) All establishments must complete the summary page, even if no work-related injuries or illnesses occurred during the year. Employees, former employees and their representatives have the right to review the Injury/Illness Log (Form 300) in its entirety. They also have limited access to the Injury/Illness Incident (OSHA Form 301) form based on privacy rights.
- e) The OSHA 300A summary page must be posted from February 1 to April 30 of the year following the year covered by the form. It must be posted in a conspicuous location where employees have the opportunity to view.
- f) The OSHA 300A annual summary must be retained for five years, along with the supplementary information.

SUBPART C: FEDERAL STANDARDS

Section 350.300 Adoption of Federal Standards

- a) Incorporations. All materials incorporated by this Section are incorporated as of the date specified and do not include any later amendments or editions.

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- 1) Pursuant to Section 4 of the Health and Safety Act, the Department hereby incorporates by reference the general health and safety standards and special maritime and construction industry standards adopted by the federal Occupational Safety and Health Administration as effective September 30, 2005. These standards are located at 29 CFR 1904, 1910, 1915, and 1926.
- 2) The following interpretations of 29 CFR 1910.134, Respiratory Protection Standard (1998) are incorporated into this Part. Copies are available at the Department's Chicago office. Copies of the federal Occupational Safety and Health Administration material may also be obtained at <http://www.osha-slc.gov/SLTC/respiratoryprotection/index.html>.

Preamble: Respiratory Protection; Final Rule, 63 Fed. Reg. 1152 (Jan. 8, 1998)

Questions & Answers on the Respiratory Protection Standard, OSHA Memorandum (Aug. 17, 1998)

Inspection Procedure for the Respiratory Protection Standard, CPL 2-0.120 (Sept. 18, 1998)

Small Entity Compliance Guide for the Revised Respiratory Protection Standard, OSHA Directorate of Health Standards Programs (Sept. 30, 1998)

Illinois Fire Chiefs Association – A Guideline on OSHA's 1998 Update of Its 1971 Respiratory Protection Standard (Mar. 9, 1999)

- 3) The following interpretation of 29 CFR 1910 and 1926, Standards Improvement (Miscellaneous Changes) for General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic (1998); 29 CFR 1915 and 1926, Occupational Exposure to Asbestos (1998); 29 CFR 1910, Methylene Chloride (1998); 29 CFR 1910, Permit-Required Confined Spaces (1998); and 29 CFR 1910, 1915, 1917, 1918, and 1926, Powered Industrial Truck Operator Training (1999) are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <http://www.osha.gov/comp-links.html>.

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Preamble: Standards Improvement (Miscellaneous Changes) for General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic; Final Rule, 63 Fed. Reg. 33450 (June 18, 1998)

Preamble: Occupational Exposure to Asbestos; 63 Fed. Reg. 35137 (June 29, 1998)

Preamble: Methylene Chloride; Final Rule, 63 Fed. Reg. 50711 (Sept. 22, 1998)

Preamble: Permit-Required Confined Spaces; Final Rule, 63 Fed. Reg. 66018 (Dec. 1, 1998)

Preamble: Powered Industrial Truck Operator Training; Final Rule, 63 Fed. Reg. 66238 (Dec. 1, 1998)

- 4) The following interpretation of 29 CFR 1910, Dipping and Coating Operations (1999) is incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <http://www.osha.gov/comp-links.html>.

Preamble: Dipping and Coating Operations; Final Rule, 64 Fed. Reg. 13897 (Mar. 23, 1999)

- 5) The following interpretation of 29 CFR 1926, Safety Standards for Steel Erection (2001) and 29 CFR 1910, Occupational Exposure to Bloodborne Pathogens; Needlesticks and Other Sharps Injuries (2001) are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <http://www.osha.gov/comp-links.html>.

Preamble: Safety Standards for Steel Erection; Final Rule, 66 Fed. Reg. 5196 (Jan. 18, 2001)

Preamble: Occupational Exposure to Bloodborne Pathogens; Needlesticks and Other Sharps Injuries; Final Rule, 66 Fed. Reg. 5318 (Jan. 18, 2001)

- 6) The following interpretation of 29 CFR 1910.36, 1910.37, 1910.38 and 1910.39, Exit Routes, Emergency Action Plans and Fire Prevention Plans,

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Final Rule (Nov. 11, 2002); 29 CFR 1904, Occupational Injury and Illness Recording and Reporting, Final Rule (July 1, 2002); 29 CFR 1910.139, Termination of Rulemaking Respiratory Protection for M. Tuberculosis, Final Rule (Dec. 31, 2003); 29 CFR 1915.52, Fire Protection in Shipyard Employment, Final Rule (Sept. 15, 2004); and 29 CFR 1910 et al., Standards Improvement Project – Phase II (Jan. 5, 2005) are incorporated into this Part. Copies are available at any of the Department's offices. Copies may also be obtained at <http://www.osha.gov>.

- b) The Department shall consider any subsequent amendments to the health and safety standards adopted by the federal Occupational Safety and Health Administration. Such amendments will be adopted by reference, or substitute provisions that provide equivalent protection will be adopted. Amendments will be adopted through filing with the Secretary of State and publication in the Illinois Register as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].
- c) The Department hereby adopts as a rule of the Department, through incorporation by reference, 29 CFR 1910.1030, Occupational Exposure to Bloodborne Pathogens (1991). The dates listed in paragraph (i) of 29 CFR 1910.1030 are not applicable to Illinois public sector employers. The effective date (paragraph (i)(1) of the adopted standard) for the Illinois public sector shall be January 19, 1993. The compliance date for paragraph (i)(2) of the adopted standard shall be February 18, 1993, the date for paragraph (i)(3) shall be March 20, 1993, and the date for paragraph (i)(4) shall be April 19, 1993.
- d) The effective dates for 29 CFR 1910.119(e)(1)(i), (ii), (iii), and (iv), which establish timelines for hazard analyses for hazardous materials, are one, two, three, and four years, respectively, after August 1, 1994.

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- 1) Heading of the Part: Permits and General Provisions
- 2) Code citation: 35 Ill. Adm. Code 201
- 3) Section Number: 201.146 Proposed Action:
Amend
- 4) Statutory Authority: Implementing Sections 10, 39, and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39, and 39.5]
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this rulemaking can be found in the Board's September 15, 2005 opinion and order in Board docket R05-20. This rulemaking proposes revisions to the Board's regulations regarding exemptions from air construction and operating permit requirements. The amendments would add one category for plastic injection molding (PIM) operations to the existing list of permit exemptions in Section 201.146.

This rulemaking is based on a proposal filed with the Board by the Chemical Industry Council of Illinois (CICI). The purpose of the rulemaking is to eliminate the burden of state construction and operating permitting of low emitting emission units and activities for both the Environmental Protection Agency (Agency) and owners and operators of PIM operations.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency amendments currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
201.146	Amend	29 Ill. Reg. 14738; 10/7/05

- 11) Statement of Statewide Policy Objectives: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R05-20 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 Amy Antonioli at 312-814-3665, or email at antonioa@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>.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations that own or operate PIM facilities that would qualify under the proposed exemptions.
 - B) Reporting, bookkeeping or other procedures required for compliance: None, this rulemaking proposes to eliminate reporting and recordkeeping requirements for PIM facilities that would qualify under the proposed exemptions.
 - C) Types of professional skills necessary for compliance: None
- 14) 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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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section	
201.101	Other Definitions
201.102	Definitions
201.103	Abbreviations and Units
201.104	Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section	
201.121	Existence of Permit No Defense
201.122	Proof of Emissions
201.123	Burden of Persuasion Regarding Exceptions
201.124	Annual Report
201.125	Severability
201.126	Repealer

SUBPART C: PROHIBITIONS

Section	
201.141	Prohibition of Air Pollution
201.142	Construction Permit Required
201.143	Operating Permits for New Sources
201.144	Operating Permits for Existing Sources
201.146	Exemptions from State Permit Requirements
201.147	Former Permits
201.148	Operation Without Compliance Program and Project Completion Schedule
201.149	Operation During Malfunction, Breakdown or Startups
201.150	Circumvention
201.151	Design of Effluent Exhaust Systems

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SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section	
201.152	Contents of Application for Construction Permit
201.153	Incomplete Applications (Repealed)
201.154	Signatures (Repealed)
201.155	Standards for Issuance (Repealed)
201.156	Conditions
201.157	Contents of Application for Operating Permit
201.158	Incomplete Applications
201.159	Signatures
201.160	Standards for Issuance
201.161	Conditions
201.162	Duration
201.163	Joint Construction and Operating Permits
201.164	Design Criteria
201.165	Hearings
201.166	Revocation
201.167	Revisions to Permits
201.168	Appeals from Conditions
201.169	Special Provisions for Certain Operating Permits
201.170	Portable Emission Units

SUBPART E: SPECIAL PROVISIONS FOR OPERATING
PERMITS FOR CERTAIN SMALLER SOURCES

Section	
201.180	Applicability (Repealed)
201.181	Expiration and Renewal (Repealed)
201.187	Requirement for a Revised Permit (Repealed)

SUBPART F: CAAPP PERMITS

Section	
201.207	Applicability
201.208	Supplemental Information
201.209	Emissions of Hazardous Air Pollutants
201.210	Categories of Insignificant Activities or Emission Levels
201.211	Application for Classification as an Insignificant Activity
201.212	Revisions to Lists of Insignificant Activities or Emission Levels

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SUBPART G: EXPERIMENTAL PERMITS (Reserved)

SUBPART H: COMPLIANCE PROGRAMS AND
PROJECT COMPLETION SCHEDULES

Section

201.241	Contents of Compliance Program
201.242	Contents of Project Completion Schedule
201.243	Standards for Approval
201.244	Revisions
201.245	Effects of Approval
201.246	Records and Reports
201.247	Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section

201.261	Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup
201.262	Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup
201.263	Records and Reports
201.264	Continued Operation or Startup Prior to Granting of Operating Permit
201.265	Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

SUBPART J: MONITORING AND TESTING

Section

201.281	Permit Monitoring Equipment Requirements
201.282	Testing
201.283	Records and Reports

SUBPART K: RECORDS AND REPORTS

Section

201.301	Records
201.302	Reports

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SUBPART L: CONTINUOUS MONITORING

Section

201.401	Continuous Monitoring Requirements
201.402	Alternative Monitoring
201.403	Exempt Sources
201.404	Monitoring System Malfunction
201.405	Excess Emission Reporting
201.406	Data Reduction
201.407	Retention of Information
201.408	Compliance Schedules

201.APPENDIX A	Rule into Section Table
201.APPENDIX B	Section into Rule Table
201.APPENDIX C	Past Compliance Dates

AUTHORITY: Implementing Sections 10, 39, and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39, and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-20 at 30 Ill. Reg. _____, effective _____.

SUBPART C: PROHIBITIONS

Section 201.146 Exemptions from State Permit Requirements

Construction or operating permits, pursuant to Sections 201.142, 201.143 and 201.144 of this Part, are not required for the classes of equipment and activities listed below in this Section. The permitting exemptions in this Section do not relieve the owner or operator of any source from

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any obligation to comply with any other applicable requirements, including the obligation to obtain a permit pursuant to Sections 9.1(d) and 39.5 of the Act, Sections 165, 173 and 502 of the Clean Air Act or any other applicable permit or registration requirements.

- a) Air contaminant detectors or recorders, combustion controllers or combustion shutoffs;
- b) Air conditioning or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
- c) Each fuel burning emission unit for indirect systems and for heating and reheating furnace systems used exclusively for residential, or commercial establishments using gas and/or fuel oil exclusively with a design heat input capacity of less than 14.6 MW (50 mmbtu/hr), except that a permit shall be required for any such emission unit with a design heat input capacity of at least 10 mmbtu/hr that was constructed, reconstructed or modified after June 9, 1989 and that is subject to 40 CFR 60, Subpart D;
- d) Each fuel burning emission unit other than those listed in subsection (c) of this Section for direct systems used for comfort heating purposes and indirect heating systems with a design heat input capacity of less than 2930 kW (10 mmbtu/hr);
- e) Internal combustion engines or boilers (including the fuel system) of motor vehicles, locomotives, air craft, watercraft, lifttrucks and other vehicles powered by nonroad engines;
- f) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated laboratory fume hoods, vacuum producing devices and control devices installed primarily to address potential accidental releases;
- g) Coating operations located at a source using not in excess of 18,925 l (5,000 gal) of coating (including thinner) per year;
- h) Any emission unit acquired exclusively for domestic use, except that a permit shall be required for any incinerator and for any fuel combustion emission unit using solid fuel with a design heat input capacity of 14.6 MW (50 mmbtu/hr) or more;
- i) Any stationary internal combustion engine with a rated power output of less than

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1118 kW (1500 horsepower), except that a permit shall be required for any stationary gas turbine engine with a rated heat input at peak load of 10.7 gigajoules/hr (10 mmbtu/hr) or more that is constructed, reconstructed or modified after October 3, 1977 and that is subject to requirements of 40 CFR 60, Subpart GG;

- j) Rest room facilities and associated cleanup operations, and stacks or vents used to prevent the escape of sewer gases through plumbing traps;
- k) Safety devices designed to protect life and limb, provided that a permit is not otherwise required for the emission unit with which the safety device is associated;
- l) Storage tanks for liquids for retail dispensing except for storage tanks that are subject to the requirements of 35 Ill. Adm. Code 215.583(a)(2), 218.583(a)(2) or 219.583(a)(2);
- m) Printing operations with aggregate organic solvent usage that never exceeds 2,839 l (750 gal) per year from all printing lines at the source, including organic solvent from inks, dilutents, fountain solutions and cleaning materials;
- n) Storage tanks of:
 - 1) Organic liquids with a capacity of less than 37,850 l (10,000 gal), provided the storage tank is not used to store any material listed as a hazardous air pollutant pursuant to Section 112(b) of the Clean Air Act, and provided the storage tank is not subject to the requirements of 35 Ill. Adm. Code 215.583(a)(2), 218.583(a)(2) or 219.583(a)(2);
 - 2) Any size containing exclusively soaps, detergents, surfactants, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials; or
 - 3) Any size containing virgin or re-refined distillate oil, hydrocarbon condensate from natural gas pipeline or storage systems, lubricating oil or residual fuel oils.
- o) Threaded pipe connections, vessel manways, flanges, valves, pump seals, pressure relief valves, pressure relief devices and pumps;

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- p) Sampling connections used exclusively to withdraw materials for testing and analyses;
- q) All storage tanks of Illinois crude oil with capacity of less than 151,400 l (40,000 gal) located on oil field sites;
- r) All organic material-water single or multiple compartment effluent water separator facilities for Illinois crude oil of vapor pressure of less than 34.5 kPa absolute (5 psia);
- s) Grain-handling operations, exclusive of grain-drying operations, with an annual grain through-put not exceeding 300,000 bushels;
- t) Grain-drying operations with a total grain-drying capacity not exceeding 750 bushels per hour for 5% moisture extraction at manufacturer's rated capacity, using the American Society of Agricultural Engineers Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers;
- u) Portable grain-handling equipment and one-turn storage space;
- v) Cold cleaning degreasers that are not in-line cleaning machines, where the vapor pressure of the solvents used never exceeds 2 kPa (15 mmHg or 0.3 psi) measured at 38°C (100°F) or 0.7 kPa (5 mmHg or 0.1 psi) at 20°C (68°F);
- w) Coin-operated dry cleaning operations;
- x) Dry cleaning operations at a source that consume less than 30 gallons per month of perchloroethylene;
- y) Brazing, soldering, wave soldering or welding equipment, including associated ventilation hoods;
- z) Cafeterias, kitchens, and other similar facilities, including smokehouses, used for preparing food or beverages, but not including facilities used in the manufacturing and wholesale distribution of food, beverages, food or beverage products, or food or beverage components;
- aa) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot

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peening, or polishing ceramic artwork, leather, metals (other than beryllium), plastics, concrete, rubber, paper stock, wood or wood products, where such equipment is either:

- 1) Used for maintenance activity;
 - 2) Manually operated;
 - 3) Exhausted inside a building; or
 - 4) Vented externally with emissions controlled by an appropriately operated cyclonic inertial separator (cyclone), filter, electro-static precipitor or a scrubber.
- bb) Feed mills that produce no more than 10,000 tons of feed per calendar year, provided that a permit is not otherwise required for the source pursuant to Section 201.142, 201.143 or 201.144;
- cc) Extruders used for the extrusion of metals, minerals, plastics, rubber or wood, excluding:
- 1) Extruders used in the manufacture of polymers;
 - 2) Extruders using foaming agents or release agents that contain volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act; and
 - 3) Extruders processing scrap material that was produced using foaming agents containing volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act.
- dd) Furnaces used for melting metals, other than beryllium, with a brim full capacity of less than 450 cubic inches by volume;
- ee) Equipment used for the melting or application of less than 22,767 kg/yr (50,000 lbs/yr) of wax to which no organic solvent has been added;
- ff) Equipment used for filling drums, pails or other packaging containers, excluding aerosol cans, with soaps, detergents, surfactants, lubricating oils, waxes, vegetable oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions

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or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;

- gg) Loading and unloading systems for railcars, tank trucks, or watercraft that handle only the following liquid materials: soaps, detergents, surfactants, lubricating oils, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;
- hh) Equipment used for the mixing and blending of materials at ambient temperatures to make water based adhesives, provided each material mixed or blended contains less than 5% organic solvent by weight;
- ii) Die casting machines where a metal or plastic is formed under pressure in a die located at a source with a through-put of less than 2,000,000 lbs of metal or plastic per year, in the aggregate, from all die casting machines;
- jj) Air pollution control devices used exclusively with other equipment that is exempt from permitting, as provided in this Section;
- kk) An emission unit for which a registration system designed to identify sources and emission units subject to emission control requirements is in place, such as the registration system found at 35 Ill. Adm. Code 218.586 (Gasoline Dispensing Operations – Motor Vehicle Fueling Operations) and 35 Ill. Adm. Code 218, Subpart HH (Motor Vehicle Refinishing);
- ll) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy;
- mm) Equipment used for hydraulic or hydrostatic testing;
- nn) General vehicle maintenance and servicing activities conducted at a source, motor vehicle repair shops, and motor vehicle body shops, but not including:
 - 1) Gasoline fuel handling; and
 - 2) Motor vehicle refinishing.
- oo) Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing, provided no organic solvent has

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been added to the water;

- pp) Administrative activities including, but not limited to, paper shredding, copying, photographic activities and blueprinting machines. This does not include incinerators;
- qq) Laundry dryers, extractors, and tumblers processing that have been cleaned with water solutions of bleach or detergents that are:
 - 1) Located at a source and process clothing, bedding and other fabric items used at the source, provided that any organic solvent present in such items before processing that is retained from cleanup operations shall be addressed as part of the VOM emissions from use of cleaning materials;
 - 2) Located at a commercial laundry; or
 - 3) Coin operated.
- rr) Housekeeping activities for cleaning purposes, including collecting spilled and accumulated materials, including operation of fixed vacuum cleaning systems specifically for such purposes, but not including use of cleaning materials that contain organic solvent;
- ss) Refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;
- tt) Activities associated with the construction, on-site repair, maintenance or dismantlement of buildings, utility lines, pipelines, wells, excavations, earthworks and other structures that do not constitute emission units;
- uu) Piping and storage systems for natural gas, propane and liquefied petroleum gas;
- vv) Water treatment or storage systems, as follows:
 - 1) Systems for potable water or boiler feedwater;
 - 2) Systems, including cooling towers, for process water, provided that such water has not been in direct or indirect contact with process streams that contain volatile organic material or materials listed as hazardous air pollutants pursuant to Section 112(b) of the Clean Air Act.

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- ww) Lawn care, landscape maintenance and grounds keeping activities;
- xx) Containers, reservoirs or tanks used exclusively in dipping operations to coat objects with oils, waxes or greases, provided no organic solvent has been mixed with such materials;
- yy) Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 ~~USC~~U.S.C. 1261 et seq.), where the product is used at a source in the same manner as normal consumer use;
- zz) Activities directly used in the diagnosis and treatment of disease, injury or other medical condition;
- aaa) Activities associated with the construction, repair or maintenance of roads or other paved or open areas, including operation of street sweepers, vacuum trucks, spray trucks and other vehicles related to the control of fugitive emissions of such roads or other areas;
- bbb) Storage and handling of drums or other transportable containers, where the containers are sealed during storage and handling;
- ccc) Activities at a source associated with the maintenance, repair or dismantlement of an emission unit or other equipment installed at the source, not including the shutdown of the unit or equipment, including preparation for maintenance, repair or dismantlement, and preparation for subsequent startup, including preparation of a shutdown vessel for entry, replacement of insulation, welding and cutting, and steam purging of a vessel prior to startup;
- ddd) Equipment used for corona arc discharge surface treatment of plastic with a power rating of 5 kW or less or equipped with an ozone destruction device;
- eee) Equipment used to seal or cut plastic bags for commercial, industrial or domestic use;
- fff) Each direct-fired gas dryer used for a washing, cleaning, coating or printing line, excluding:
 - 1) Dryers with a rated heat input capacity of 2930 kW (10 mmbtu/hr) or more; and

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- 2) Dryers for which emissions other than those attributable to combustion of fuel in the dryer, including emissions attributable to use or application of cleaning agents, washing materials, coatings or inks or other process materials that contain volatile organic material are not addressed as part of the permitting of such line, if a permit is otherwise required for the line; ~~and~~
- ggg) Municipal solid waste landfills with a maximum total design capacity of less than 2.5 million Mg or 2.5 million m³ that are not required to install a gas collection and control system pursuant to 35 Ill. Adm. Code 220 or 800 through 849 or Section 9.1 of the Act; ~~and~~.
- hhh) Plastic injection molding equipment with an annual through-put not exceeding 5,000 tons of plastic resin in the aggregate from all plastic injection molding equipment at the source, and all associated plastic resin loading, unloading, conveying, mixing, storage, grinding, and drying equipment and associated mold release and mold cleaning agents.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1910.70	Amended
1910.93	New Section
1910.95	Renumbered
1910.100	Renumbered, amended
- 4) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195
- 5) A Complete Description of the Subjects and Issues Involved:

Section 1910.70 – Representation at Hearings: This Section is amended to prohibit an attorney from appearing at a Board proceeding as both an advocate and as a witness offering expert testimony.

Section 1910.93 – Request for Witnesses: This new Section is added to aid the parties in preparation for hearing by allowing for the exchange of witness lists in advance of the proceeding.

Section 1910.100 – Separability: This Section is renumbered and amended to more closely reflect the statutory language found in Section 15-5 of the Illinois Administrative Procedure Act (5 ILCS 100/15-5).

- 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 incorporation by reference? No

Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1910.30	Amended	29 Ill. Reg. 12218; August 5, 2005
1910.50	Amended	29 Ill. Reg. 12218; August 5, 2005
1910.64	New Section	29 Ill. Reg. 12218; August 5, 2005
1910.68	Amended	29 Ill. Reg. 12218; August 5, 2005

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

1910.76	Amended	29 Ill. Reg.13983; September 16, 2005
1910.77	New Section	29 Ill. Reg. 12218; August 5, 2005
1910.78	New Section	29 Ill. Reg. 12218; August 5, 2005
1910.92	New Section	29 Ill. Reg. 13983; September 16, 2005

10) Statement of Statewide Policy Objective: This rulemaking will not modify or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may comment on this proposed rulemaking by filing such comments in writing, within 45 days after publication of this Notice in the *Illinois Register*, with the Property Tax Appeal Board at its offices in Springfield:

James W. Chipman - Executive Director
Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring St.
Springfield, Illinois 62706

(217) 782-6076

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: All small businesses owning taxable real property in Illinois.

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 agenda because: the Property Tax Appeal Board did not anticipate revising these rules at the time the most recent agenda was published.

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

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER II: PROPERTY TAX APPEAL BOARD

PART 1910

PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

Section

1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.11	Rules of Order
1910.20	Correspondence
1910.25	Computing Time Limits
1910.30	Petitions – Application
1910.40	Board of Review Response to Petition Application
1910.50	Determination of Appealed Assessment
1910.60	Interested Parties – Intervention
1910.63	Burdens of Proof
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Subpoenas
1910.69	Sanctions
1910.70	Representation at Hearings
1910.71	Ex Parte Communications
1910.72	Informal Settlement Conference
1910.73	Pre-hearing Conference – Formal Settlement Conference
1910.74	Administrative Review
1910.75	Access to Board Records – Freedom of Information Procedures
1910.76	Publication of Annual Synopsis
1910.80	Forms
1910.90	Practice Rules
1910.93	Request for Witnesses
1910.95	Separability (Renumbered)
1910.100 1910.95	Severability Separability

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195 of the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. 13574, effective August 19, 2005; amended at 30 Ill. Reg. _____, effective _____.

Section 1910.70 Representation at Hearings

- a) A party shall have the right to represent himself or herself and to be present at and participate in any hearing before the Property Tax Appeal Board. The right to participate shall include the rights to call, examine and cross-examine witnesses and to discuss any evidence properly submitted pursuant to this Part. A party may be represented at the hearing by any person who is admitted to practice as an attorney in this State. Accountants, tax representatives, tax advisers, real estate appraisers, real estate consultants and others not qualified to practice law in this State may not appear at hearings before the Board in a representative capacity, and may not conduct questioning, cross-examination or other investigation at the hearing. However, such persons may testify at hearings before the Board and may assist parties and attorneys in preparation of cases for presentation by ~~thosesueh~~ parties and attorneys for the Board at hearings.
- b) As provided in subsection (a), only attorneys licensed to practice law in the State of Illinois shall be allowed to represent a party at a Property Tax Appeal Board hearing.
- c) Corporations, limited liability companies (LLC), partnerships and other similar entities, and taxing districts shall be represented at a Property Tax Appeal Board hearing by any person licensed to practice law in the State of Illinois.
- d) The board of review may be represented at a hearing by the county state's attorney's office, any attorney licensed to practice law in the State of Illinois properly authorized as a special assistant state's attorney, or ~~by~~ board of review members or commissioners or their duly authorized designees.
- e) An attorney, pro se taxpayer (representing himself or herself), or board of review designee may enter an appearance either by signing the petition or other document initiating the participation of a party in a proceeding or by filing an appearance in the proceeding. By signing a petition or filing an appearance, the attorney, pro se

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

taxpayer, or board of review designee certifies that he or she has the authority to appear and act on behalf of a party in the proceeding.

- f) An attorney shall avoid appearing before the Board on behalf of his or her client in the capacity of both an advocate and a witness. When an attorney is a witness for the client, except as to merely formal matters, the attorney should leave the hearing of the appeal to other counsel. Except when essential to the ends of justice, an attorney shall avoid testifying before the Board on behalf of a client.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1910.93 Request for Witnesses

- a) In any appeal in which a change in assessed value of \$100,000 or more is sought before the Property Tax Appeal Board, upon written request served on an opposing party prior to the expiration of the time in which to submit rebuttal evidence under Section 1910.66 of this Part, a party shall be entitled to the name, address and qualifications of any witness who may be reasonably expected to testify at hearing on behalf of an opposing party, together with a brief summary of the subject matter of each witness' anticipated testimony. The information shall be provided within 15 days after service of a request.
- b) A party may obtain witness lists only by making a written request as provided in subsection (a). Copies of requests for witnesses and an opposing party's response shall be served at the same time on all parties and the Board at its Springfield office.
- c) Witnesses that were not properly and timely disclosed in response to a request for production shall be barred or excluded from the proceeding by the Board or its designated hearing officer.
- d) Discovery requests under this Section shall not be cause for postponement or delay of the hearing or of the Board's disposition of the appeal.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 1910.95 Separability (Renumbered)

(Source: Section 1910.95 renumbered to Section 1910.100 at 30 Ill. Reg. _____, effective _____)

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1910.100 Severability~~1910.95 Separability~~

In the event any Section, provision or term of this Part, ~~or any amendment thereto~~, is determined by a court or other authority of competent jurisdiction to be invalid, ~~that~~such determination shall not affect the remaining Sections or provisions, which shall continue in full force and effect. For this purpose, the provisions of this Part are severable.

(Source: Section 1910.100 renumbered from Section 1910.95 and amended at 30 Ill. Reg. _____, effective _____)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENT

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

<u>Section Number:</u>	<u>Proposed Action:</u>
1600.125	New Section
 - 4) Statutory Authority: 40 ILCS 5/15-177
 - 5) A Complete Description of the Subjects and Issues Involved: SURS is promulgating a new Section in order to clarify what items of compensation are includable as "earnings" as described in 40 ILCS 5/15-111.
 - 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? Yes
- | | | |
|------------------------|-------------------------|------------------------------------|
| <u>Section Number:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
| 1600.35 | New Section | 29 Ill. Reg. 3012; 2/25/05 |
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
 - 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period after 45 days following publication of this Notice to:

Dan M. Slack
Executive Director
State Universities Retirement System
1901 Fox Drive
Champaign IL 61820

(217) 378-8877
 - 12) Initial Regulatory Flexibility Analysis:

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENT

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

SUBPART A: MISCELLANEOUS PROCEDURES

Section	
1600.10	Definitions
1600.20	Dependency of Beneficiaries
1600.30	Crediting Interest on Employee Contributions and Other Reserves
1600.40	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.55	Election to Make Contributions Covering Periods of Military Leave
1600.60	Sick Leave Accrual Schedule
1600.70	Procedures to be followed in Medical Evaluation of Disability Claims
1600.80	Rules of Practice-Nature and Requirements of Formal Hearings
1600.90	Excess Benefit Arrangement
1600.100	Freedom of Information Act
1600.110	Open Meetings Act
1600.120	Twenty Percent Limitation on Final Rate of Earnings Increases
1600.121	Determination of Final Rate of Earnings Period
1600.123	Part-time/Concurrent Service Adjustments
<u>1600.125</u>	<u>Compensation Subject to Withholding</u>
1600.130	Procurement
1600.137	Overpayment Recovery
1600.140	Making Preliminary Estimated Payments

SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	
1600.150	Definitions
1600.151	Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152	Curing Minor Deficiencies
1600.153	Filing a QILDRO with the System
1600.154	Modified QILDROs

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENT

- 1600.155 Benefits Affected by a QILDRO
- 1600.156 Effect of a Valid QILDRO
- 1600.157 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1600.158 Alternate Payee's Address
- 1600.159 Electing Form of Payment
- 1600.160 Automatic Annual Increases
- 1600.161 Expiration of a QILDRO
- 1600.162 Reciprocal Systems QILDRO Policy Statement
- 1600.163 Providing Benefit Information for Divorce Purposes

1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: MISCELLANEOUS PROCEDURES

Section 1600.125 Compensation Subject to Withholding

Section 15-157 of the Illinois Pension Code requires every participating employee to make contributions of 8% of his or her pay to fund the benefits payable under the State Universities Retirement System. This contribution is deducted from the employee's pay on a pre-tax basis and remitted to SURS via payroll deduction. The contributions are made as a percentage of the employees "earnings". Earnings are defined at Section 15-111 of the Illinois Pension Code [40 ILCS 5/15-111]. This Section states SURS' interpretation of what items of compensation are

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENT

includable as earnings for the purposes of Section 15-111. The following shall be used when determining whether certain payments to employees are subject to SURS withholding.

- a) Determination of the Purpose of the Payment
 - 1) If the payment is for services rendered, then the payment is subject to SURS withholding.
 - 2) If the payment is for a reason other than services rendered, it would not be subject to SURS withholding.
 - 3) Other Payments
 - A) Bonuses; Awards. Bonuses received by an employee that are related to services rendered for a specific period of time, not to exceed one academic year, shall be included in earnings subject to SURS withholding. Awards, such as longevity of service awards or outstanding employee awards, that are not associated with a particular time period are not subject to SURS withholding.
 - B) Retirement Payments or Incentives. Payments made to induce someone to retire, or not to retire, are not for services rendered, but are made in conjunction with an employee's retirement and are not subject to SURS withholding. These payments are also not includable in the final rate of earnings under Section 15-112.
 - C) Group Fringe Benefits. Group fringe benefits provided by the employer are not subject to SURS withholding. However, employer paid premiums on employer-provided group term life insurance in excess of \$50,000 are subject to SURS withholding.
 - D) Housing Allowance. A housing allowance, whether in the form of a direct salary payment or as a residence in which the employee resides, is subject to SURS withholding.
 - F) Automobile Allowance. An automobile allowance in the form of a direct salary payment is subject to SURS withholding. However, neither business use nor personal use of an employer-provided automobile is subject to SURS withholding.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENT

- G) Miscellaneous Other Benefits. Fringe benefits that are provided in lieu of salary are subject to SURS withholding. Items that are not provided in lieu of salary (such as reimbursement for out-of-pocket travel expenses, relocation expenses, etc.) are not subject to SURS withholding. Items such as country club dues, tuition waivers, tickets to athletic and performing arts events for family members of employees, and other items that are reported as taxable income on the employee's Form W-2 are not subject to SURS withholding, unless those items are a negotiated fringe benefit in lieu of salary.
- H) Non-Qualified Moving Expenses. Non-qualified moving expenses are not subject to SURS withholding as they are not furnished in lieu of salary.
- I) Unused Sick Leave Paid at Termination of Employment. These payments are not subject to SURS withholding, except for collectively bargained payments made in accordance with Section 15-112 of the Illinois Pension Code.
- J) Overtime. Overtime is subject to SURS withholding.
- b) Earning History
Certain earnings may be excludable from the "final rate of earnings" determined under Section 15-112 of the Illinois Pension Code. Earnings are always attributable to the period when earned, not when paid. SURS reserves the right to reallocate reported earnings to the period when earned, when this is necessary to accurately reflect the employee's earning history.

(Source: Added at 30 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pre-licensing and Continuing Education
- 2) Code Citation: 50 Ill. Adm. Code 3119
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3119.20	Amendment
3119.30	Amendment
3119.45	Amendment
3119.50	Amendment
3119.60	Amendment
3119.65	New Section
3119.70	Amendment
- 4) Statutory Authority: Implementing Sections 500-25, 500-30 and 500-35 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/500-25, 500-30, 500-35, and 401]
- 5) Effective Date of Amendments: September 29, 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 principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 18, 2005; 29 Ill. Reg. 4169
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

In the Table of Contents, struck exhibit names in all-capital letters and added exhibit names with first letter capitalization only.

In Section 3119.20, added "with a score of 70% or above" after "examination" in the definition of "Successful Completion".

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

In Section 3119.30(a), second line – changed the colon to a period and capitalized "Certification".

In Section 3119.30(a), sixth line – changed "FEIN" to "Federal Employer Identification Number (FEIN)".

In Section 3119.30(a), thirteenth line – changed "www.idfpr.com" to "www.idfpr.com/DOI/Producer/producer_information.asp".

In Section 3119.30(a), fourteenth line – changed "NAIC" to "National Association of Insurance Commissioners (NAIC)".

In Section 3119.30(c), fourth line – struck "such" and added "the".

In Section 3119.30(d)(1), second line – struck "instructor(s)" and added "instructors".

In Section 3119.30(e), thirteenth and fourteenth lines – struck "(d)" and added "(e)" and struck "3119.60(d)" and added "3119.65".

In Section 3119.30(e), twelfth line – struck "concurrent with the date".

In Section 3119.30(f), first line – struck "meet the following minimum requirements;" and added "have".

In Section 3119.30(g), fifth line – changed "Division of Insurance" to "Department of Financial and Professional Regulation" and struck "thereto" and added "to the Insurance Code".

In Section 3119.30(h), third line – after "arrangement", added a comma and after "all", struck the comma.

In Section 3119.45(a)(1), first line – after "examination", added a comma.

After Section 3119.45(a)(2), added:

"3) The following abbreviations and acronyms are used in subsection (a)(2):

Life Designations

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

<u>CEBS</u>	<u>Certified Employee Benefits Specialist</u>
<u>ChFC</u>	<u>Chartered Financial Consultant</u>
<u>CIC</u>	<u>Certified Insurance Counselor</u>
<u>CFP</u>	<u>Certified Financial Planner</u>
<u>CLU</u>	<u>Chartered Life Underwriter</u>
<u>FLMI</u>	<u>Fellow Life Management Institute</u>
<u>LUTCF</u>	<u>Life Underwriting Training Council Fellow</u>

Accident and Health Designations

<u>RHU</u>	<u>Registered Health Underwriter</u>
<u>CEBS</u>	<u>Certified Employee Benefits Specialist</u>
<u>REBC</u>	<u>Registered Employee Benefits Consultant</u>
<u>HIAA</u>	<u>Health Insurance Associate</u>

Property and Casualty Designations

<u>AAI</u>	<u>Accredited Advisor Insurance</u>
<u>ARM</u>	<u>Associate in Risk Management</u>
<u>CIC</u>	<u>Certified Insurance Counselor</u>
<u>CPCU</u>	<u>Chartered Property and Casualty Underwriter"</u>

In Section 3119.45(b)(2), first line – after "provided", struck the comma and after "presented", added a comma.

In Section 3119.45(b)(2), second line – struck "which" and added "that".

In Section 3119.45(b)(2), third line – after "requirement", added a comma.

In Section 3119.60(b), second line – after "provider", added a comma.

In Section 3119.60(h)(1), second line – struck "subsection (d) of this Section" and added "Section 3119.65".

In Section 3119.65(a)(2), second line – after "supervised", added "continuing education".

Struck Section 3119.65(d).

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

In Section 3119.65(e) and (f) – relabeled the subsection headings as "d" and "e", respectively.

In Section 3119.70(a), first line and 3119.70(a)(6)(B), second line – struck "course(s)" and added "courses".

In Section 3119.70(a)(4), fourth line – struck "thereto" and added "to the certification".

In Section 3119.70(a)(4), fourth line – struck "thereto".

In Section 3119.70(a)(5), second line – struck "(e)" and added "f".

In Section 3119.70(a)(6)(B), first line – struck "which" and added "that".

In Section 3119.70(a)(6)(C), first line – struck "which" and added "that".

In Section 3119.70(b), fifth line – struck "such" and added "the".

In Section 3119.70(b), sixth line – struck "said".

In Section 3119.70(c), second line – struck "of" and added "after" and struck "such" and added "the".

In Section 3119.70(c), fourth line – struck "Such" and added "The".

In Section 3119.70(c)(1), first line – struck "which" and added "that".

In Section 3119.70(d), second line – struck "course(s)" and added "courses" (twice) and struck "a".

In Section 3119.70(e), first line – struck "of" and added "for".

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: This Part is amended to comply with the National Association of Insurance Commissioners (NAIC) *Uniform Resident Licensing Standards* adopted in the Fall 2002 meeting and to add consumer safeguards to self-study and interactive online education courses. Additionally, housekeeping changes are being made.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Kelly Kruger
Department of Financial and Professional Regulation
Division of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

(217) 785-2263

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION~~INSURANCE~~SUBCHAPTER ii: INSURANCE PRODUCERS~~PRODUCER~~, LIMITED INSURANCE REPRESENTATIVES AND BUSINESS ENTITIES

PART 3119

PRE-LICENSING AND CONTINUING EDUCATION

Section

3119.10	Purpose
3119.20	Definitions
3119.30	Provider Responsibilities
3119.40	Responsibilities of Applicant for Insurance Producer Licenses and Licensed Insurance Producers Until 1/1/97 (Repealed)
3119.45	Responsibilities of the Applicant for Insurance Producer Licenses and the Licensed Insurance Producers <u>Beginning 1/1/97</u>
3119.50	Pre-Licensing – Course of Study Requirements
3119.60	Continuing Education Requirements
<u>3119.65</u>	<u>Course Credit</u>
3119.70	Course and Provider Disqualification
3119.80	Severability
3119.EXHIBIT A	<u>Request for Certification of a Pre-Licensing Course</u> REQUEST FOR CERTIFICATION OF A PRE-LICENSING COURSE (Repealed)
3119.EXHIBIT B	<u>Request for Certification of a Continuing Education Course</u> REQUEST FOR CERTIFICATION OF A CONTINUING EDUCATION COURSE (Repealed)
3119.EXHIBIT C	<u>Provider List – Proof of Completion</u> PROVIDER LIST—PROOF OF COMPLETION (Repealed)
3119.EXHIBIT D	<u>Provider List – Proof of Completion (Continuing Education)</u> PROVIDER LIST—PROOF OF COMPLETION (CONTINUING EDUCATION) (Repealed)
3119.EXHIBIT E	<u>Course of Study – Life</u> COURSE OF STUDY—LIFE
3119.EXHIBIT F	<u>Course of Study – Accident/Health</u> COURSE OF STUDY—ACCIDENT/HEALTH
3119.EXHIBIT G	<u>Course of Study – Fire</u> COURSE OF STUDY—FIRE
3119.EXHIBIT H	<u>Course of Study – Casualty/Motor Vehicle</u> COURSE OF STUDY—CASUALTY/MOTOR VEHICLE

AUTHORITY: Implementing Sections 500-25, 500-30 and 500-35 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/500-25, 500-30, 500-35, and 401].

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 9 Ill. Reg. 80, effective January 1, 1985; amended at 15 Ill. Reg. 69, effective January 1, 1991; amended at 16 Ill. Reg. 126, effective January 1, 1992; amended at 18 Ill. Reg. 16568, effective November 1, 1994; amended at 20 Ill. Reg. 10340, effective July 19, 1996; amended at 21 Ill. Reg. 13820, effective October 15, 1997; amended at 25 Ill. Reg. 6480, effective May 3, 2001; amended at 26 Ill. Reg. 16522, effective October 28, 2002; amended at 29 Ill. Reg. 15515, effective September 29, 2005.

Section 3119.20 Definitions

For the purposes of this Part, the following definitions shall apply:

Contact instruction means a course presented in a classroom or seminar format.

Course —~~means any~~Any course of study certified to the Director ~~that~~which meets the requirements of this Part, including but not limited to seminar, classroom, and self-study formats~~and interactive computer~~.

Date of Original Issue —~~means the~~The date of the issuance of a producer's license. Any lapse or suspension of 13 year~~years~~ or more shall establish a new date of original issue and subject the person to this Part.

Department means the Department of Financial and Professional Regulation.

Director means the Director of the Department of Financial and Professional Regulation-Division of Insurance of the State of Illinois or anyone to whom the Director's responsibilities and authority are lawfully delegated.

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

Interactive Online means self-study courses only presented on the Internet that do not require a proctored final exam.

Provider —~~means any~~Any person who offers a course for which certification has been received by the Director.

Successful Completion —~~means passing~~Passing an examination with a score of 70% or above in accordance with criteria established by the provider.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Supervised Examination ~~—means a~~ proctored, timed and closed book examination.

Traditional Long-Term Care (TLTC) and Long-Term Care Partnership (LTCP) Training Credit ~~—means prescribed~~ training required by licensed producers prior to the producer being allowed to sell TLTC and LTCP. This training is required pursuant to 50 Ill. Adm. Code 2012.122(d)(1) and 2018.80(d) and may satisfy a part of the continuing education requirement if the course is filed with the ~~Division~~ Department as a continuing education course.

(Source: Amended at 29 Ill. Reg. 15515, effective September 29, 2005)

Section 3119.30 Provider Responsibilities

- a) Each provider shall submit a certification to the Director for each course it intends to offer for pre-licensing or continuing education credit. Certification is to be submitted to the Division of Insurance at least 30 days prior to the first date the course will be offered. Certification must be accompanied by the appropriate fee (see 215 ILCS 5/500-135(a)(6) or (7)), be signed and dated by the provider, and contain: the provider's name; Federal Employer Identification Number (FEIN) and/or Social Security number of the individual provider; contact person and that person's telephone number; published provider telephone number; course title; first date course will be offered; whether the course is for public education; class of insurance to which the course is applicable; and type of course instruction (see 215 ILCS 5/500-35(b)(1)). The certification format and content have also been posted to the ~~Division's~~ Department's website at: www.idfpr.com/DOI/Producer/producer_information.asp ~~www.state.il.us/ins/producer/education_provider.htm~~ and will be made available upon request from the ~~Division~~ Department. Use of the National Association of Insurance Commissioners (NAIC) Midwest Zone Form is also permissible for purposes of certification.
- b) Each provider shall submit a new certification when there is a significant change in the course. No provider shall submit the same or substantially the same course content for more than one course.
- c) Each provider shall maintain a copy of all instructional materials for each course. If the provider ceases to offer a course or makes a significant change in the course materials, the provider shall maintain the original material for 1 year from the date ~~the~~ such course was terminated or significantly changed.

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- d) Each provider shall maintain the following records for 3 years at a central location:
- 1) Classroom or seminar – roster for each classroom course or seminar identifying the ~~instructors~~instructor(s), the student, the course, the location, the date and hours of attendance, the completion date, the examinations and the results of any examinations administered.
 - 2) Self-study ~~online or interactive computer~~ – name of student, name of course, date of completion, the examinations, the results of examinations, and other applicable proof of completion.
- e) Each provider shall provide to the Director a list of students who have successfully completed a pre-licensing or continuing education course. The list shall contain course number; credit hours; course title; reporting week being submitted; provider name; FEIN and/or Social Security number for the individual provider; and student data (including student name and Social Security number, date course completed and either class of insurance for pre-licensing or credit hours for continuing education). The information shall be submitted to the Director on computer diskette or other electronic method of transfer prescribed by the Director and in the specifications established by the Director. Each list shall be received by the Director within 10 days following the end of the week in which the course was completed. The list shall be compiled pursuant to the criteria established in Section 3119.50(b) and ~~(e)(d)~~ or Section ~~3119.653119.60(d)~~ of this Part. The date of completion for a course with an examination shall be the date ~~concurrent with the date~~ the examination is graded by the provider. Other than the original course fee, no additional fee shall be charged to the student for reporting the student's successful completion to the Division. If the initial report contains an error, no additional charge shall be given for re-reporting the credits to the Division.
- f) Instructors shall ~~have meet the following minimum requirements~~; either a Bachelor's degree or 3 years experience in the course subject matter. Providers must maintain evidence of such qualifications while the instructor is actively engaged in instructing the course and for 1 year thereafter.
- g) Providers shall, upon the request of the Director, provide a copy of all course material, provider records, and evidence of instructor's qualifications to the Director. All such requests shall be subject to a warrant of the Director and for the express purpose of gauging compliance with the Illinois Insurance Code and

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Department of Financial and Professional Regulation ~~Departmental~~ regulations pertaining to the Insurance Code ~~thereto~~.

- h) The Director may make arrangements, including contracting with an outside service administrator, for the purpose of administrating and collecting the educational data from the providers. Under such an arrangement, all, or a portion of the reporting requirements of the provider shall be made to the servicing administrator.
- i) Providers may not advertise a pre-licensing or continuing education course unless it has been approved by the Division of Insurance.

(Source: Amended at 29 Ill. Reg. 15515, effective September 29, 2005)

Section 3119.45 Responsibilities of the Applicant for Insurance Producer Licenses and the Licensed Insurance Producers ~~Beginning 1/1/97~~

- a) Applicants for Insurance Producer Licenses
- 1) Prior to taking the licensing examination, each applicant shall complete the pre-licensing education requirements for each class of insurance for which an examination is being taken. The pre-licensing education course must be used within 1 year after completion.
- 2) Applicants who have earned the following designations will be exempt from the pre-licensing requirement:
- | <u>Class of Insurance</u> | <u>Designation</u> |
|------------------------------|---|
| <u>Life</u> | <u>CEBS, ChFC, CIC, CFP, CLU, FLMI, and LUTCF</u> |
| <u>Accident and Health</u> | <u>RHU, CEBS, REBC, and HIA</u> |
| <u>Property and Casualty</u> | <u>AAI, ARM, CIC, and CPCU</u> |
- 3) The following abbreviations and acronyms are used in subsection (a)(2):

Life Designations

<u>CEBS</u>	<u>Certified Employee Benefits Specialist</u>
<u>ChFC</u>	<u>Chartered Financial Consultant</u>
<u>CIC</u>	<u>Certified Insurance Counselor</u>

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CFP	Certified Financial Planner
CLU	Chartered Life Underwriter
FLMI	Fellow Life Management Institute
LUTCF	Life Underwriting Training Council Fellow

[Accident and Health Designations](#)

RHU	Registered Health Underwriter
CEBS	Certified Employee Benefits Specialist
REBC	Registered Employee Benefits Consultant
HIA	Health Insurance Associate

[Property and Casualty Designations](#)

AAI	Accredited Advisor Insurance
ARM	Associate in Risk Management
CIC	Certified Insurance Counselor
CPCU	Chartered Property and Casualty Underwriter

b) Licensed Insurance Producers

- 1) Each producer shall complete 30 hours of continuing education requirements prior to requesting an extension of an insurance producer license. The producer should complete the course no later than 1 month prior to the license extension date to allow time for the provider to submit proof of completion to the Director. Each producer shall maintain a record of each course completed for 3 years from the date of completion. The record shall include the name of the provider, the course title, and the date of completion.
- 2) Hours taken, course material provided, or presented, in whole or in part, or in conjunction with a pre-licensing course ~~that~~ which is not certified as pre-licensing education requirement, shall not be used to meet continuing education requirements.
- 3) Courses initiated or completed prior to the original issue date of the license shall not be used to meet continuing education requirements.
- 4) ~~The credit hours will be applied in the order they are received by the Department.~~ The producer may accumulate a maximum of 45 credit hours

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on file with the ~~Division~~Department.

(Source: Amended at 29 Ill. Reg. 15515, effective September 29, 2005)

Section 3119.50 Pre-Licensing – Course of Study Requirements

- a) The certification form must be received by the Director at least 30 days prior to any course being offered.
- b) A course to be certified by the provider as a pre-licensing course of study shall meet the content requirements of Section 500-30(b) of the Illinois Insurance Code [215 ILCS 5/500-30(b)] and time distribution requirements as set forth in Exhibit E, F, G or H of this Part, whichever is applicable.
- c) For purposes of this Section, the minimum number of hours may be made up of any combination of classroom, seminar, or self-study ~~or interactive computer~~ hours. A self-study course must have an examination.
- d) One credit will be awarded for each 50 minutes of contact instruction.
- ~~ed~~) No credit shall be given for a self-study course if the student does not successfully complete the examination. If the student fails an examination and successive examinations are given, the successive examinations must be substantially different from each other. Self-study courses are subject to the following additional requirements:
 - 1) No students shall evaluate their own examination. The evaluation of the examination must be completed by the provider;
 - ~~2) The evaluation of the examination must be completed by the provider.~~
 - ~~23)~~ No provider shall furnish the answers to an examination prior to the student completing the examination;:-
 - 3) Self-study exams must contain at least 25 questions. The number of questions must increase proportionately as the amount of material increases;
 - 4) No more than a third of the questions shall be true/false;

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- 5) Credit hours shall be determined by the time it may take a student to study the material using 10 8½" by 11" full pages per credit hour (10-12 point font text), single line spacing with 1" margins; and
 - 6) Graphs, charts, forms and pictures may be used in course materials; however, only a total of 10 percent will count toward the course content. The graphs, charts, forms and pictures must pertain to the course content.
- f) Interactive Online Courses
Interactive online is considered a type of self-study course. Interactive online courses are, by definition, only presented on the Internet and do not require a proctored final exam. To be eligible for certification under Section 3119.30 of this Part, an interactive online course must meet the following additional requirements:
- 1) The course must provide at least 5 questions after each unit or chapter. The questions must be answered prior to proceeding to the next unit or chapter. The material may be reviewed while answering questions;
 - 2) The course must provide clear instructions on how to navigate through the course;
 - 3) The course must provide the ability to go back and review any unit at any time;
 - 4) The course must provide online viewing access to the Division at all times;
 - 5) The course must include a statement that the student information will not be sold or distributed to any third party without prior written consent of the student. Taking the course shall not constitute consent;
 - 6) The course must provide some type of encryption. All personal information, including credit card number, name and address of the student must be encrypted so that the information cannot be read as it passes across the Internet;
 - 7) Students must affirm that they, and only they, completed the course; and

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- 8) The course must include the ability to contact an instructor (i.e., automated e-mail).

(Source: Amended at 29 Ill. Reg. 15515, effective September 29, 2005)

Section 3119.60 Continuing Education Requirements

- a) The certification must be received by the Director at least 30 days prior to any course being offered.
- b) For purposes of this Section, "full credit" shall mean the reasonable amount of time, as certified by the provider, that is necessary for a student to study for and pass an examination, or in the case of a course with no examination, the number of documented classroom attendance hours.
- c) Courses shall be intended to increase the knowledge and understanding of insurance principles and coverages, applicable laws, insurance regulations, agency management, customer service and sales. The following courses shall not be considered for continuing education:
- 1) Courses used for insurance pre-licensing training or insurance qualifying examination preparation.
 - 2) Courses with less than 13 hourhours of certified continuing education credit.
- d) For purposes of this Section, the minimum number of hours may be made up of any combination of classroom, seminar, or self-study hours.
- e) One credit will be awarded for each 50 minutes of contact instruction.
- f) No credit shall be given for a self-study course if the student does not successfully complete the examination. If the student fails an examination and successive examinations are given, the successive examinations must be substantially different from each other. Self-study courses are subject to the following additional requirements:
- 1) No students shall evaluate their own examination. The evaluation of the examination must be completed by the provider;

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- 2) No provider shall furnish the answers to an examination prior to the student completing the examination;
 - 3) Self-study exams must contain at least 25 questions. The number of questions must increase proportionately as the amount of material increases;
 - 4) No more than a third of the questions shall be true/false; and
 - 5) Credit hours shall be determined by the time it may take a student to study the material using 10 8½" by 11" full pages per credit hour (10-12 point font text), single line spacing with 1" margins.
- g) Interactive Online Courses
Interactive online is considered to be a type of self-study course. Interactive online courses are, by definition, only presented on the Internet and do not require a proctored final exam. To be eligible for certification under Section 3119.30 of this Part, an interactive online course must meet the following additional requirements:
- 1) The course must provide at least 5 questions after each unit or chapter. The questions must be answered prior to proceeding to the next unit or chapter. The material may be reviewed while answering questions;
 - 2) The course must provide clear instructions on how to navigate through the course;
 - 3) The course must provide the ability to go back and review any unit at any time;
 - 4) The course must provide online viewing access to the Division at all times;
 - 5) The course must include a statement that the student information will not be sold or distributed to any third party without prior written consent of the student. Taking the course shall not constitute consent;
 - 6) The course must provide some type of encryption. All personal information, including credit card number, name and address of the

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student must be encrypted so that the information cannot be read as it passes across the Internet;

7) Students must affirm that they, and only they, completed the course; and

8) The course must include the ability to contact an instructor (i.e., automated e-mail).

~~d) The value of course credit for purposes of this Section shall be determined as follows:~~

~~1) Supervised Examinations~~

~~A) Successful Completion~~

~~Students who successfully complete a supervised examination will receive full credit for the course.~~

~~B) Unsuccessful Completion~~

~~Students who do not successfully complete a supervised examination shall receive one hour of credit for each hour of documented classroom attendance not to exceed 50% of full credit.~~

~~2) Non-Supervised Examination~~

~~A) Successful Completion~~

~~Students who successfully complete a non-supervised examination will receive full credit for the course.~~

~~B) Unsuccessful Completion~~

~~Students who do not successfully complete a non-supervised examination will receive no credit.~~

~~3) Courses Without Examination~~

~~Students will receive credit for documented attendance based on the certified hours assigned to the course.~~

~~4) All Examinations~~

~~A) No students shall evaluate their own examination. The evaluation of the examination must be completed by the provider.~~

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- ~~B) No provider shall furnish the answers to an examination prior to the student completing the examination.~~
- ~~C) Credit shall be given based only upon the results of the examination the first time the examination is completed by the student.~~

h)S) TLTC and LTCP Training Credit

- 1A) Continuing education credit may be earned based on the criteria established in Section 3119.65 subsection (d) of this Section.
- 2B) Training credit may be obtained after a failed examination if the provider gives, and the student successfully completes, a substantially different examination.
- 3C) If a student receives training credit only, the provider shall issue a proof of completion certificate to the student but the certificate shall be prominently stamped "NO CON-ED CREDIT".
- ~~e) No additional credit will be given to a producer for a repeated course unless 3 years have passed since credit was given for the course.~~
- ~~f) Until January 1, 1997, the maximum credit a producer can receive for any one course is 25 hours.~~
- ~~g) After December 31, 1996, the maximum credit for any course is 15 hours.~~
- ~~h) Continuing education instructors may receive continuing education credit for courses they teach. The credit earned shall be determined pursuant to the criteria established in this Section.~~

(Source: Amended at 29 Ill. Reg. 15515, effective September 29, 2005)

Section 3119.65 Course Credit

The value of course credit for purposes of this Section shall be determined as follows:

- a) Supervised Examinations

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- 1) Successful Completion
Students who successfully complete a supervised examination will receive full credit for the course.
- 2) Unsuccessful Completion
Students who do not successfully complete a supervised [continuing education](#) examination shall receive one hour of credit for each hour of documented classroom attendance not to exceed 50% of full credit.
- b) Non-Supervised Examination
 - 1) Successful Completion
Students who successfully complete a non-supervised examination will receive full credit for the course.
 - 2) Unsuccessful Completion
Students who do not successfully complete a non-supervised examination will receive no credit. If the student fails a non-supervised examination and successive examinations are given, the successive examinations must be substantially different from each other.
- c) Courses Without Examination
Students will receive credit for documented attendance based on the certified hours assigned to the course.
- d) No additional credit will be given to a producer for a repeated course unless 3 years have passed since credit was given for the course.
- e) Continuing education instructors may receive continuing education credit for courses they teach. The credit earned shall be determined pursuant to the criteria established in this Section.

(Source: Added at 29 Ill. Reg. 15515, effective September 29, 2005)

Section 3119.70 Course and Provider Disqualification

- a) The Director may disqualify any provider and/or any provider's [coursecourse\(s\)](#) if the Director finds that:

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- 1) the provider or course has not met the requirements of this Part;
- 2) the provider has made a material misstatement or intentional misrepresentation on a certification form filed with the Director; a misstatement will be considered material if the course would not have been certified in the absence of such statement;
- 3) the provider has intentionally misrepresented itself or its course to students or prospective students;
- 4) the provider has violated any commitment made in the request for certification and supplementary attachments to the certification, thereto including failure to maintain the standards and method of operation set forth in the request for certification and any supplementary attachments thereto;
- 5) the provider has employed instructors who do not meet the requirements of Section 3119.30(f)~~3119.30(e)~~ of this Part;
- 6) the provider is deemed by the Director to have failed to act in good faith in providing a course. A failure to act in good faith may only be evidenced by the following:
 - A) a student pass/fail ratio inconsistent with those of other providers for courses which are similar in content and difficulty;
 - B) the number of complaints received by the Director that~~which~~ specifically relate to the provider's course~~course(s)~~;
 - C) provides to the student a proof of completion form that~~which~~ contains false, or incomplete information;
 - D) provides to the student a partially completed proof of completion form;
- 7) the provider has failed to maintain the materials and records pursuant to Section 3119.30 of this Part;
- 8) the provider failed to furnish the Director with information and records required by Section 3119.30 of this Part, or the provider supplied false or

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incomplete information or records;

- 9) the provider frequently fails to furnish the Director with an accurate student proof of completion list required by Section 3119.30(e) of this Part within 10 days following the end of the week in which the course was completed;
 - 10) The provider has, while conducting business as a provider, used fraudulent or dishonest practices, or has demonstrated incompetence or untrustworthiness.
- b) Disqualification of a provider or course shall be by order of the Director and will be sent to the provider by certified or registered mail at the address specified in the Division's records~~of the Department~~. The provider may request a hearing in writing in accordance with 50 Ill. Adm. Code 2402, within 30 days from the date of mailing. If no written request is made, thesueh order shall be final upon the expiration of ~~said~~ 30 days.
- c) If the provider requests a hearing within 30 days, then the Director shall issue within 30 days ~~after~~ receipt of thesueh request a written notice of hearing to the provider by certified or registered mail and it will be sent to the provider at the address specified in the Division's records~~of the Department~~. TheSueh notice of hearing must state:
- 1) The grounds, charges or conduct thatwhich justifies disqualification under this Section;
 - 2) A specific time for the hearing, which may not be less than 20 days nor ~~or~~ more than 30 days after the mailing of the notice of hearing; and
 - 3) A specific place for the hearing.
- d) Upon disqualification, the provider shall immediately discontinue offering its coursecourse(s) as a certified coursecourse(s). The Director shall publish all final disqualifications~~disqualification~~.
- e) In any order of disqualification, the Director shall give consideration for ~~of~~ credit hours to present students.

(Source: Amended at 29 Ill. Reg. 15515, effective September 29, 2005)

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- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 1500
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u>
1500.10	New Section
1500.20	New Section
1500.30	New Section
1500.40	New Section
1500.50	New Section
1500.60	New Section
1500.70	New Section
- 4) Statutory Authority: 42 USC 12101 et seq. and 20 ILCS 5/5-625
- 5) Effective Date of Amendments: September 27, 2005
- 6) Does this rule contain an automatic repeal date: No
- 7) Does this rule contain incorporation by reference? No
- 8) A copy of the adopted rule, including all material incorporated by reference, is on file in the Department of Labor's principle office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: March 25, 2005; 29 Ill. Reg. 4452
- 10) Has JCAR issued a Statement of Objection to this rule? No
- 11) Differences between proposal and final version: Minor non-substantive editorial changes were made in response to JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rule: The adopted rulemaking was implemented in order to comply with the provisions of the Americans with Disabilities Act of 1990 (Act). The

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Act requires the Department to implement grievance procedures providing for prompt and equitable resolution of complaints alleging any action prohibited by 28 CFR Part 35.

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

Valerie A. Puccini
Assistant General Counsel
Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago IL 60601

312-793-7838

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

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TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER XLVII: DEPARTMENT OF LABORPART 1500
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
1500.10	Purposes
1500.20	Definitions
1500.30	Procedure
1500.40	Designated Coordinator Level
1500.50	Final Level
1500.60	Accessibility
1500.70	Case-By-Case Resolution

AUTHORITY: Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and Section 5-625 of the Departments of State Government Law [20 ILCS 5/5-625].

SOURCE: Adopted at 29 Ill. Reg. 15535, effective September 27, 2005.

Section 1500.10 Purposes

- a) This grievance procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) (ADA) and specifically Section 35.107 of the Title II regulations, 28 CFR 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service and activity offered by the Department of Labor, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Department to foster open communication with all individuals requesting readily accessible programs, services and activities. The Department encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 1500.20 Definitions

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

"Complainant" is an individual with a disability who files a Grievance Form provided by the Department of Labor under this procedure.

"Designated Coordinator" is the person appointed by the Department who is responsible for the coordination of efforts of the Department to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. The Designated Coordinator may be contacted at One West Old State Capitol Plaza, Springfield IL 62701. (See 28 CFR 35.107.)

"Director" means the Director of the Department of Labor.

"Disabilities" shall have the same meaning as set forth in the Americans With Disabilities Act.

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

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

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

Section 1500.30 Procedure

- a) Grievances must be submitted in accordance with procedures established in

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Sections 1500.40 and 1500.50 of this Part. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer, at the Designated Coordinator and/or the Final Levels described in Section 1500.50.

- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response from the Department of Labor given in the grievance procedure.
- c) The Department shall, upon being informed of an individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.

Section 1500.40 Designated Coordinator Level

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

Section 1500.50 Final Level

- a) If the grievance is not resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Director for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reasons for dissatisfaction with the

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Designated Coordinator's written response, within 15 business days after the Designated Coordinator's response.

- b) Within 15 business days after receiving complainant's request for final review, the Director shall appoint a three-member panel to review the grievance at the Final Level. One member shall be designated chairman. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last member of the panel is appointed.
- c) Complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his or her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon agreement of at least two of the panel members, the panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. The recommendation shall be made 15 business days after the review commenced as described in subsection (b). All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall sign the recommendation.
- e) Within 15 business days after receipt of recommendations from a panel, the Director or designee shall approve, disapprove or modify the panel recommendations; shall render a decision on those recommendations in writing; shall state the basis for his or decision; and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the panel's recommendations, the Director may include written reasons for such disapproval or modification.
- f) The Grievance Form, the Designated Coordinator's response, the statement of the reasons for dissatisfaction, the recommendations of the panel, and the decision of the Director shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

Section 1500.60 Accessibility

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

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Section 1500.70 Case-By-Case Resolution

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Fall Gun Season
- 2) Code Citation: 17 Ill. Adm. Code 715
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
715.30	Amendment
715.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- 5) Effective Date of Amendment: September 27, 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 all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: May 13, 2005; 29 Ill. Reg. 6830
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 715.40(c), changed the name of the site from "Meeker Habitat Area" to "Meeker State Habitat Area"
- 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 rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
715.25	Amendment	29 Ill. Reg. 11743; July 29, 2005
- 15) Summary and purpose of rulemaking: This Part was amended to extend the time for the daily hunter registration of harvest from 8:00 p.m. to 10:00 p.m. and to update the list of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

sites open to hunting.

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

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 715
THE TAKING OF WILD TURKEYS – FALL GUN SEASON

Section

715.10	Hunting Season, Open Counties and Permit Quotas
715.20	Statewide Turkey Permit Requirements
715.21	Turkey Permit Requirements – Special Hunts
715.25	Turkey Permit Requirements – Landowner/Tenant Permits
715.30	Turkey Hunting Regulations
715.40	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11806, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. 9110, effective June 26, 1997; amended at 22 Ill. Reg. 14866, effective August 3, 1998; amended at 23 Ill. Reg. 9091, effective July 28, 1999; amended at 24 Ill. Reg. 8965, effective June 19, 2000; amended at 25 Ill. Reg. 11460, effective August 14, 2001; amended at 26 Ill. Reg. 13855, effective September 5, 2002; amended at 27 Ill. Reg. 12650, effective July 21, 2003; amended at 28 Ill. Reg. 11904, effective July 27, 2004; amended at 29 Ill. Reg. 15542, effective September 27, 2005.

Section 715.30 Turkey Hunting Regulations

- a) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.9), except that hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). It is unlawful:
 - 1) to use live or electronic turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;

DEPARTMENT OF NATURAL RESOURCES

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- 2) to take, or attempt to take, more than one wild turkey per valid permit (either sex may be harvested);
 - 3) to use any weapon except a shotgun. #4 shot is the largest and #7½ is the smallest size shot that may be legally used;
 - 4) to hunt except from ½ hour before sunrise to sunset during each day of the season;
 - 5) for any person to hunt wild turkeys without having a signed Wild Turkey Hunting Permit in possession, except that a person without a weapon may accompany a turkey hunter as a caller or observer;
 - 6) to transport a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill. No person shall leave a turkey that has been killed without properly attaching the turkey permit around the leg;
 - 7) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.; and
 - 8) to possess while in the field, during turkey season, any turkey permit issued to another person. (Permits are non-transferrable.)
- b) Successful hunters must register their harvest by ~~10:00~~ 10:08 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in.
- c) Failure to comply with the regulations in this Part is a Class B misdemeanor (see 520 ILCS 5/2.9).

(Source: Amended at 29 Ill. Reg. 15542, effective September 27, 2005)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

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- a) Statewide regulations shall apply for the following sites:

~~Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)~~

Kaskaskia River State Fish and Wildlife Area (except that area north of Hwy. 154, east of the Kaskaskia River and south of Risdon School Road and Beck's Landing access road)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18

Mississippi River Pools 21, 22, 24

Nauvoo State Park (Max Rowe Unit only)

Rend Lake Project Lands (portion in Jefferson County only)

Weinberg-King State Park (Cecil White Unit)

- b) Statewide regulations shall apply except that all hunters must check in, check out, and report harvest at those sites listed below. Quotas, where listed, shall be on a first come-first served basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.

Argyle Lake State Park

Big River State Forest

Cache River State Natural Area (Johnson County portion only)

Cypress Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area

Falling Down Prairie

DEPARTMENT OF NATURAL RESOURCES

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Ferne Clyffe State Park

Fort de Chartres Historic Site (muzzleloading shotguns only)

Giant City State Park

Hanover Bluff State Natural Area —~~Kopper Tract~~

Horseshoe Lake Conservation Area (public hunting area except for controlled goose hunting area)

~~I-24 Wildlife Management Area~~

Kinkaid Lake Fish and Wildlife Area

Pere Marquette State Park (only that portion of site south of Graham Hollow Road)

Ray Norbut State Fish and Wildlife Area

Sahara Woods State Fish and Wildlife Area

Saline County Conservation Area

Siloam Springs State Park

Siloam Springs State Park – Buckhorn Unit (resident hunters only)

Skinner Farm State Habitat Area

~~Snakeden Hollow State Fish and Wildlife Area — Ives Unit~~

Spoon River State Forest

Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

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Union County Conservation Area – Firing Line Management Unit Only

WeinbergWeinburg-King State Park

WeinbergWeinburg-King State Park – Scripps Unit

Weinberg-King State Park – Spunky Bottoms Unit

- c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Apple River Canyon State Park – Salem and Thompson Units

Crawford County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)

Meeker State Habitat Area

Newton Lake Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest

Witkowsky State Wildlife Area

- d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt (refer to 17 Ill. Adm. Code 650.67 for hunt dates). Permits will be \$15 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Any additional availability will be publicly announced.

DEPARTMENT OF NATURAL RESOURCES

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Rock Cut State Park

- e) Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.9).

(Source: Amended at 29 Ill. Reg. 15542, effective September 27, 2005)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Designation of Restricted Waters in the State of Illinois
- 2) Code Citation: 17 Ill. Adm. Code 2030
- 3) Section Number: 2030.80 Adopted Action:
New
- 4) Statutory Authority: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].
- 5) Effective Date of Amendment: September 27, 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 all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: May 27, 2005; 29 Ill. Reg. 7414
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: At the end of the second sentence, added: ", and the restricted area shall be physically marked by buoys, signs, manned watercraft or yellow police tape".

Deleted the third sentence: "Waters designated as Restricted Boating Areas pursuant to this Section shall not be subject to the signage and marking requirements of Section 2030.10."

At the end of the second to last sentence, added: ", but in no case shall the designation remain in effect longer than 90 days".

In the last sentence, added: "and any markings shall be removed.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF NATURAL RESOURCES

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- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This Part was amended to add a new Section regarding designation of Restricted Boating Areas in the event of hazardous navigation conditions, declared as such by the Federal or State government.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENT

PART 2030

DESIGNATION OF RESTRICTED WATERS IN THE STATE OF ILLINOIS

Section

2030.10	General Regulations
2030.15	Designation of Restricted Waters by the Department of Natural Resources
2030.20	Region I – Designated Restricted Boating Areas
2030.30	Region II – Designated Restricted Boating Areas
2030.40	Region III – Designated Restricted Boating Areas
2030.50	Region IV – Designated Restricted Boating Areas
2030.60	Region V – Designated Restricted Boating Areas
2030.70	Riverboat Gambling Casinos – Designated Restricted Boating Areas
2030.80	Hazardous Navigation Conditions – Designated Restricted Boating Areas

AUTHORITY: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].

SOURCE: Adopted at 5 Ill. Reg. 8763, effective August 25, 1981; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 4789, effective April 2, 1985; amended at 11 Ill. Reg. 9519, effective May 5, 1987; emergency amendment at 12 Ill. Reg. 8745, effective May 15, 1988, for a maximum of 150 days; emergency expired September 20, 1988; emergency amendment at 12 Ill. Reg. 12111, effective July 6, 1988, for a maximum of 150 days; emergency expired December 12, 1988; amended at 12 Ill. Reg. 16707, effective September 30, 1988; amended at 12 Ill. Reg. 20472, effective November 28, 1988; corrected at 13 Ill. Reg. 967; emergency amendment at 13 Ill. Reg. 2878, effective February 21, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 12814, effective July 21, 1989; amended at 16 Ill. Reg. 8483, effective May 26, 1992; amended at 19 Ill. Reg. 7549, effective May 26, 1995; emergency amendment at 19 Ill. Reg. 11967, effective August 3, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 750, effective December 29, 1995; amended at 20 Ill. Reg. 7864, effective June 3, 1996; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 15692, effective December 2, 1996; amended at 23 Ill. Reg. 6822, effective May 20, 1999; amended at 27 Ill. Reg. 8871, effective May 19, 2003; amended at 29 Ill. Reg. 15550, effective September 27, 2005.

[Section 2030.80 Hazardous Navigation Conditions – Designated Restricted Boating Areas](#)

DEPARTMENT OF NATURAL RESOURCES

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In the event that the Department of Natural Resources determines the presence of conditions that make navigation of a body of water significantly dangerous to the public, the Director of the Department of Natural Resources may, in coordination with the federal government, designate Restricted Boating Areas on any affected body of water within the jurisdiction of the State of Illinois. This designation shall be made by public announcement in local media and by posting at local public boat launches and marinas, and the restricted area shall be physically marked by buoys, signs, manned watercraft or yellow police tape. This designation will remain in effect until the Director of the Department of Natural Resources determines that navigation is no longer significantly dangerous to the public, but in no case shall the designation remain in effect longer than 90 days. Rescission of the Restricted Boating Area designation shall be publicly announced in local media and posted at local public boat launches and marinas and any markings shall be removed.

(Source: Added at 29 Ill. Reg. 15550, effective September 27, 2005)

STATE OF EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Number: 1540.80 Proposed Action: Amendment
- 4) Statutory Authority: 40 ILCS 5/14-124 (5) (e)
- 5) Effective Date of Amendment: October 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection. Copies are available upon request from the Division of Field Services.
- 9) Notices of Proposed published in the Illinois Register: July 1, 2005; 29 Ill. Reg. 9311
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: In Section 1540.80(c)(2), the words "Financial and" were added after "of" at JCAR's suggestion.
- 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 amendments pending on this Part? No
- 15) Information and questions regarding this adopted amendment shall be directed to:

Patrick Cummings
Claims Division Manager
State Employees' Retirement System
2101 South Veterans Parkway

STATE OF EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

Springfield IL 62794-9276

217/785-7260

Fax: 217/524-2293

- 16) Do these amendments 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:

STATE OF EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

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

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

STATE OF EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

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

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

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

STATE OF EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

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effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15628, effective November 18, 2004; amended at 29 Ill. Reg. 15554, effective October 1, 2005.

Section 1540.80 Disability Claims

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

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

c) Licensed Physicians

- 1) Before an occupational, nonoccupational or temporary disability benefit can be approved, one statement must be received from a licensed physician attesting to the disability. An additional statement from a second licensed physician may be required by the disability examiner assigned to the case, depending on the nature of the disabling condition.
- 2) The term "licensed physician" shall mean any individual who has obtained a license through the Department of [Financial and Professional Regulation](#) as described in Section 11(A) of the Medical Practice Act of 1987 [225 ILCS 60/11(A)]. All licensed physicians must submit their registration number on all reports submitted to the Retirement System.

d) Report of Physicians

- 1) All physician's reports shall contain, among other things, the date and place of the first examination, the cause and nature of the disability, information regarding surgical work or laboratory tests, the date of last examination, prognosis regarding the member's disability, and an estimate of the probable length of disability.
- 2) All physician's reports shall be signed by a licensed practicing physician or by medical records personnel of a licensed clinic.

e) Gainful Employment

In the case of occupational, nonoccupational or temporary disability, an individual who is found to be gainfully employed shall have the benefit terminated ~~as of the date such employment commenced~~. The term "gainfully employed" shall be construed to mean either of the following:

- 1) Any employment by or for the State of Illinois.
- 2) Effective ~~October~~ July 1, ~~2005~~2004, ~~any remuneration that exceeds \$810 in any month. The \$810 monthly gainful employment limit will be adjusted each July 1 thereafter to the nearest whole dollar amount, based on the change in the Consumer Price Index for Urban Consumers for the prior~~

STATE OF EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

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~~calendar year.~~ any individual who exceeds \$2490 in remuneration in any calendar quarter (the "calendar quarter limitation") will have his or her benefit suspended at the end of the quarter when the calendar quarter limitation was exceeded. The individual may appeal the suspension of benefits to the Executive Committee. If the Executive Committee determines that the individual exceeded the calendar quarter limitation, SERS will recover the dollar amount of the earnings that exceeded the calendar quarter limitation. The individual must sign an agreement not to exceed the calendar quarter limitation in the future and to acknowledge that termination of benefits shall occur if a second violation occurs. Any individual who exceeds the calendar quarter limitation a second time will have his or her benefit suspended at the end of the quarter when the calendar quarter limitation was exceeded. The individual may appeal this suspension of benefits to the Executive Committee. If the Executive Committee determines that the individual exceeded the calendar quarter limitation a second time, the individual will be considered gainfully employed and benefits will be terminated as of the date of suspension. Any overpayment of benefits due to the termination will be recovered in full.

- A) For purpose of this Section, "remuneration" shall be defined to mean:
- i) any compensation for personal services including fees, wages, salary, commissions, and similar items;
 - ii) any income derived from the participation in a business activity through the performance of physical and/or mental activities generally performed for the production of income.
- B) For purposes of this Section, remuneration shall be computed on a gross rather than net basis (i.e., no deductions of any kind including but not limited to deductions for losses, expenses, taxes or withholding, will be considered in such computation). Remuneration shall also include the fair market value of goods or services received, which if received in money would otherwise constitute remuneration. Remuneration representing gain from the sale, exchange or other disposition of goods or other property shall be equal to, the sum of the amount of money and the fair market value of any property received on such sale, exchange, or

STATE OF EMPLOYEES RETIREMENT SYSTEM OF ILLINOIS

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disposition, less the amount representing the cost to the seller in acquiring the goods or other property which is sold, exchanged, or disposed of. In applying this Section, the System shall consider the date on which the remuneration was earned rather than when it was received. For purposes of this Section, remuneration may be earned through either self-employment or employment by others.

- f) Investigation of Claims
- 1) The Board of Trustees of the State Employees' Retirement System (SERS) recognizes its obligation to provide a systematic program for the continued investigation, control and supervision of disability claims.
 - 2) Each disability benefit recipient is required to provide a current medical examination report each 6 months to substantiate continued disability. In order to substantiate the member's continued eligibility for disability benefits, the Disability Claims Examiner may require that the member submit to independent medical examinations and may request additional medical statements; hospital records; activity inspection reports; Department of Employment Security Earning Statements; Social Security benefit payment information; income tax records; or other pertinent information, all as deemed reasonable and necessary by the Examiner. The System will pay for independent medical examinations, hospital records, and activity inspection reports that it requires.
 - 3) Failure of a disability benefit recipient to submit to an independent medical examination, to cooperate with an activity inspection, or to provide the information required shall result in suspension of benefit payments.
- g) Definition of Phrase "The Duties of the Member's Position"
The phrase, "The duties of the member's position" shall mean the duties of the member's position as of the date the member's name is removed from the payroll without regard to subsequent changes in the duties of the position, availability of the position, or the member's right to return to the position.

(Source: Amended at 29 Ill. Reg. 15554, effective October 1, 2005)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Child Welfare Agencies
- 2) Code Citation: 89 Ill. Adm. Code 401
- 3)

<u>Section Number:</u>	<u>Emergency Action:</u>
401.40	Amended
401.100	Amended
401.110	Amended
401.130	Amended
401.140	Amended
401.141	New
401.200	Amended
401.430	Amended
401.470	Renumbered
401.480	Renumbered
401.500	Renumbered and Amended
401.510	New
401.520	New
401.530	New
401.540	New
401.550	New
401.560	New
401.570	New
401.580	New
401.590	New
401.595	New
401.600	New
401.700	Renumbered and Amended
401.800	New
401.850	Renumbered
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10]
- 5) Effective Date of Amendments: September 30, 2005
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: September 30, 2005

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- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The Department is implementing provisions of P.A. 94-586 through emergency rulemaking to protect the health and safety of children, and the rights of their birth parents and adoptive parents during an adoption.

Legislation amending the Child Care Act and the Adoption Act became effective on August 15, 2005 and significantly changes the way adoption agencies will operate in the State of Illinois. P.A. 94-586 extends the Department's regulatory authority over child welfare agencies that provide adoption services. Delay in implementing these amendments would place children at risk, leave agencies performing adoptions to operate outside the parameters of the law and render the Department unable to enforce the new law.

These emergency amendments:

- Prevent the exploitation of children and their birth parents from out-of-state agencies by prohibiting the advertisement of adoption services in the state of Illinois by out-of-state adoption agencies unless these agencies meet the conditions set in the Child Care Act.
 - Protect adoption clients from contracting with adoption agencies that have a troubled history or are under revocation by requiring the Department to provide information to the public through a toll-free telephone number regarding the troubled history of adoption agencies.
 - Protect adoptive parents from financial exploitation by prohibiting adoption agencies from charging excessive fees and require that adoption agencies set their service fees based on services provided. It also prohibits adoption agencies from requiring biological or adoptive parents to sign any document that purports to waive claims against an agency for intentional or reckless acts or omissions or for gross negligence.
 - In addition, it requires that by February 15, 2006, adoption agencies must develop and file with the Department their established complaint policies and procedures.
- 10) A Complete Description of the Subjects and Issues Involved: The Department is amending Part 401 as follows:

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In **Section 401.40**, the definition of "child care facility" was amended and other new definitions such as "adoption services" and "preferential treatment" were added to reflect changes in the Child Care Act.

Sections 401.100, 401.110, 401.130, 401.140 and 401.200 were amended to require that a child welfare agency providing adoption services must be recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and present documentation of such to the Department by August 15, 2007.

The new **Section 401.141** sets the requirements for an existing child welfare agency to convert from its current structure to a tax-exempt organization and retain its current license or to transfer its current license to a newly formed entity.

Section 401.430 implements amendments made to the Adoption Act requiring the Department to obtain and maintain information from out-of-state private placing agencies about their license credentials and service programs.

Subpart F. A new Subpart was formed to include all other provisions pertaining to agencies providing adoption services as amended in the Child Care Act.

Section 401.470 was renumbered to Section 401.500, provisions in the new Section were rearranged and others were deleted because these were incorporated in the following Sections of the Part.

Section 401.510 sets the standards for adoption agencies to make full and fair disclosures to all prospective clients, including biological and adoptive parents of the agency's policies and practices, fees, expenses and other pertinent information prior to and during the process of adoption. It also requires an adoption agency to provide written information about the birth and adoptive parents' rights and responsibilities, and sets minimum standards for witnessing a consent or surrender.

Section 401.520 sets the requirement to provide training to prospective adoptive parents.

Section 401.530 requires an adoption agency to file annual reports with the Department and the Attorney General to ensure that the financial and operational solvency of the agency is monitored.

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Section 401.540 prohibits "preferential treatment" by an adoption agency as defined in this Part and mandates that the agency's written preferential treatment policy be made available to all staff.

Section 401.550 prohibits an adoption agency from requiring biological or adoptive parents to sign any document that purports to waive claims against the agency for intentional or reckless acts or omissions or for gross negligence.

Section 401.560 requires an adoption agency to set its service fees based on services provided and prohibits the charge of excessive fees. In addition, it requires that payments to biological parents for reasonable living expenses shall not obligate the biological parents to place the child for adoption.

Section 401.570 permits an adoption agency the use of independent contractors to perform adoption services provided that there is a written agreement between the adoption agency and the independent contractor and that the agreement is disclosed to all clients. The contractor is required to comply with the provisions of this Part and the Child Care Act. The Department has the authority to disapprove of the use of any contractor when it is not satisfied with the agreement.

Section 401.580 requires that when an adoption agency ceases to exist or dissolves its corporate entity, all records pertaining to adoption services shall be forwarded to another licensed child welfare agency with notice to the Department, within 30 days after such cessation or dissolution.

Section 401.590 requires the Department to establish a complaint registry and a statewide toll-free telephone number to monitor and inform the public of substantiated licensing violations and enforcement actions against adoption agencies.

Section 401.595 requires an adoption agency to develop and implement its complaint procedures, which shall include: complaint response time of not later than 2 business days; document all complaints and report these to their board of directors at the next meeting and require agencies to report to the Department within 10 business days; prohibits retaliation and requires designation of a management level staff person as a contact for consumers complaints. This Section also requires that the adoption agency's complaint policies and procedures must be filed with the Department by February 15, 2006 and sets penalties for failure to comply as determined in the Child Care Act.

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Section 401.600 prohibits the advertisement of adoption services in the State of Illinois by an out-of-state adoption agency unless the agency meets the conditions set out in the Child Care Act.

Section 401.800 establishes the authority granted to the Department to inform the Illinois Attorney General or the State's Attorney for possible criminal proceedings against violators of the conditions of the Child Care Act and any rule or regulation prescribed from the Act.

- 11) Are there any other amendments pending to this Part? No
- 12) Statement of Statewide Policy Objectives: These emergency amendments do not create or expand a State mandate.
- 13) Information and questions regarding these emergency amendments shall be directed to:

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

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

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

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 401

LICENSING STANDARDS FOR
CHILD WELFARE AGENCIES

- 401.1 Purpose (Repealed)
- 401.2 Definitions (Repealed)
- 401.3 Effective Date of Standards (Repealed)
- 401.4 Application for License (Repealed)
- 401.5 Application for Renewal of License (Repealed)
- 401.6 Provisions Pertaining to License (Repealed)
- 401.7 Provisions Pertaining to Permit (Repealed)
- 401.8 Incorporation (Repealed)
- 401.9 Composition and Responsibilities of the Governing Board (Repealed)
- 401.10 Finances (Repealed)
- 401.11 The Administrator (Repealed)
- 401.12 Social Work Supervisors (Repealed)
- 401.13 Child Welfare Workers (Repealed)
- 401.14 Professional Staff (Repealed)
- 401.15 Support Personnel (Repealed)
- 401.16 Volunteers (Repealed)
- 401.17 Background Checks (Repealed)
- 401.18 Legal Safeguards of Children Served (Repealed)
- 401.19 Required Written Consents (Repealed)
- 401.20 Agency Responsibility (Repealed)
- 401.21 Interstate Placement of Children (Repealed)
- 401.22 Health and Medical Services for Children (Repealed)
- 401.23 Records and Reports (Repealed)
- 401.24 Records Retention (Repealed)
- 401.25 Agency Supervised Foster Family Homes, Group Homes and Day Care and Night Care Homes (Repealed)
- 401.26 Severability of this Part (Repealed)

SUBPART A: INTRODUCTION AND DEFINITIONS

- 401.30 Purpose
- 401.40 Definitions

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[EMERGENCY](#)

SUBPART B: PERMITS AND LICENSES

401.100 Application for License

[EMERGENCY](#)

401.110 Provisions Pertaining to Permits

[EMERGENCY](#)

401.120 Provisional Licenses

401.130 Provisions Pertaining to Licenses

[EMERGENCY](#)

401.140 Application for Renewal of License

[EMERGENCY](#)[401.141 License Transfer for Agencies Providing Adoption Services Seeking 501\(c\)\(3\) Status](#)[EMERGENCY](#)

401.145 Renewal Application Under Deemed Status

401.150 Acceptance of Accreditation through Deemed Status

401.155 Removal of Agency from Deemed Status

401.160 Voluntary Surrender of License

SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

401.200 [Agency Corporate StatusIncorporation](#)[EMERGENCY](#)

401.210 Composition and Responsibilities of the Governing Body

401.220 Organization and Administration

401.230 Finances

401.240 Background Checks

401.250 Required Reporting to the Department

401.260 Required Record Keeping

401.270 Records Retention

SUBPART D: PERSONNEL REQUIREMENTS

401.300 The Executive Director

401.310 Child Welfare Supervisors

401.320 Child Welfare Workers

401.330 Licensing Staff

401.340 Professional Staff

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- 401.350 Support Personnel
401.360 Use of Volunteer Services
401.370 Non-Discrimination Against Employees Who Report Suspected Licensing Violations
401.380 Personnel Records

SUBPART E: SERVICES TO CHILDREN

- 401.400 Legal Safeguards of Children Served
401.410 Required Written Consents
401.420 Agency Responsibility
401.430 Interstate Placement of Children
[EMERGENCY](#)
401.440 Health and Medical Services for Children
401.450 Transportation of Children
401.460 Agency Supervised Foster Family Homes, Group Homes and Day Care Homes
401.470 Agency Responsibilities for Adoption Services ([Renumbered](#))

- [EMERGENCY](#)
401.480 Agency Responsibilities for Independent Living Programs ([Renumbered](#))
[EMERGENCY](#)

SUBPART F: [AGENCY RESPONSIBILITIES FOR ADOPTION SERVICES SEVERABILITY CLAUSE](#)

- [401.500](#)~~401.470~~ [Child Welfare](#) Agency Responsibilities for Adoption Services
[401.510](#) [Disclosures](#)
[EMERGENCY](#)
[401.520](#) [Adoptive Parents Training](#)
[EMERGENCY](#)
[401.530](#) [Annual Reports](#)
[EMERGENCY](#)
[401.540](#) [Preferential Treatment in Child Placement](#)
[EMERGENCY](#)
[401.550](#) [Waiver Prohibited](#)
[EMERGENCY](#)
[401.560](#) [Adoption Services Fees](#)
[EMERGENCY](#)
[401.570](#) [Independent Contractors](#)
[EMERGENCY](#)
[401.580](#) [Cessation or Dissolution of an Adoption Agency](#)

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- 401.APPENDIX A Licensing Progression for Child Welfare Agencies
- 401.APPENDIX B Requirements for Operation of Branch Offices
- 401.APPENDIX C Management Representations of Child Welfare Agency Financial Condition and Operations
- 401.APPENDIX D Minimum Requirements for a Risk Management Plan
- 401.APPENDIX E Acceptance of Voluntary Surrender of License – No Investigations Pending
- 401.APPENDIX F Acceptance of Voluntary Surrender of License – Investigations Pending
- 401.APPENDIX G Acceptable Human Services Degrees
- 401.APPENDIX H Professionals Who Must Be Registered or Licensed to Practice in the State of Illinois

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 11351, effective November 12, 1981; amended at 7 Ill. Reg. 3428, effective April 4, 1983; amended at 11 Ill. Reg. 17511, effective October 15, 1987; amended at 21 Ill. Reg. 4502, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 9151, effective July 1, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR Objection at 21 Ill. Reg. 13929 and 14379; emergency expired on

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November 26, 1997; amended at 22 Ill. Reg. 10329, effective May 26, 1998; amended at 24 Ill. Reg. 9340, effective July 7, 2000; emergency amendment at 26 Ill. Reg. 6857, effective April 17, 2002, for a maximum of 150 days; emergency expired September 13, 2002; amended at 27 Ill. Reg. 494, effective January 15, 2003; amended at 28 Ill. Reg. 10588, effective August 1, 2004; emergency amendment at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days.

SUBPART A: INTRODUCTION AND DEFINITIONS

Section 401.40 Definitions**EMERGENCY**

"Adequate assets" means the child welfare agency has sufficient liquid assets in reserve or has other sources of income and a line of credit independent of Department contracts which would allow it to provide continuous agency operations and provide services such as staff, taxes, rent, utilities, and supplies for a period of at least 30 days.

"Administrative order of closure" means a severe administrative sanction, approved by the Director of the Department of Children and Family Services, to close immediately an unlicensed child care facility, a child care facility which is exempt from licensure, or a licensed child care facility prior to revocation of the facility's license. An administrative order of closure is issued only when continued operation of the child care facility jeopardizes the health, safety, morals, or welfare of children served by the facility.

"Adoption services" includes any one or more of the following services performed for any type of compensation or thing of value, directly or indirectly:

arranging for the placement of or placing out a child,

identifying a child for adoption,

matching adoptive parents with biological parents,

arranging or facilitating an adoption,

taking or acknowledging consents or surrenders for termination of parental rights for purposes of adoption, as defined in the Adoption Act,

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performing background studies on a child or adoptive parents,

making determinations of the best interests of a child and the appropriateness of adoptive placement for the child, or

post-placement monitoring of a child prior to adoption.

"Adoption services" does not include the following:

the provision of legal services by a licensed attorney for which the attorney must be licensed as an attorney under Illinois law,

adoption-related services performed by public governmental entities or entities or persons performing investigations by court appointment as described in subsection A of Section 6 of the Adoption Act,

prospective adoptive parents operating on their own behalf,

the provision of general education and training on adoption-related topics, or

post-adoption services, including supportive services to families to promote the well-being of members of adoptive families or birth families.
[225 ILCS 10/2.24]

"Advertise" means communication by any public medium originating or distributed in this State, including, but not limited to, newspapers, periodicals, telephone book listings, outdoor advertising signs, radio, or television. [225 ILCS 10/12]

"Age appropriate safety restraint" means, for a child under four years of age, a child restraint system (infant carrier, infant/toddler seat, or convertible safety seat) which meets the standards of the United States Department of Transportation designed to restrain, seat or position children. For a child four years of age or older, an age-appropriate safety restraint means a child restraint system or seat belt (lap belt or lap-shoulder belt combination).

"Authorized representative of the governing body" means the person authorized by formal action at a meeting of the Board of Directors to act on behalf of the child welfare agency and sign the license renewal application (but not the initial

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application for license), contracts, and other such documents, on behalf of the governing body. Such authorization shall be in writing on agency letterhead, submitted to the Department licensing worker, and signed by the president or chairperson of the Board of Directors and the secretary of the Board of Directors.

"Background check" means:

a criminal history check via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI), for comparison to their criminal history records, as appropriate; and

a check of the Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

a check of the Illinois Sex Offender Registry.

"Chief fiscal officer" means the staff position with primary responsibility for the receipt, distribution and accounting for all financial transactions of the agency.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in this Act, established and maintained for the care of children. "Child care facility" includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05]

"Child welfare agency" means a public or private child care facility, receiving any child or children for the purpose of placing or arranging for the placement or free care of the child or children in foster family homes, unlicensed pre-adoptive and adoptive homes, or other facilities for child care, apart from the custody of the child's or children's parents. The term "child welfare agency" includes all agencies established and maintained by a municipality or other political

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subdivision of the State of Illinois to protect, guard, train or care for children outside their own homes and all agencies, persons, groups of persons, associations, organizations, corporations, institutions, centers, or groups providing adoption services, but does not include any circuit court or duly appointed juvenile probation officer or youth counselor of the court, who receives and places children under an order of the court. [225 ILCS 10/2.08]

"Complaint" means any oral or written report made to or by the Department or supervising agency or by the public alleging a violation of licensing standards of the Child Care Act of 1969.

"Consent for adoption" means a voluntary act by the biological parents to relinquish all parental rights of a child for purposes of adoption.

"Conditional license" means a nonrenewable license for a period not to exceed six months which may be granted to a child care facility when the facility has agreed to a corrective plan to amend identified deficiencies and bring the facility into reasonable compliance with all licensing standards. Conditional licenses may be issued with the approval of the Department only where no threat to the health, safety, morals or welfare of the children served exists. Any other license held by the facility shall be revoked when the conditional license is issued.

"Corporal punishment" means hitting, spanking, beating, shaking, pinching, excessive exercise, exposure to extreme temperatures, and other measures that produce physical pain. (National Health and Safety Performance Standards, Guidelines for Out-Of-Home Child Care Programs, American Public Health Association and American Academy of Pediatrics, 2002).

"Corrective plan" means a written plan approved by the Department's regional licensing administrator which identifies deficiencies in a child care facility's operations and which allows the facility a maximum of six months to correct the identified deficiencies and come into reasonable compliance with all applicable licensing standards.

"Deemed status" means the Department has approved a child welfare agency as in compliance with the requirements of this Part because the agency:

has received full accreditation status from the Council on Accreditation for Children and Family Services (2001 Standards); and

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during the past four years, there have been no substantiated licensing violations that affect the health, safety, morals, or welfare of children served by the accredited agency.

"Department" means the Illinois Department of Children and Family Services.
[225 ILCS 10/2.02]

"Excessive fees" means any amount that exceeds what is reasonable and customary in the community for the delivery of adoption services.

"Full license" means the agency is operating under a current child welfare agency license rather than a permit, a provisional license, a conditional license, or a license which has been revoked or which has expired after the agency failed to file a timely and sufficient application for license renewal.

"Governing body" means all members of the board of directors of a corporation.

"Guardian" means the guardian of the person of a minor. [225 ILCS 10/2.03]

"Immediate family member" means a person's spouse, son, daughter, mother, father, sibling, brother- or sister-in-law, or other legal dependent.

"Inadequate assets" means the child welfare agency has less than 30 days of operating expenses available to them in liquid assets as required by the definition of adequate assets in this Section.

"Initial application for license" means the first application for licensure as a child welfare agency submitted by the individual, corporation, or other legal entity.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant" means those individuals, corporations, or other legal entities who have applied for a license from the Department of Children and Family Services.

"Licensee" means those individuals, corporations or other legal entities who hold a license or permit issued by the Department of Children and Family Services.

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"Licensing worker" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which is punishable solely as a petty offense. (See Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601].)

"New application for child welfare agency license" means a license is sought to operate a child welfare agency when:

the applicant has applied previously for a child welfare agency license and withdrew the license application before a decision was made on the application for license; or

the applicant had been licensed previously as a child welfare agency, but voluntarily surrendered the license; or

the applicant had been licensed previously as a child welfare agency, but the Department revoked or refused to renew the license.

"Permit" means a one-time only document issued by the Department of Children and Family Services to allow the license applicant to become eligible for an initial license. Permits may be for a maximum six month period, except that permits granted to foster family homes and day care homes are limited to a maximum of two months.

"Petty offense" means any offense for which a sentence to a fine only is provided. (Section 5-1-17 of the Unified Code of Corrections [730 ILCS 5/5-1-17])

"Preferential treatment" means any action that allows board members, contributors, volunteers, employees, agents, consultants, or independent contractors, or their relatives, to receive considerations with respect to the placement of a child or any matter that relates to adoption services different or more favorably than any other similarly situated applicants.

"Provisional license" means a license issued for a period not to exceed two years to allow a licensed child welfare agency to demonstrate the ability to operate a business in compliance with applicable standards. During the provisional license period, the Department may exercise more stringent oversight or place more

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stringent requirements on the child welfare agency.

"Psychotropic medication" means medication whose use for antipsychotic, antidepressant, antimanic, antianxiety, behavioral modification or behavioral management purposes is listed in the AMA Drug Evaluations (Drug Evaluation Subscription, American Medical Association, Vols. I-III, Summer 1993) or Physician's Desk Reference (Medical Economics Data Production Company, 49th Edition, 1995) or which are administered for any of these purposes. (Section 1-121.1 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-121.1])

"Reasonable living expenses" means expenses related to activities of daily living and meeting basic needs, including but not limited to: lodging, food and clothing for the biological parent during the biological mother's pregnancy and for no more than 120 days prior to the biological mother's expected date of delivery and for no more than 60 days after the birth of the child. The term does not include expenses of lost wages, gifts, education expenses or other similar expenses of the biological parent.

"Refusal to issue license" means the formal decision of the Department to decline to issue a license to the holder of a permit.

"Refusal to renew a license" means the formal decision of the Department to decline to issue a succeeding license, although the licensee has submitted a timely and sufficient application for license renewal, to the holder of a child care facility license or permit.

"Replacement or supplemental staff" means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being allowed to be alone with children receiving care in a licensed child care facility outside the visual or auditory supervision of facility staff.

"Reputable character" means there is satisfactory evidence that the moral character of the applicant is trustworthy.

"Responsible" means trustworthy performance of expected duties in accordance with established professional standards, State and federal law, and the rules of the Department of Children and Family Services.

"Revocation" means the termination of a full license or provisional license to

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operate a child care facility by a formal action of the Department. License revocations shall be conducted in accordance with Section 8 or 8.1 of the Child Care Act of 1969 [225 ILCS 10/8 and 8.1].

"Risk management plan" means a document developed in accordance with Appendix D of this Part that outlines the process for identifying and analyzing loss exposures, examining alternative risk control methods, and making and carrying out decisions that will minimize the adverse effects of accidental losses.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services that is replacing the Child Abuse and Neglect Tracking System (CANTS).

"Surrender for adoption" means a voluntary and irrevocable act, in writing, by the biological parents to relinquish all parental rights to a child to an agency for the purpose of placing the child for adoption.

"Suspension of license" means secession of all adoption activity by the agency. During the period of suspension, the agency is not authorized to operate as a child welfare agency.

"Timely and sufficient application for license renewal" means the child welfare agency submitted the application for renewal of the license at least 90 days before the expiration date, the application was complete, dated, and signed by an authorized party, and the materials required by Section 401.140 were attached to the application for license renewal. License renewal applications for foster family homes or day care homes under the supervision of the child welfare agency are considered timely if the application was returned to the agency within the time frames required by the respective licensing standards 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes) or 89 Ill. Adm. Code 406 (Licensing Standards for Day Care Homes).

"Unlicensed pre-adoptive and adoptive home" means any home that is not licensed by the Department as a foster family home and that receives a child or children for the purpose of adopting the child or children. [225 ILCS 10/2.25]

"Valid license" means a license which has not been revoked or expired, or which would have expired except that the child welfare agency submitted a timely and sufficient application for license renewal and the Department has not yet rendered a decision on the application, and the facility has not been issued an

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administrative order of closure.

"Voluntary surrender of license" means that, in writing, the licensee has offered and the Department has accepted the licensee's offer to give up a valid license of his, her or its own free will. The Department is not required to accept the offer of the license and, in the Department's sole discretion, may decline to accept the license.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

SUBPART B: PERMITS AND LICENSES

Section 401.100 Application for License**EMERGENCY**

- a) The initial application for license as a child welfare agency shall be completed by the officers of the governing body of the child welfare agency on forms prescribed and furnished by the Department.
- b) For the initial application for a license to be complete, the following shall be attached to the application:
 - 1) Agencies not providing adoption services shall include the agency's articles of incorporation and by-laws, indicating that the agency's corporate status is in good standing with the Illinois Secretary of State and, if a not-for-profit corporation under Section 501 of the Internal Revenue Code (26 USCA 501), a copy of the Internal Revenue Service ruling on the agency's exemption status from Federal income tax and registration with the Charitable Trust Bureau of the Attorney General's office (if applicable);
 - 2) Agencies not providing adoption services shall include a list of owners, officers, board members, and principal shareholders owning more than 5% of the stock of the corporation and each person's attestation that he or she has not been convicted of a felony or indicated as a perpetrator of child abuse or child neglect, as defined in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect). This includes any or all of the above persons who reside outside the State of Illinois. The board list shall include the name, home address or Post Office Box, and telephone

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number, other than the agency's telephone number, of the board chair; the officers of the board; names of the board members; and committees of the governing body;

3) Agencies providing adoption services shall attach to the initial application:

- A) A copy of the Internal Revenue Service's ruling showing that the agency is officially recognized by the United States Internal Revenue Service as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (26 USC 501) (or any successor provision of federal tax law);
- B) A copy of registration with the Charitable Trust Bureau of the Illinois Attorney General's office;
- C) Copies of 990 reports filed with the Internal Revenue Service in the preceding three years (if applicable); and
- D) Articles of incorporation and by-laws, indicating that the agency's corporate status is in good standing with the Illinois Secretary of State, and, if a not-for-profit corporation under section 501(c)(3) of the Internal Revenue Code, a copy of the Internal Revenue Service ruling on the agency's exemption status from federal income tax and registration with the Charitable Trust Bureau of the Attorney General's office (if applicable);

42) A mission statement or statement of purpose including services to be provided and the types of child care facilities to be operated and supervised by the agency, including a plan for recruiting foster family and adoptive homes, as required to fulfill the agency's mission or purpose;

3) a list of owners, officers, board members, and principal shareholders owning more than 5% of the stock of the corporation and each person's attestation that he or she has not been convicted of a felony or indicated as a perpetrator of child abuse or child neglect, as defined in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect). This includes any or all of the above persons who reside outside the State of Illinois. The board list shall include the name, home address or Post Office Box, and telephone number, other than the agency's telephone number, of the board chair; the officers of the board; names of the board

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- ~~members; and committees of the governing body;~~
- 4) ~~a listing of standing committees of the governing body;~~
 - 5) ~~Proposed~~ proposed operating budget for the first two years of operation;
 - 6) ~~Range~~ range of services to be provided within the first two years of operation; and
 - 7) ~~A~~ comprehensive staffing plan which includes job descriptions and the qualifications of the staff for all child welfare programs to be provided by the agency. If the child welfare agency operates within a multi-service agency, those staff positions that perform no functions for the child welfare agency do not need to be included in the staffing plan. If the child welfare agency intends to operate branch offices, the address, telephone number and staffing plan for each of the branch offices is to be included in the initial application (if known) or reported to the Department within 30 days after the location for a branch office is secured.
- c) In addition, the license applicant shall have the following items available for review when the licensing worker visits the agency headquarters.
- 1) A list of current employees of the child welfare agency, persons the agency has made a commitment to hire; and:
 - A) ~~Certified~~ certified transcripts of each employee's educational credentials (if obtained from a foreign school or university, the credentials must be translated into English and include a statement of equivalency in the United States educational system);
 - B) ~~Verification~~ verification of prior work history, when the work history is required to qualify for the current position;
 - C) ~~Copy~~ copy of current professional license or registration, if required. (See Appendix G for a list of professionals commonly used by a licensed child welfare agency who must be licensed or registered.); and
 - D) ~~If~~ the individual is subject to the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) a copy of each

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employee's complete, signed authorization to conduct a background check.

- 2) The agency's written personnel policies, including written compensation policies and salary levels.
 - 3) The agency's written service delivery policies.
 - 4) The agency's risk management plan developed in accordance with Appendix D of this Part.
 - 5) The agency's documentation of current public liability insurance as required by Section 401.220(g).
 - 6) The agency's code of ethics which has been adopted by the governing body which must be at least as stringent as the Code of Ethics for Child Welfare Professionals (published by the Office of Communications, Department of Children and Family Services, 406 East Monroe, Station #65, Springfield, Illinois 62701 (May 1996) or found on the Department's website at www.state.il.us/dcfs).
 - 7) The agency's financial management policies.
- d) If the corporate status or ownership of the child welfare agency changes, the new corporate entity must file an initial application for a child welfare agency license as the new corporation.
- e) A new application for a child welfare agency license shall be filed when:
- 1) ~~Anan~~ application for license as a child welfare agency has been withdrawn before a decision was made on the application and the agency seeks to reapply; or
 - 2) ~~The~~ applicant had been licensed previously as a child welfare agency, but voluntarily surrendered the license, and any waiting period agreed to when the voluntary surrender was accepted has expired; or
 - 3) ~~The~~ applicant had been licensed as a child welfare agency, but the Department revoked or refused to renew the license and the requirements of subsection (f) of this Section have been fulfilled.

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- f) A new application may be submitted at any time when a license, permit or application has been voluntarily surrendered or withdrawn by the applicant unless the applicant has signed an agreement with the Department not to reapply for a license for a specified period of time. Once an investigation of the facility has been commenced, the license may be voluntarily surrendered only with the signed, written agreement of the regional licensing administrator on the form prescribed in Appendix F.
- g) If the Department has revoked or refused to renew the license of a child welfare agency and the agency seeks to reapply for a license, it may do so if at least 12 months have passed since the effective date of the revocation or refusal to renew. If a new license is granted to the applicant, the Department shall issue a provisional license to the applicant for a period not to exceed two years. *The denial of a reapplication for a license pursuant to this subsection must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of satisfying the standards and rules promulgated by the Department pursuant to the Child Care Act of 1969, or maintaining a facility which adheres to such standards and rules. [225 ILCS 10/6(c)]*
- h) The applicant shall submit an original and one copy of the application for license and all required documentation.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.110 Provisions Pertaining to Permits**EMERGENCY**

- a) A permit shall be issued before a provisional license is granted, but shall not be issued prior to the following:
- 1) ~~Completion~~completion of the application for license and submission of the original and one copy of the application and all required supporting documentation to the Department;
 - 2) ~~Employment~~employment of an executive director who has passed the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) and who meets the requirements of Section 401.300;

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- 3) ~~Development~~development of a projected staffing plan indicating the time table by which qualified staff shall be hired;
- 4) ~~Establishment~~establishment of procedures and forms for required records and reports in Sections 401.260 and 401.270;
- 5) ~~Submissions~~submission of a written plan which indicates how requirements for a license shall be met within the permit period;
- 6) ~~Submissions~~submission of a projected budget for at least the next two years which has been approved by the governing body. Letters of commitment must be attached for any projected grant or contract;
- 7) ~~Submissions~~submission of a risk management plan as outlined in Appendix D, Minimum Requirements for a Risk Management Plan, of this Part; and
- 8) ~~Documentation~~documentation of current public liability insurance as required by Section 401.220(g).

b) Agencies providing adoption services shall also submit:

- 1) Articles of incorporation and by-laws, indicating that the agency's corporate status is in good standing with the Illinois Secretary of State;
- 2) A copy of the Internal Revenue Service ruling showing that the agency is officially recognized under section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law); and
- 3) Documentation of the agency's registration with the Charitable Trust Bureau of the Illinois Attorney General's office (if applicable).

cb) A permit shall not be issued retroactively.

de) The permit shall not be renewable.

ed) The permit shall not be transferred or transmitted to another legal entity.

fe) The permit shall not be valid for a name or address different from the name and address shown on the issued permit.

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- gf)** The child welfare agency shall adhere to the provisions specified on the permit.
- hg)** A current permit shall be on display at the agency headquarters at all times while the agency is operating under a permit.
- ih)** A provisional license shall be issued any time within the six months period covered by the permit provided the child welfare agency achieves and maintains reasonable compliance with the Department's licensing standards.
- ji)** There shall be no fee or charge for the permit.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.130 Provisions Pertaining to Licenses**EMERGENCY**

- a) A full child welfare agency license is valid for four years unless revoked by the Department or voluntarily surrendered by the licensee. Provisional licenses are valid for ~~two~~ years.
- b)** The Department shall revoke or refuse to renew the license of any child welfare agency providing adoption services, unless the agency:
 - 1) Is officially recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law);
and
 - 2) Is in compliance with all of the standards necessary to maintain its status as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law). [225 ILCS 10/4(e)]
- cb)** A license shall not be transferred or transmitted to another legal entity.
- de)** A license shall not be valid for a name or address other than the name and address shown on the license.
- ed)** The current license shall be displayed at the agency headquarters at all times.

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~~f~~e) The licensee shall adhere to any and all provisions of the license.

~~g~~f) There shall be no fee or charge for the license.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.140 Application for Renewal of License**EMERGENCY**

- a) License renewal application forms shall be mailed to the child welfare agency by the Department six months prior to the expiration date of the license. For a renewal application to be considered complete, the following shall be attached to the application:
- 1) ~~A~~a complete listing of the names and addresses of all licensed and license-exempt child care facilities supervised by the child welfare agency and of any pending applications for licensure of a foster family or day care home which will be supervised by the child welfare agency;
 - 2) ~~A~~a current list of names, home addresses or Post Office Box, and contact telephone numbers, other than the agency's telephone number, of owners, officers, board members, and principal shareholders owning more than 5% of the stock of the corporation;
 - 3) ~~A~~a staff list, including name and job title, indicating those who are licensed under 89 Ill. Adm. Code 412.40 to practice as a direct child welfare service employee;
 - 4) ~~Any~~any pending investigations other than the Department investigations;
~~and~~
 - 5) ~~The~~the following documents if changes were made to them since the last application or renewal:
 - A) statement of purpose;
 - B) range of services; and

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C) code of ethics; and-

6) For an agency providing adoption services whose license expires on or after August 15, 2007, documentation from the Internal Revenue Service showing that the agency is in compliance with all of the standards necessary to maintain its status as an tax-exempt organization as described in section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law). In addition, the agency shall attach copies of any form 990 reports filed with the Internal Revenue Service in the preceding 3 years, if applicable. An agency providing adoption services whose license renewal is pending or whose license will expire prior to August 15, 2007, and that is unable to obtain a 501(c)(3) status prior to August 15, 2007, may be granted, at the discretion of the Department, up to a one year extension.

- b) The original of the completed application, along with the listing of child care facilities supervised by the agency, and one copy of all materials shall be submitted to the Department no later than 90 days before the date of the expiration of the child welfare agency's license.
- c) *When a licensee has made timely and sufficient application for renewal of a license and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, but such extensions shall be only upon good cause shown. [225 ILCS 10/5(d)]*
- d) After receipt of the application for license renewal, the Department shall conduct a license study that shall consist of a comprehensive licensing compliance review. The study may include unannounced visits if conducted within normal business hours, in order to determine that the child welfare agency continues to meet licensing standards. The licensing study shall include *an examination of the premises and records* of the child welfare agency to determine the degree of compliance with these standards and shall include:
- 1) Random~~random~~ surveys of parents or legal guardians who are consumers of the child welfare agency's services to assess the quality of care given and to determine if the child welfare agency is in compliance with the Foster Parent Law [20 ILCS 520];

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- 2) [Aa](#) review of a representative sample of child care facilities supervised by the child welfare agency, which may include site visits to these facilities;
 - 3) [Aa](#) review of unusual incident reports, child abuse/neglect reports, financial and payment records, and other agency performance indicators to evaluate the quality of care provided through the agency;
 - 4) [Interviews](#)~~interviews~~ of child welfare agency employees, foster parents, biological parents, children receiving care through the licensed child welfare agency, and other clients that receive services from the child welfare agency; and
 - 5) [Aa](#) review of the records, staffing, and operations of any branch offices operated by the child welfare agency.
- e) The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing worker performing the study. *If the Department is satisfied that the facility continues to be in compliance with minimum standards which it prescribes and publishes, it shall renew the license to operate the facility.* [225 ILCS 10/6] A copy of the licensing study will be made available to the license applicant upon payment of all copying costs.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.141 License Transfer for Agencies Providing Adoption Services Seeking 501(c)(3) Status
EMERGENCY

- a) Licensed child welfare agencies providing adoption services have a grace period of 24 months from August 15, 2005 to obtain tax-exempt status from the Internal Revenue Service as described in section 501(c)(3) of the Internal Revenue Code of 1986.
- b) An existing child welfare agency may retain its current structure and be recognized as a 501(c)(3) organization as required by this Section or complete the process of application as an entity, if the creation of a new entity is required in order to comply with this Section, provided that:

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- 1) The agency provides to the Department a copy of the Internal Revenue Service ruling showing that the agency is officially recognized by the United States Internal Revenue Service as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law);
 - 2) The child welfare agency demonstrates that it continues to meet all other licensing requirements; and
 - 3) The principal officers and directors and programs of the converted child welfare agency or newly organized child welfare agency are substantially the same as the original.
- c) The Department, at its sole discretion, may grant a one year extension to a child welfare agency unable to obtain 501(c)(3) status prior to August 16, 2007, provided that the agency has demonstrated good faith effort to obtain a 501(c)(3) status with the Internal Revenue Service prior to August 16, 2007 and presents documentation of such to the Department.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

**Section 401.200 Agency Corporate Status~~Incorporation~~
EMERGENCY**

- a) Tax Exempt
A child welfare agency providing adoption services after August 15, 2005 shall be officially recognized or be in the process of being recognized within the time frame established in Section 401.141 of this Part, by the United States Internal Revenue Service as a tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law).
- b) Incorporation
The child welfare agency shall be incorporated, either for profit or not for profit. The Board of Directors of the corporation shall consist of at least five members, at least one of whom shall be an Illinois resident. A copy of the certificate and articles of incorporation shall be filed with the Department at the time of

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application. A copy of any later amendment to the articles of incorporation or a copy of a certificate of dissolution shall be filed with the Department no later than 30 days after the amendment or dissolution occurs. If the child welfare agency which claims tax exemption under ~~section~~Section 501 of the Internal Revenue Code (~~26 U.S.C.A. 501~~) is incorporated as a not-for-profit agency, the agency also must submit proof of the Internal Revenue Service ruling on its tax exempt status and proof whether it has registered as a charitable organization with the Illinois Attorney General. The child welfare agency shall notify the Department in writing of any change in its not-for-profit or charitable organization status within 30 days after notice from the Internal Revenue Service or Illinois Attorney General, respectively.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

SUBPART E: SERVICES TO CHILDREN

Section 401.430 Interstate Placement of Children**EMERGENCY**

- a) An agency placing children outside the State of Illinois or receiving children from outside the State shall adhere to all rules and regulations of legal authorities pertaining to such placements and to the requirements of the Interstate Compact on the Placement of Children Act [45 ILCS 15], where applicable, and Department rules, 89 Ill. Adm. Code 328 (Interstate Placement of Children). When the Department of Children and Family Services is legally responsible for the children to be placed outside of the State of Illinois, consents from the guardian or his or her authorized agentagency must be obtained before this placement may occur.
- b) Out-of state private placing agencies that seek to place children into Illinois for the purpose of foster care or adoption shall provide all of the following to the Department, and the Department shall maintain the information in an Interstate Compact on the Placement of Children Out of State Adoption Agency File, also know as ICPC Out of State Adoption Agency File. Information and documentation maintained in the File will be considered current for a period of 2 years. The ICPC Out of State Adoption Agency File shall include:
 - 1) A copy of the agency's current license or other form of authorization from the approving authority in the agency's state. If no license or

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authorization is issued, the agency must provide a reference statement from the approving authority stating the agency is authorized to place children in foster care or adoption or both in the jurisdiction.

- 2) *A description of the agency's adoption programs, including home studies, placements, and supervisions that the child placing agency conducts within its geographical area, and, if applicable, adoptive placements and the finalization of adoptions. The child placing agency must accept continued responsibility for placement planning and replacement if the placement fails.*
- 3) *Notification to the Department of any significant child placing agency changes after ICPC approval.*
- 4) *Any other information the Department may require.*

c) *If the adoption is finalized prior to bringing or sending the child to Illinois, Department approval of the out-of-state child placing agency involved is not required under this Section, nor is compliance with the Interstate Compact on the Placement of Children. [750 ILCS 50/4.1(a-5)]*

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

**Section 401.470 Agency Responsibilities for Adoption Services (Renumbered)
EMERGENCY**

(Source: Section 401.470 renumbered to Section 401.500 by emergency amendment at 29 Ill. Reg. 15562, effective September 30, 2005)

**Section 401.480 Agency Responsibilities for Independent Living Programs (Renumbered)
EMERGENCY**

(Source: Section 401.480 renumbered to Section 401.700 by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005)

SUBPART F: AGENCY RESPONSIBILITIES FOR ADOPTION SERVICES

**Section 401.~~500~~470 Child Welfare Agency Responsibilities for Adoption Services
EMERGENCY**

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Child welfare agencies that provide adoption services shall, in addition to meeting all requirements for a child welfare agency described in this Part, must assure ~~the Department~~ that placements of children for adoption are made in the best interests of the children and are selected to meet the needs of the child at the time of the placement and as the child grows and develops.

In addition adoption agencies shall; ~~to meeting all requirements for a child welfare agency described in this Part,~~ agencies which provide adoption services must meet the following additional requirements:

- a) Establish written guidelines and eligibility criteria for the selection and evaluation of adoptive home applicants;
 - b) Provide pre-placement services that include the assessment and preparation of the potential adoptive family as well as of the child in need of an adoptive home;
 - c) Ensure that the legal rights of all parties, including the birth parents, the child, and the adoptive parent, are protected throughout the adoption process;
 - d) Comply with all State and federal laws and the requirements of 89 Ill. Adm. Code 333 (Inter-country Adoption Services) when the adoptive placement involves a child from a foreign country;
 - e) Prohibit discrimination against any child, birth parent, foster parent or prospective adoptive parent on the basis of race, religion, gender, or ethnicity.
- a) ~~have guidelines and eligibility criteria for the selection and evaluation of adoptive home applicants;~~
 - b) ~~provide pre placement services that include the assessment and preparation of the potential adoptive family as well as the child in need of an adoptive home;~~
 - e) ~~provide the adoptive family with all non-identifying information about the child which has been verified as accurate, whenever possible. If it is not possible to verify the accuracy of the information provided to the adoptive parents, the agency may provide the information to the adoptive family, but shall note that the information has not been verified;~~
 - d) ~~ensure that the legal rights of all parties, including the birth parents, the child, and the adoptive parent are protected throughout the adoption process;~~

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- e) ~~provide the adoptive family, through written agreements, with a clear explanation of the charges and costs the family will incur in the adoption process;~~
- f) ~~provide the adoptive family prior written notification of any changes to the charges or costs;~~
- g) ~~provide the birth parents with a clear written explanation of their rights;~~
- h) ~~comply with all State and federal laws and the requirements of 89 Ill. Adm. Code 333 (Inter-country Adoption Services) when the adoptive placement involves a child from a foreign country;~~
- i) ~~prohibit discrimination against any child, birth parent, foster parent or prospective adoptive parent on the basis of race, religion, gender, or ethnicity.~~

(Source: Section 401.500 renumbered from Section 401.470 and amended by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.510 Disclosures
EMERGENCY

- a) Information disclosed in accordance with this Subpart shall be subject to the confidentiality requirements of the Child Care Act of 1969 and the Adoption Act.
- b) A child welfare agency providing adoption services shall provide to all prospective clients, including biological parents and adoptive parents, and to the public, the following written disclosures, which shall be posted on the agency's website when there is one:
 - 1) Adoption services provided;
 - 2) Policy and practices;
 - 3) General eligibility criteria;
 - 4) A description of fees; and
 - 5) The mutual rights and responsibilities of clients, including biological parents and adoptive parents.

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- c) Agencies providing adoption services shall provide to all potential clients prior to application a written schedule of:
- 1) Estimated fees, charges and costs the family will incur in the adoption process;
 - 2) Estimated expenses; and
 - 3) Refund policies.
- d) These written policies shall be part of the standard adoption contract unless additional fees are reasonably required by the circumstances and are disclosed to the adoptive parents or parent before they are incurred. [225 ILCS 10/7.4(b)]
- e) Every agency providing adoption services shall make full and fair disclosure to its clients, including biological parents and adoptive parents, of all circumstances material to the placement of a child for adoption. [225 ILCS 10/7.4(c)]
- f) Contents of the written disclosure policy shall include:
- 1) Biological parents' rights and responsibilities.
 - A) Agencies and other resources that are serving biological parents who are making an adoption plan shall provide the biological parents, in their preferred language, with a written explanation of their rights and responsibilities.
 - B) The biological parents' rights and responsibilities document shall be prepared by the Department and be made part of the standard forms that the biological parents review and sign.
 - C) A copy of the biological parents' rights and responsibilities document shall be kept and maintained in the agency file, and another given to the biological parents.
 - 2) Information that is shared with the biological parents may include:
 - A) Age of the adoptive parents;

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- B) The race, religion, and ethnic background of the adoptive parents;
 - C) The general physical appearance of the adoptive parents;
 - D) The education, occupation, hobbies, interests and talents of the adoptive parents;
 - E) The existence of any other children born to or adopted by the adoptive parents;
 - F) Any information that the adoptive family wishes to include in its Dear Birth Parent letter (which some agencies use).
- 3) Adoptive parents' rights and responsibilities may include:
- A) Agencies and other resources that are serving adoptive parents shall provide the adoptive parents with a written explanation of their rights and responsibilities.
 - B) The adoptive parents' rights and responsibilities document shall be prepared by the Department and be made part of the standard forms that adoptive parents review and sign.
 - C) A copy of the adoptive parents' rights and responsibilities shall be kept in the agency files and another given to the adoptive parents.
 - D) Adoption agencies shall provide the adoptive family with all non-identifying information about the child that has been verified as accurate, whenever possible. If it is not possible to verify the accuracy of the information provided to the adoptive parents, the agency may provide the information to the adoptive family, but shall note that the information has not been verified.
 - E) Notwithstanding any other provision of this Part to the contrary, the medical and mental health histories of a child legally freed for adoption and of the birth parents, with information identifying the birth parents redacted, shall be provided by an agency to the child's prospective adoptive parent and shall be provided upon request from an adoptive parent when a child has been adopted. The

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medical and mental health histories shall include all of the following available information.

- i) Conditions or diseases believed to be hereditary;
 - ii) Drugs or medications taken by the child's mother during pregnancy;
 - iii) Psychological and psychiatric information; and
 - iv) Any other information that may be a factor influencing the child's present or future health.
- 4) The agency shall provide, in writing, the following non-identifying information, if known to the adoptive parents, not later than the day of placement with the petitioning adoptive parents:
- A) The age of biological parents;
 - B) The race, religion, and ethnic background of the biological parents;
 - C) The general physical appearance of biological parents;
 - D) The education, occupation, hobbies, interests and talents of the biological parents;
 - E) The existence of any other children born to the biological parents;
 - F) Information about biological grandparents, reason for emigrating into the United States, if applicable, and country of origin;
 - G) The relationship between biological parents;
 - H) Detailed medical and mental health histories of the child, biological parents, and their immediate relatives; and
 - I) The actual date and place of birth of the adopted person.
- 5) No information provided under this subsection (f) shall disclose the name or last known address of biological parents, grandparents, siblings of the

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biological parents, adopted person, or any other relative of the adopted person.

- 6) The adoptive family shall also be informed about the Illinois Adoption Registry.
- g) Minimum standards for witnessing a consent or surrender shall include:
- 1) Child welfare agencies witnessing biological parents consent or surrender of parental rights shall require the biological parent to participate in at least one counseling session in person.
- A) The counseling session should take place not less than 24 hours before the signing of the documents. If this is not possible, the agency shall document the reason in the biological parent's file.
- B) The counseling session should include both biological parents when possible.
- C) If one biological parent does not attend the session, his or her absence shall be noted in the record. The agency shall review the key issues regarding consents and surrenders with the absent biological parent prior to taking consent.
- 2) A counseling session summary shall be included in every biological parent's file.
- 3) The counseling session must be conducted by a counselor who has knowledge of the issues relevant to the surrendering of one's parental rights. The counselor may be an authorized representative of an adoption agency, either employed by or contracted by the agency, who does counseling or a counselor not associated with an agency such as a licensed social worker, licensed counselor or other mental health professional.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.520 Adoptive Parents Training
EMERGENCY

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- a) Agencies providing adoption services shall provide prospective adoptive parents with a training program that shall include:
- 1) A minimum of 6 clock hours of training;
 - 2) Counseling and guidance for promoting a successful adoption in conjunction with the placement of a child for adoption with the prospective parents;
 - 3) Additional training, as necessary, to meet the needs of the adoptive family or child prior to the adoption.
- b) The adoptive parent training may be provided by an agent or independent contractor of the child welfare agency, provided it has the prior written approval of the Department's regional office of licensing.
- c) All agencies shall keep on file a written record of the nature and extent of the training provided to the adoptive parents.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.530 Annual Reports**EMERGENCY**

- a) On the 45th day of an adoption agency's license anniversary date, an agency providing adoption services shall file an annual report with the Department and with the Illinois Attorney General on forms prescribed by the Department, consisting of the following:
- 1) A balance sheet and a statement of income and expenses for the year, certified by an independent public accountant;
 - 2) Non-identifying information concerning the child adoption placements made by the agency during the year, consisting of:
 - A) The number of adoptive families in the process of obtaining a foster family license;

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- B) *The number of adoptive families that are licensed and awaiting placement;*
- C) *The number of biological parents with which the agency is actively working;*
- D) *The number of children placed in adoptive homes; and*
- E) *The number of adoptions initiated during the year and the status of each matter at the end of the year;*
- 3) *Any instance during the year in which the agency lost the right to provide adoption services in any state or country, had its license suspended for cause, or was the subject of other sanctions by any court, governmental agency, or governmental regulatory body relating to the provision of adoption services;*
- 4) *Any actions related to licensure that were initiated against the agency during the year by a licensing or accrediting body;*
- 5) *Any pending investigations by federal or State authorities;*
- 6) *Any criminal charges, child abuse charges, malpractice complaints, or lawsuits against the agency or any of its employees, officers, or directors related to the provision of adoption services and the basis or disposition of the actions;*
- 7) *Any instance in the year where the agency was found guilty of, or pled guilty to, any criminal or civil or administrative violation under federal, State, or foreign law that relates to the provision of adoption services;*
- 8) *Any instance in the year where any employee, officer, or director of the agency was found guilty of any crime or was determined to have violated a civil law or administrative rule under federal, State, or foreign law relating to the provision of adoption services; and*
- 9) *Any civil or administrative proceeding instituted by the agency during the year and relating to adoption services, excluding uncontested adoption proceedings and proceedings filed pursuant to Section 12a of the Adoption Act.*

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- b) Failure to disclose information required under this Section may result in the suspension of the agency's license for a period of 90 days. Subsequent violations may result in revocation of the license. [225 ILCS 10/7.6]
- c) Each licensed child welfare agency providing adoption services that maintains a website shall provide the agency's annual reports on its website.
- d) The child welfare agency's annual report for the preceding 2 years shall be made available by the Department to the public, upon request, and shall be included on the website of the Department.
- e) Information disclosed in accordance with this Section shall be subject to the applicable confidentiality requirements of the Child Care Act and the Adoption Act. [225 ILCS 10/7.6]

(Source: Added by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.540 Preferential Treatment in Child Placement
EMERGENCY

- a) Preferential treatment in child placement or any matters relating to adoption services by an agency shall not be given to its board members, contributors, volunteers, employees, agents, consultants, or independent contractors or to the relatives of these persons. Relatives, as used in this Part, are those persons related by blood or adoption, including parents, grandparents, siblings, great-grandparents, uncles, aunts, nieces, nephews, first cousins, great aunts or great uncles, and step-parents or step-siblings. Relatives also include the spouse of these named relatives.
- b) Agencies shall include the prohibition of preferential treatment in adoption services in the written agency policy made available to all the agency's staff.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.550 Waiver Prohibited
EMERGENCY

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Agencies providing adoption services shall not require biological or adoptive parents to sign any document that purports to waive claims against an agency for intentional or reckless acts or omissions or for gross negligence. [225 ILCS 10/7.7]

(Source: Added by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.560 Adoption Services Fees
EMERGENCY

- a) Excessive adoption fees by a child welfare agency, representative of an agency or independent contractor of an agency are prohibited.
- b) Adoption service fees shall be based on the costs associated with the agency's overall service and program delivery. Clients may be charged fees only for services provided.
- c) Payments to [Biological Parents](#)
 - 1) Adoption agency payments to biological parents of reasonable living expenses by a child welfare agency shall not obligate the biological parents to place the child for adoption. In the event that the biological parents choose not to place the child for adoption, the child welfare agency shall have no right to seek reimbursement from the biological parents, or from any relative of the biological parents, of moneys paid to, or on behalf of, the biological parents, except as provided in subsection (c)(2) of this Section.
 - 2) A child welfare agency may seek reimbursement of reasonable living expenses from a person who receives such payments only if the person who accepts payment of reasonable living expenses before the child's birth, as described in subsection (c)(1), knows that the person on whose behalf [he or she is](#) accepting payment is not pregnant at the time of the receipt of the payments or the person receives reimbursement for reasonable living expenses simultaneously from more than one child welfare agency without the agencies' knowledge. [225 ILCS 10/14.7]
 - 3) An adoption agency shall maintain on file records of all payments made to biological parents or on behalf of biological parents.

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(Source: Added by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.570 Independent Contractors**EMERGENCY**

- a) A child welfare agency providing adoption services may use the services of any person, group of persons, agency, association, organization, corporation, institution, center, or group as an independent contractor to perform services on behalf of the licensed agency, provided that the licensed agency has a written agreement with the independent contractor specifying:
- 1) Terms of remuneration;
 - 2) Services to be performed;
 - 3) Personnel performing those services;
 - 4) Qualifications of the personnel, in addition to any other information or requirements the Department may specify; and
 - 5) That the contract may be terminated at any time.
- b) The independent contractor providing services on behalf of the licensed agency has an affirmative obligation to disclose its contractual relationship to all clients prior to performing any services.
- c) The licensed agency is not exempt, by reason of the use of the contractor, from compliance with all of the provisions in this Part and in the Child Care Act of 1969.
- d) The Department has the authority to disapprove of the use of any contractor if the Department is not satisfied with the agency's agreement. The factors to be considered include, but are not limited to:
- 1) Personnel who are performing the services;
 - 2) The qualifications of the personnel; or

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- 3) If the contractor violates any provision of this Part, the Child Care Act or the Adoption Act.
- e) The Department has the authority to require the immediate termination of the contract between an agency and independent contractor.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.580 Cessation or Dissolution of an Adoption Agency
EMERGENCY

In the event that a licensed child welfare agency providing adoption services ceases to exist or dissolves its corporate entity as an agency, and in so doing ceases to provide adoption services as defined in [Section 401.40](#), all records pertaining to those adoption services shall be forwarded to another licensed child welfare agency, with notice provided to the Department within 30 days after cessation or dissolution.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.590 Adoption Agency Information and Complaint Registry
EMERGENCY

- a) The public may access information concerning the past history and records of any licensed child welfare agency providing adoption services in the State of Illinois through the Department's adoption agency information and complaint registry's toll-free telephone number.
- b) Complaints regarding agencies providing adoption services may be made to the nearest Department licensing office or to the adoption agency, which shall follow the requirements of [Section 401.595](#). The State Central Register may take, via its toll-free number (1-800-252-2873), complaints during weekends or after regular working hours.
- c) Information provided in the adoption agency information and complaint registry shall also be available to the public on the Department's website.

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- d) The adoption agency information and complaint registry serves to assist the public in the monitoring of licensed child welfare agencies providing adoption services. The information in the registry shall include, but is not limited to:
- 1) Agency's 4-year history of substantiated violations and corrected violations.
 - 2) Any current enforcement actions against a child welfare agency providing adoption services.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.595 Agency Complaint Policy and Procedures
EMERGENCY

- a) Agencies providing adoption services shall establish written complaint policies that include:
- 1) Without limitation, prompt complaint response time of no later than 2 business days;
 - 2) The adoption agency shall maintain written documentation of all complaints received at the agency;
 - 3) All adoption agencies shall report, in writing, to the Department's regional licensing office or the DCFS Licensing Representative within 10 business days after complaints are received, including the complaint resolution, if any;
 - 4) Any retaliation against the person making the complaint is prohibited;
 - 5) That a member of management level staff shall be designated to accept consumer complaints; and
 - 6) Resolutions of all complaints shall be reported to the agency board of directors at its next meeting or shall be reported at an earlier date to the appropriate committee of the board.

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- b) The agency's complaint policy and procedures shall be filed with the Department no later than February 15, 2006.
- c) Failure of an adoption agency to file its complaint policy and procedures with the Department by February 15, 2006 and to comply with the provisions of this Section may result in:
- 1) Suspension of the agency's license for a period of 90 days; or
 - 2) Revocation of the agency's license in the event that the agency continues to violate the requirement of subsection (b).
- d) The adoption agency's policy and procedures shall be provided in writing to its prospective clients, including biological parents, adoptive parents, and adoptees that it has served, at the earliest time possible, and, in the case of biological and adoptive parents, prior to placement or prior to entering into any written contract with the clients. [225 ILCS 10/9.1b]
- e) Receipt of a copy of the agency's policy and procedures shall be signed and dated by the client and witnessed, and a copy shall be maintained in the client's file.
- f) Any adoption agency that maintains or establishes a website in the future shall post the prescribed complaint procedures and its license number, as well as the statewide toll-free adoption agency information and complaint registry telephone number, on its website. [225 ILCS 10/9.1b]

(Source: Added by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.600 Advertisement
EMERGENCY

- a) No person, group of persons, agency, association, organization, corporation, institution, center, or group may advertise or cause to be published any advertisement offering, soliciting, or promising to perform adoption services as defined in Section 401.40 of this Part, unless the agency is licensed or operating under a permit issued by the Department as a child care facility or child welfare agency.

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- b) Violators of subsection (a) of this Section are guilty of a Class A misdemeanor and shall be subject to a fine not to exceed \$10,000 or 9 months imprisonment for each advertisement, unless that person, group of persons, agency, association, organization, corporation, institution, center, or group is:
- 1) Licensed or operating under a permit issued by the Department as a child care facility or child welfare agency; or
 - 2) An exception to subsection (a) is a biological parent or a prospective adoptive parent acting on his or her own behalf, or a licensed attorney advertising his or her availability to provide legal services relating to adoption, as permitted by law.
- c) Every advertisement published after August 15, 2005 shall include the Department's issued license number of the facility or agency.
- d) Any licensed child welfare agency providing adoption services that, after August 15, 2005, causes to be published an advertisement containing reckless or intentional misrepresentations concerning adoption services or circumstances material to the placement of a child for adoption is guilty of a Class A misdemeanor and shall be subject to a fine not to exceed \$10,000 or 9 months imprisonment for each advertisement.
- e) An out-of-state agency that is not licensed in Illinois and that has a written interagency agreement with one or more Illinois licensed child welfare agencies may advertise under this Section, provided that:
- 1) The out-of-state agency is officially recognized by the United States Internal Revenue Service as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law);
 - 2) The out-of-state agency provides only international adoption services and is covered by the Intercountry Adoption Act of 2000;
 - 3) The out-of-state agency displays, in the advertisement, the license number of at least one of the Illinois licensed child welfare agencies with which it has a written agreement; and
 - 4) The advertisements pertain only to international adoption services.

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- f) An advertiser, publisher, or broadcaster, including, but not limited to, newspapers, periodicals, telephone book publishers, outdoor advertising signs, radio stations, or television stations, who knowingly or recklessly advertises or publishes any advertisement offering, soliciting, or promising to perform adoption services on behalf of a person, group of persons, agency, association, organization, corporation, institution, center, or group, not authorized to advertise under subsection (a) or (d) of this Section, is guilty of a Class A misdemeanor and is subject to a fine not to exceed \$10,000 or 9 months imprisonment for each advertisement.
- g) The Department shall maintain a website listing child welfare agencies licensed by the Department that provide adoption services and other general information for biological parents and adoptive parents. The website shall include, but not be limited to:
- 1) Adoption agency license numbers, addresses, phone numbers, e-mail addresses and website addresses;
 - 2) Annual reports as referenced in Section 401.530 of this Part;
 - 3) The Birth Parent Bill of Rights and the Adoptive Parent Bill of Rights; and
 - 4) The Department's adoption agency information and complaint registry toll-free number. [225 ILCS 10/12]

(Source: Added by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

SUBPART G: INDEPENDENT LIVING PROGRAMS**Section 401.700~~401.480~~ Agency Responsibilities for Independent Living Programs**
EMERGENCY

- a) Child welfare agencies may provide independent living services to youth;
- 1) Who~~who~~ have been or who are in the out-of-home care system;
 - 2) Who~~who~~ are homeless or who are transitioning from residential care;

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- 3) Who are without family resources;
 - 4) Who need support and assistance coping with developmental disability, physical disability or mental illness.
- b) All agency staff who have contact with youth in independent living programs shall have passed the background checks required by 89 Ill. Adm. Code 385 (Background Checks).
 - c) A child welfare worker shall be assigned to youth in independent living programs and shall meet with the youth at least monthly or otherwise as specified in the service plan.
 - d) Child welfare agency staff shall work in partnership with the youth in developing a plan for independence and shall include the youth in conferences and meetings during which key decisions or changes to the youth's service plan are discussed.
 - e) The child welfare agency shall ensure that youth in independent living programs are in safe and adequate housing while participating in the program and have access to adequate health care, educational services, vocational and employment services, and opportunities to acquire life skills and the development of self-esteem.

(Source: Section 401.480 renumbered to Section 401.700 and amended by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

SUBPART H: ENFORCEMENT AND SEVERABILITY CLAUSESection 401.800 Referrals to Law Enforcement and Injunctive Relief
EMERGENCY

- a) Violation of the Act
If the Department has reasonable cause to believe that any person, group of persons, corporation, agency, association, organization, institution, center, or group is engaged or is about to engage in any acts or practices that constitute or will constitute a violation of the Child Care Act, the Department shall inform the Attorney General or the State's Attorney of the appropriate county, who may initiate the appropriate civil or criminal proceedings.

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b) Violation of this Part

If the Department has reasonable cause to believe that any person, group of persons, corporation, agency, association, organization, institution, center, or group is engaged or is about to engage in any act or practice that constitutes or may constitute a violation of any rule adopted under the authority of the Child Care Act, the Department may inform the Attorney General or the State's Attorney of the appropriate county, who may initiate the appropriate civil or criminal proceedings.

c) Injunction or Restraining Order

*Upon a proper showing, any circuit court may enter a permanent or preliminary injunction or temporary restraining order without bond to enforce the Child Care Act or **this Part**, in addition to the penalties and other remedies provided in the Act. [225 ILCS 10/11.1]*

(Source: Added by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

Section 401.850~~401.500~~ Severability of This Part

If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Section 401.500 renumbered to Section 401.850 by emergency rulemaking at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.464 Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: October 1, 2005
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: September 27, 2005
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency amendment concerning encounter rate clinics is being filed pursuant to the enactment of the State's budget plan for fiscal year 2006. Under this amendment, the rate of \$75 per encounter is being increased to \$90 per encounter to assure continued access to essential medical services for certain vulnerable medical assistance clients. Section 5-45 of Public Act 94-0048 specifically authorizes emergency rulemaking for the implementation of these changes for fiscal year 2006.
- 10) Complete Description of the Subjects and Issues Involved: This emergency amendment pertains to encounter rate clinics that provide comprehensive health care for women and infants. The rate of \$75 per encounter is being increased to \$90 per encounter to assure continued access to essential medical services for certain vulnerable medical assistance clients. This change is expected to result in an additional fiscal year 2006 expenditure of approximately \$115,000.
- 11) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.80	Amendment	August 12, 2005 (29 Ill. Reg. 12338)
140.400	Amendment	September 30, 2005 (29 Ill. Reg. 14463)
140.435	Amendment	September 30, 2005 (29 Ill. Reg. 14463)
140.436	Amendment	September 30, 2005 (29 Ill. Reg. 14463)

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140.442	Amendment	October 7, 2005 (29 Ill. Reg. 14957)
140.463	Amendment	September 30, 2005 (29 Ill. Reg. 14463)
140.924	Amendment	September 30, 2005 (29 Ill. Reg. 14463)

- 12) Statement of Statewide Policy Objective: These emergency amendments neither create nor expand any State mandate affecting units of local government.
- 13) Information and questions regarding this amendment shall be directed 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 full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

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

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140.20	Submittal of Claims
140.21	Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22	Magnetic Tape Billings (Repealed)
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

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140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)

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

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140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
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140.421	Limitations on Dental Services
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140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
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140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
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140.435	Advanced Practice Nurse Services
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- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
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- 140.464 Hospital-Based and Encounter Rate Clinic Payments
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- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Eligible Home Health Providers
- 140.471 Description of Home Health Services
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- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the

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

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

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maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill.

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Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919,

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

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1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1,

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2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days.

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SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.464 Hospital-Based and Encounter Rate Clinic Payments**EMERGENCY**

- a) Hospital-Based Organized Clinics
 - 1) With respect to those hospital-based organized clinics, as described at Section 140.461(a), that qualify as Maternal and Child Health clinics, as described in Section 140.461(f)(1), payment shall be in accordance with Section 140.930.
 - 2) With respect to all other hospital-based organized clinics, payment shall be in accordance with 89 Ill. Adm. Code 148.140.
- b) Encounter Rate Clinics
 - 1) For encounter rate clinics, as described at Section 140.461(b), providing comprehensive health care for women and infants, payment shall be made at the lesser of:
 - A) ~~\$90~~\$75 per encounter; or
 - B) The clinic's charge to the general public.
 - 2) For all other encounter rate clinics, payment shall be made at the lesser of:
 - A) The clinic's approved all inclusive interim per encounter rate as of May 1, 1981; or
 - B) \$50 per encounter; or
 - C) The clinic's charge to the general public.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.126 Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 94-0048
- 5) Effective Date: October 1, 2005
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed with the Index Department: September 29, 2005
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments concerning hospital services are being filed pursuant to the enactment of the State's budget plan for fiscal year 2006. These amendments will provide additional funding under Safety Net Adjustments for high volume Medicaid providers to ensure access to quality health care for medical assistance clients. Section 5-45 of Public Act 94-0048 specifically authorizes emergency rulemaking for the implementation of these changes for fiscal year 2006.
- 10) 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 \$5.7 million.
- 11) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.105	Amendment	May 27, 2005 (29 Ill. Reg. 7693)
148.140	Amendment	September 30, 2005 (29 Ill. Reg. 14502)
148.295	Amendment	May 27, 2005 (29 Ill. Reg. 7693)
148.310	Amendment	July 1, 2005 (29 Ill. Reg. 9241)

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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)
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)

12) Statement of Statewide Policy Objective: These emergency amendments neither create nor expand any State mandate affecting units of local government.

13) Information and questions regarding this emergency amendment shall be directed 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 full text of the Emergency Amendment begins on the next page:

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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
EMERGENCY	
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements

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- 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
- 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals 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)

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- 148.390 Hearings
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

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150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency 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

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maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. 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;

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emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; 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; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.126 Safety Net Adjustment Payments**EMERGENCY**

- 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).

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- 6) The hospital meets all of the following criteria:
- A) Has an MIUR greater than 30 percent.
 - B) Had an occupancy rate greater than 80 percent in the safety net hospital base year.
 - C) Provided greater than 15,000 total days in the safety net hospital base year.
- 7) The hospital meets all of the following criteria:
- 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 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.
- 9) The hospital meets all of the following criteria in the safety net base year:
- A) Is a rural hospital, as described in Section 148.25(g)(3).

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- B) [Has an MIUR greater than 45 percent.](#)
- C) [Has a combined MIUR greater than 45 percent.](#)
- D) [Has licensed beds less than or equal to 60.](#)
- E) [Provided greater than 400 total days.](#)
- F) [Provided fewer than 125 obstetrical care days.](#)

10) [The hospital meets all of the following criteria in the safety net base year:](#)

- A) [Is a psychiatric hospital, as described in 89 Ill. Adm. Code 149.50\(c\)\(1\).](#)
- B) [Has licensed beds greater than 120.](#)
- C) [Has an average length of stay less than ten 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)(~~9~~⁷) of this Section:

- 1) Hospitals located outside of Illinois.
- 2) County-owned hospitals, as described in Section 148.25(b)(1)(A).
- 3) Hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B).
- 4) Psychiatric hospitals, as described in 89 Ill. Adm. Code 149.50(c)(1).
- 5) Long term stay hospitals, as described in 89 Ill. Adm. Code 149.50(c)(4).

c) Safety Net Adjustment Rates

- 1) For a hospital qualifying under subsection (a)(1) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:

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- 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.
 - 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.

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- 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.
 - iii) Is a trauma center, recognized by the Illinois Department of Public Health (IDPH), as of July 1, 2005 – \$84.00.
- K) A qualifying hospital that provided greater than 35,000 total days in the safety net hospital base year – \$6.00.
- L) A qualifying hospital with two or more graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory", with an average length of stay fewer than 4.00 days – \$48.00.
- 2) For a hospital qualifying under subsection (a)(2) of this Section, the rate shall be \$123.00.

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- 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:
- 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.

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- 6) For a hospital qualifying under subsection (a)(6) of this Section, the rate is \$53.00~~\$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.
 - 9) For a hospital qualifying under subsection (a)(9) of this Section, the rate is \$124.50.
 - 10) For a hospital qualifying under subsection (a)(10) of this Section, the rate is \$85.00.
- d) Payment to a Qualifying Hospital
- 1) The total annual payments to a qualifying hospital shall be the product of the hospital's rate multiplied by two multiplied by total days.
 - 2) For the safety net adjustment period occurring in State fiscal year 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 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,

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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 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.

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- 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 by emergency rulemaking at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days)

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- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
125.200	Amendment
125.270	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 70 FR 53043
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]
- 6) Effective Date: October 7, 2005
- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection Part.

The Food Safety and Inspection Service (FSIS) is amending its interim final rule, *"Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Cattle,"* published in the Federal Register on January 12, 2004. The amendments permit beef small intestine, excluding the distal ileum, to be used for human food, provided that such product is derived from cattle that were slaughtered in an official establishment in the United States or in a certified foreign establishment from a foreign country that is eligible to export beef products to the United States. Although the distal ileum is the only portion of the small intestine in which BSE infectivity has been confirmed, the January 2004 interim final rule requires that the entire small intestine of all cattle be removed and disposed of as inedible. FSIS is taking this action based on the Agency's evaluation of this issue and of the comments received on the interim final rule, as well as comments received on an advance notice of proposed rulemaking published in July 2004. FSIS has concluded that the distal ileum can be effectively removed from the rest of the small intestine. FSIS has determined that removal of the distal ileum in accordance with the amendments in this document will provide the same level of protection from human exposure to the BSE agent as does the exclusion of the entire small intestine from the human food supply.

- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Date Filed with the Index Department: September 28, 2005
- 10) A copy of the peremptory amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) These peremptory amendments are in compliance with Section 5-150 of the Illinois Administrative Procedure Act.
- 12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
125.147	Add	29 Ill. Reg. 11714

- 13) Statement of Statewide Policy Objective: These peremptory amendments do not affect units of local government.
- 14) Information and questions regarding these peremptory amendments shall be directed to:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281

Telephone: 217/785-5713
Facsimile: 217/785-4505

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

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NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACTPART 125
MEAT AND POULTRY INSPECTION ACTSUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations
125.145	Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products
125.146	Consumer Protection Standards: Raw Products

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation (Repealed)
125.190	Ante-Mortem Inspection

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125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; preemptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; preemptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective

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July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992;

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peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; peremptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; peremptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; peremptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; peremptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; peremptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; peremptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; peremptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; peremptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; peremptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; peremptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; peremptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; peremptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; peremptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; peremptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; peremptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; peremptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; peremptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; peremptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; peremptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; peremptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; peremptory amendment at 27 Ill. Reg.

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13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; preemptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; preemptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; preemptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; preemptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; preemptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; preemptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; preemptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; preemptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005; preemptory amendment at 29 Ill. Reg. 15645, effective October 7, 2005.

SUBPART B: MEAT INSPECTION

Section 125.200 Post-Mortem Inspection

- a) The Department incorporates by reference 9 CFR 310.1(a) and 310.2 through 310.23 (2004; 69 FR 1862 and 69 FR 1885, effective January 12, 2004; [70 FR 53043, effective October 7, 2005](#)), except that the preparation of meat and meat products for nonhuman food purposes (e.g., dog food) is not permitted at an official establishment. The preparation of nonhuman food products must be done in establishments licensed under the Illinois Dead Animal Disposal Act. The Department incorporates by reference 9 CFR 310.25 (1999; 64 FR 66553, effective November 29, 1999); the E. coli process control testing regulations set forth in 9 CFR 310.25(a) will be applicable on October 1, 1997, and the Salmonella pathogen reduction performance standards regulations set forth in 9 CFR 310.25(b) will be applicable simultaneously with applicability dates for implementation of HACCP in Section 125.142.
- b) The unusual circumstance and acceptable arrangements referred to in 9 CFR 310.1(a) shall mean in the case of emergency slaughter and in accordance with the procedure outlined in Section 125.190.
- c) In the case of emergency slaughter and where a veterinarian was obtained by the owner to perform ante-mortem inspection (see Section 125.190), the veterinarian may perform post-mortem inspection of the animal. The carcass and all parts, including viscera, shall be identified as set forth in 9 CFR 310.2 and held for the inspector. If the veterinarian performs the post-mortem inspection at the request of the owner, then the cost of such service shall be borne by the owner of the animal.

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- d) Disinfectants that can be used in an official establishment shall be those set forth in Section 125.180.
- e) With regard to the incorporated language in 9 CFR 310.2(b)(4), alternate methods proposed by the operator of an official establishment for handling devices shall be approved if such method will accomplish the specific provisions as stated in that paragraph.
- f) Retained carcasses may be washed or trimmed provided such washing or trimming does not affect the disposition of the carcasses by removing conditions or lesions which caused the carcasses to be identified as retained.
- g) Temporary identification of retained carcasses by an official establishment shall be permitted; however, Illinois Retained tags shall be used to identify the carcasses along with any temporary identification that is used.
- h) References in the incorporated language to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.
- i) Facilities for handling and inspecting cow udders shall be as set forth in 9 CFR 416 (incorporated in Section 125.141).

(Source: Amended by peremptory rulemaking at 29 Ill. Reg. 15645, effective October 7, 2005)

Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product

- a) The Department incorporates by reference 9 CFR 318.1(c) through 318.6, 318.9 through 318.10, 318.14 through 318.20, 318.22, 318.23, 318.24, 318.300 through 318.311 (2004; 69 FR 1862 and 69 FR 1874, effective January 12, 2004; [70 FR 53043, effective October 7, 2005](#)).
- b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in

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Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(4) of the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

- c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.
- d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector if the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.
- e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.
- f) Casings or weasand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of such articles.
- g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.
- h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.
- i) References within the incorporated language to the federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in accordance with the Meat and Poultry Inspection Act and the rules of this Part.

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- j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.
- k) Disinfectants shall be those as set forth in Section 125.180.
- l) Adequate vacuum shall be determined through the use of vacuum gauges.
- m) Canned products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.
- o) The standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Amended by peremptory rulemaking at 29 Ill. Reg. 15645, effective October 7, 2005)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of the Part: HIV/AIDS Confidentiality and Testing Code
- 2) Code Citation: 77 Ill. Adm. Code 697
- 3) The Notice of Proposed Amendments being corrected appeared at 29 Ill. Reg. 14527; dated September 30, 2005.
- 4) The information being corrected is as follows: The last five sentences below were not included in the summary given for this rulemaking on the notice page. The description should read as follows:
 - 10) A complete Description of the Subjects and Issues Involved: The HIV/AIDS Confidentiality and Testing Code currently prohibits the release of screening test results for HIV infection prior to confirmation with a Western blot test or other confirmatory test. In recent years, two enzyme immune assay (EIA) (screening) tests that can provide a preliminary result within a few hours have been approved by the federal Food and Drug Administration. The Public Health Service (PHS) has issued guidelines recommending the administration of anti-retroviral treatment during pregnancy, or at a minimum during labor and delivery, to prevent perinatal transmission of HIV from infected mother to child. The U.S. Centers for Disease Control and Prevention (CDC) has also issued guidelines recommending that prophylactic anti-retroviral treatment be administered as soon as possible following occupational exposure to HIV. The use of a rapid HIV test and release of preliminary results to facilitate medical intervention to prevent further transmission of HIV would be consistent with these guidelines. This rulemaking will permit the release of preliminary results in these situations following appropriate patient pre-test counseling that includes discussion of the possibility and probability of a false positive test result. Changes to Section 697.20 (Definitions) are made to avoid possible misunderstandings in interpretation of this guidance by adding definitions for "screening test" and "supplemental test". Changes to Section 697.100 will allow for the use of any U.S. Food and Drug Administration (FDA) approved HIV tests for the detection of HIV infection rather than specifically named tests. Provisions for the release of preliminary rapid HIV test results to physicians and individuals receiving HIV tests are added. Testing procedures are clarified and expanded. Provisions for counseling are added. Changes to Sections 697.140 and 697.300 further clarify the provision for release of HIV test results. Changes to Appendix A update the informed consent to include the revised testing procedures. A new Appendix C sets forth consent for rapid HIV testing.

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NOTICE OF CORRECTIONS TO NOTICE ONLY

The text of subparagraph (C) in the Regulatory Flexibility Analysis was not included. The Analysis should read as follows:

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Community-based organizations that provide HIV antibody counseling and testing services.
 - B) Reporting, bookkeeping or other procedures required for compliance: There are no new requirements for reporting, bookkeeping or other procedures required for compliance.
 - C) Types of Professional skills necessary for compliance: Community-based organization staff responsible for HIV antibody counseling and testing will be required to complete training on the new testing procedures. The Illinois Department of Public Health will provide training for staff at no cost.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 27, 2005 through October 3, 2005 and have been scheduled for review by the Committee at its October 11, 2005 or November 15, 2005 meetings 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>
11/11/05	<u>Illinois Commerce Commission</u> , Registration of Rail Carriers (92 Ill. Adm. Code 1501)	1/3/05 29 Ill. Reg. 16	10/11/05
11/11/05	<u>Illinois Commerce Commission</u> , Report of Railroad Accidents/Incidents (92 Ill. Adm. Code 1515)	1/3/05 29 Ill. Reg. 23	10/11/05
11/11/05	<u>Illinois Commerce Commission</u> , Hazardous Materials (92 Ill. Adm. Code 1605)	1/3/05 29 Ill. Reg. 128	10/11/05
11/11/05	<u>Department of Transportation</u> , Contract Procurement (44 Ill. Adm. Code 660)	5/27/05 29 Ill. Reg. 7823	10/11/05
11/11/05	<u>Department of Healthcare and Family Services</u> , Mental Health Services in Nursing Facilities (89 Ill. Adm. Code 145)	5/27/05 29 Ill. Reg. 7675	10/11/05
11/11/05	<u>Department of Healthcare and Family Services</u> , Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)	5/27/05 29 Ill. Reg. 7682	10/11/05
11/11/05	<u>Department of Healthcare and Family Services</u> , Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)	7/15/05 29 Ill. Reg. 9974	10/11/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

11/11/05	<u>Secretary of State</u> , Rules of the Road – Handicapped Parking (92 Ill. Adm. Code 1100)	5/13/05 29 Ill. Reg. 6892	10/11/05
11/12/05	<u>Department of Agriculture</u> , Insect Pest and Plant Disease Act (8 Ill. Adm. Code 240)	8/12/05 29 Ill. Reg. 12305	10/11/05
11/12/05	<u>Department of Agriculture</u> , Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)	7/29/05 29 Ill. Reg. 11714	10/11/05
11/16/05	<u>Auditor General</u> , Code of Regulations (74 Ill. Adm. Code 420)	6/17/05 29 Ill. Reg. 8466	11/15/05
11/16/05	<u>Auditor General</u> , Code of Rules (74 Ill. Adm. Code 440)	6/17/05 29 Ill. Reg. 8487	11/15/05
11/16/05	<u>Illinois Emergency Management Agency</u> , Quality Standards and Certification Requirements for Facilities Performing Mammography (32 Ill. Adm. Code 370)	7/1/05 29 Ill. Reg. 9176	11/15/05

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY SUSPENSION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(c) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(c)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois issued an order on September 27, 2005, and has suspended for a period not exceeding 180 days, pending investigation, the license of Matrix Investment Corporation, License No. MB.0006296 of Groton, CT, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois issued an order on September 9, 2005 imposing a \$25,000 fine against Marquis Financial & Associates, Inc., License No. MB.0006210 of Chicago, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF SUSPENSION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois issued an order on September 9, 2005, suspending the license of Marquis Financial & Associates, Inc., License No. MB.0006210 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF SUSPENSION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois issued an order on September 9, 2005, suspending the license of C-Cess (Success) Mortgage Corporation, License No. MB.0006676 of Westchester, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder. For further reference link to: www.idfpr.com

PROCLAMATIONS

2005-277 (Revised)**MUSCULAR DYSTROPHY ASSOCIATION MONTH**

WHEREAS, more than one million Americans suffer from neuromuscular diseases, such as muscular dystrophy, amyotrophic lateral sclerosis, myasthenia gravis, and spinal muscular atrophy; and

WHEREAS, the Muscular Dystrophy Association is a voluntary health agency committed to conquering neuromuscular diseases; and

WHEREAS, since its founding in 1950, the Muscular Dystrophy Association has provided comprehensive medical services to tens of thousands of Americans with neuromuscular diseases at more than 200 hospital-affiliated clinics across the country. In Illinois, more than 4,000 families receive medical care at one of eight Muscular Dystrophy Association supported clinics every year; and

WHEREAS, the Muscular Dystrophy Association also sponsors research in neuromuscular diseases, raises awareness of their effects, and sends more than 300 Illinois children afflicted by them to Muscular Dystrophy Association summer camps each year at no charge to their families; and

WHEREAS, most of this is done through the financial support of private contributors, and the largest Muscular Dystrophy Association fundraising event is their annual telethon hosted by their national chairman and renowned entertainer, Jerry Lewis; and

WHEREAS, last year, the Muscular Dystrophy Association Telethon raised nearly \$60 million nationally, including approximately \$2 million from Illinois, and hopefully they will raise more during their telethon this year from September 4 to September 5:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as MUSCULAR DYSTROPHY ASSOCIATION MONTH in Illinois, and encourage citizens of the State to support the Muscular Dystrophy Association and their worthy cause to combat neuromuscular diseases.

Issued by the Governor August 26, 2005.

Filed with the Secretary of State September 30, 2005.

2005-316**BREAST CANCER AWARENESS MONTH AND NATIONAL MAMMOGRAPHY DAY**

WHEREAS, breast cancer is the most common and second deadliest cancer among women in the United States today; and

PROCLAMATIONS

WHEREAS, sadly, it is projected that more than 9,000 women from Illinois and 200,000 women nationwide will be diagnosed with breast cancer just this year; and

WHEREAS, early detection and treatment of cancer can significantly improve a woman's chances of survival. Furthermore, mammography screenings are a woman's best chance for detecting breast cancer early; and

WHEREAS, for more than two decades, government agencies, national public service organizations, and professional medical associations have promoted National Breast Cancer Awareness Month to educate women about breast cancer and the importance of detecting the disease in its earliest stages; and

WHEREAS, this October marks the 21st anniversary of National Breast Cancer Awareness Month; and

WHEREAS, since 1993, the third Friday in October has also been observed as National Mammography Day:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as BREAST CANCER AWARENESS MONTH and October 21, 2005 as NATIONAL MAMMOGRAPHY DAY in Illinois to raise awareness about breast cancer and the importance of early detection.

Issued by the Governor September 27, 2005.

Filed with the Secretary of State September 27, 2005.

2005-317**NATIONAL CYBER SECURITY AWARENESS MONTH**

WHEREAS, today, the Internet provides access to a wealth of information and services throughout the world; but

WHEREAS, despite the many wonderful advantages and benefits of the Internet, it also poses many significant dangers and threats. The Internet is used by many predators to prey on our children and steal our identity; and

WHEREAS, that is why we must take great precautions when using the Internet. By using web browser privacy features and common sense practices, we can minimize the risks and help protect children and ourselves; and

PROCLAMATIONS

WHEREAS, last year, National Cyber Security Awareness Month was launched for the purpose of encouraging and empowering Americans, businesses, government, and schools to improve their Internet security; and

WHEREAS, the Multi-State Information Sharing and Analysis Center (MS-ISAC), the National Cyber Security Alliance (NCSA), and the United States Department of Homeland Security will promote National Cyber Security Awareness Month once again this October:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as NATIONAL CYBER SECURITY AWARENESS MONTH in support of the campaign by MS-ISAC, NCSA, and Homeland Security to raise awareness about Internet security.

Issued by the Governor September 27, 2005.

Filed with the Secretary of State September 27, 2005.

2005-318**MAKE-A-WISH FOUNDATION OF ILLINOIS DAY**

WHEREAS, dreams can come true, and it is the mission of the Make-A-Wish Foundation of Illinois to fulfill dreams of children between the ages of 2 ½ and 18 with life-threatening medical conditions; and

WHEREAS, today, more than 840 children are diagnosed with a life-threatening medical condition every year in just the State of Illinois; and

WHEREAS, many parents and medical professionals agree that wishes are a strong medicine for those children, who often endure lengthy medical treatments and uncertainty about their future; and

WHEREAS, since 1985, more than 6,200 children in Illinois have been granted wishes thanks to the Make-A-Wish Foundation of Illinois; and

WHEREAS, by granting wishes, the Make-A-Wish Foundation of Illinois not only fulfills dreams, they also enrich the lives of children and their families:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 3, 2005 as MAKE-A-WISH FOUNDATION OF ILLINOIS DAY in recognition of the Make-A-Wish Foundation of Illinois for all the goodwill and small miracles they have provided over the past 20 years to thousands of children and their families.

PROCLAMATIONS

Issued by the Governor September 27, 2005.
Filed with the Secretary of State September 27, 2005.

2005-319**NATIONAL PRIMARY CARE WEEK**

WHEREAS, launched in 1999, National Primary Care Week was created in response to the healthcare shortage in America, as well as in recognition and promotion of careers in primary care; and

WHEREAS, the United States Department of Health and Human Services Bureau of Health Professions has reported a shortage of healthcare professionals in more than 150 areas in just the State of Illinois. Consequently, a staggering number of Americans cannot receive the medical care they need even if they can afford it; and

WHEREAS, primary care physicians, also known as general practitioners, often offer the most cost-effective healthcare choices to patients. Furthermore, there are many career opportunities for primary care physicians throughout Illinois; and

WHEREAS, this year, the theme of National Primary Care Week is "Breaking Down Barriers: Health Literacy in Community Health":

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 16-22, 2005 as NATIONAL PRIMARY CARE WEEK in Illinois in support and encouragement of primary care careers and the collaboration of healthcare professionals, which is vital to the care and well-being of all citizens in this state.

Issued by the Governor September 27, 2005.
Filed with the Secretary of State September 27, 2005.

2005-320**CHILDREN'S BOOK WEEK**

WHEREAS, although we frequently hear that "reading is fundamental," the true meaning of that phrase is often taken for granted; and

WHEREAS, in recent years, literacy rates in the United States have been decreasing, and an increasingly greater number of students are failing to pass basic reading proficiency exams; and

PROCLAMATIONS

WHEREAS, reading is important because it helps us develop comprehension and critical-thinking skills that are essential and vital in all professions; and

WHEREAS, in addition to the utility of reading, books allow us to immerse and project ourselves in other fascinating cultures, historical periods, and imaginative worlds; and

WHEREAS, for those reasons, the Children's Book Council annually promotes Children's Book Week as part of their campaign to encourage reading among children; and

WHEREAS, this year, the Children's Book Council will celebrate the 86th anniversary of Children's Book Week from November 14 to 20:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 14-20, 2005 as CHILDREN'S BOOK WEEK in Illinois in support of the worthy efforts by the Children's Book Council to introduce children to the world of books and, in so doing, help ensure their future success.

Issued by the Governor September 27, 2005.

Filed with the Secretary of State September 27, 2005.

2005-321**CHIROPRACTIC HEALTHCARE MONTH**

WHEREAS, every year, more than 30 million Americans throughout the country, including 2 million in Illinois, visit a chiropractor, who locate and help correct joint and spinal problems; and

WHEREAS, our nervous system, consisting of the brain, spinal cord, and all the nerves of the body, controls every cell, tissue, and organ; and

WHEREAS, vertebrae, which are bones that cover our spine, can irritate and choke delicate nerve tissue, which affects cells, tissues, and organs; and

WHEREAS, chiropractors treat those problems without drugs and surgery. Instead, they work to release the body's inborn healing ability; and

WHEREAS, this safe and conservative approach to relief and wellness makes chiropractic care the most popular form of natural healthcare in the world; and

PROCLAMATIONS

WHEREAS, this October, chiropractic organizations, such as the Illinois Chiropractic Society, will sponsor events for chiropractors to meet and learn about the best techniques and practices in the profession today:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as CHIROPRACTIC HEALTHCARE MONTH in Illinois to raise awareness about chiropractic care, and to promote chiropractors as a vital part of the health and well-being of citizens.

Issued by the Governor September 27, 2005.

Filed with the Secretary of State September 27, 2005.

2005-322**DYSLEXIA AWARENESS MONTH**

WHEREAS, millions of Americans throughout the country, including the State of Illinois, have dyslexia, which is a language-based neurological disorder that affects their ability to read, write, and spell proficiently; and

WHEREAS, dyslexia occurs among all groups regardless of age, ethnicity, race, socio-economic background, and sex. Furthermore, the disorder is not related to one's level of intelligence or desire to learn; and

WHEREAS, although the degree of dyslexia varies from person to person, both children and adults can overcome the disorder with proper diagnosis and treatment. Today, many dedicated professionals work in homes and schools to help those with dyslexia; and

WHEREAS, the International Dyslexia Association is also dedicated to helping those with dyslexia. They and their state branches, including the Illinois Branch, promote literacy through research, education, and advocacy; and

WHEREAS, last year, state branches of the International Dyslexia Association offered more than 30 free and successful events about dyslexia to educators, parents, and the public during Dyslexia Awareness Month, which they plan to repeat again this October:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as DYSLEXIA AWARENESS MONTH in support of the campaign by the International Dyslexia Association and their state branches to raise awareness about this disorder and to help those afflicted with it.

PROCLAMATIONS

Issued by the Governor September 27, 2005.
Filed with the Secretary of State September 27, 2005.

2005-323**SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH**

- WHEREAS, Sudden Infant Death Syndrome (SIDS) is the leading cause of death among young infants. Approximately 2,500 infants die from SIDS every year; and
- WHEREAS, SIDS is the unexpected death of an infant under the age of one that remains unexplained after a complete examination is performed, including an autopsy, death scene examination, and review of clinical history; and
- WHEREAS, most victims of SIDS are younger than 6 months. Furthermore, Native-American infants are at the greatest risk, while African-American infants are the second greatest at-risk group; and
- WHEREAS, although there is no scientific explanation for SIDS, many scientists agree that it is triggered when infants sleep on their stomachs; and
- WHEREAS, for that reason, the Back to Sleep campaign was launched in 1994 to encourage laying infants on their backs; and
- WHEREAS, according to the National Institutes of Health, the death rate of SIDS has declined more than 40 percent since the inception of this campaign. However, SIDS is still the leading cause of death among young infants:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH in Illinois to raise awareness about Sudden Infant Death Syndrome, and to encourage risk-reducing precautions so that no parent will have to endure the tragedy of their child dying of SIDS.

Issued by the Governor September 27, 2005.
Filed with the Secretary of State September 27, 2005.

2005-324**NATIONAL PHYSICAL THERAPY MONTH**

- WHEREAS, millions of Americans throughout the country, including the State of Illinois, are able to live active lives and participate in regular exercise with more mobility and less pain thanks to the care of physical therapists; and

PROCLAMATIONS

WHEREAS, physical therapists treat a multitude of conditions, including ankle, back, knee, neck, and shoulder pain and injuries. They also provide rehabilitation services for those recovering from a variety of surgeries; and

WHEREAS, there are many different techniques utilized by physical therapists, such as gait training, joint and soft tissue mobilization, and therapeutic exercise; and

WHEREAS, while the immediate objective of treatment is to maximize function and reduce pain, the ultimate goal of physical therapy is to teach patients how to take care of themselves; and

WHEREAS, every October, physical therapists across Illinois take the time to celebrate their accomplishments and to educate the public about their profession:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as NATIONAL PHYSICAL THERAPY MONTH in Illinois to raise awareness about physical therapy, and to promote physical therapists as a vital part of the health and well-being of citizens.

Issued by the Governor September 27, 2005.

Filed with the Secretary of State September 27, 2005.

2005-325**ITALIAN HERITAGE MONTH AND CHRISTOPHER COLUMBUS DAY**

WHEREAS, the first Italian to set foot in this hemisphere was an explorer named Christopher Columbus. Daring to find a western route to Asia, Columbus set sail in 1492 and stumbled upon the Caribbean that same year; and

WHEREAS, today, there are more than 15 million Italian-Americans living in just the United States. Of them, nearly 750,000 live in the State of Illinois; and

WHEREAS, Italian-Americans have made significant contributions to American life. From sciences to the arts, their influences can be clearly seen throughout the country; and

WHEREAS, in 1976, President Jimmy Carter issued a proclamation to recognize the many achievements and successes of Italian-Americans. Since then, every October has been designated the official month to celebrate Italian-American heritage; and

PROCLAMATIONS

WHEREAS, the second Monday of every October is also designed as a national holiday in honor of Christopher Columbus. In commemoration, the Joint Civic Committee of Italian Americans hosts an annual Columbus Day Parade in Chicago:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2005 as ITALIAN HERITAGE MONTH and October 10, 2005 as CHRISTOPHER COLUMBUS DAY in Illinois in recognition of Italian-American heritage, and in remembrance of Christopher Columbus.

Issued by the Governor September 27, 2005.

Filed with the Secretary of State September 27, 2005.

2005-326**AMERICA ON THE MOVE DAY OF ACTION**

WHEREAS, today, more than a quarter of all American adults are physically inactive and 65 percent are overweight. Furthermore, poor diet and lack of physical activity contribute to the premature deaths of 600,000 Americans every year; and

WHEREAS, tragically, our unhealthy lifestyles are dooming an entire generation. That is why the National Governors Association is leading a Healthy America initiative to improve the health and wellness of Americans; and

WHEREAS, the primary objective of Healthy America is to highlight the simple yet specific behavioral and lifestyle change necessary for sustainable long-term health for children, teenagers, adults, and seniors; and

WHEREAS, Healthy America will do that by educating Americans on the need for lifestyle changes, showing them how to change, and offering incentives for implementing those changes in their daily life; and

WHEREAS, additionally, Healthy America will marshal the public and private sectors to make our communities, schools, and workplaces healthier for Americans; and

WHEREAS, to kickoff Healthy America, the National Governors Association will promote September 28 as America on the Move Day of Action to encourage Americans to take small steps in improving their health and wellness by reducing their food intake by 100 calories and taking an additional 2,000 steps:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 28, 2005 as AMERICA ON THE MOVE DAY OF ACTION in Illinois in support of the campaign by the National Governors Association to educate and convince Americans about

PROCLAMATIONS

the importance of changing their behavior and lifestyle so they eat right and become physically active.

Issued by the Governor September 28, 2005.

Filed with the Secretary of State September 28, 2005.

2005-327**NATIONAL FAMILY STORYTELLING DAY**

WHEREAS, for the third consecutive year, the National Parents Association is promoting the first Sunday in October as National Family Storytelling Day; and

WHEREAS, National Family Storytelling Day highlights the importance of dinner together as a time for family bonding and teaching children life skills such as reading, writing, and storytelling; and

WHEREAS, research has shown that eating dinner together is also one great way for families with children to prevent behavioral and social problems; and

WHEREAS, the National Center on Addiction and Substance Abuse (CASA) at Columbia University has consistently found that children are less likely to smoke, drink alcohol, and use illegal drugs the more their families eat together; and

WHEREAS, additionally, other research shows that children who eat dinner with their families are less prone to dangerous and violent activities and more likely to have positive peer relationships and to excel in school:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2, 2005 as NATIONAL FAMILY STORYTELLING DAY in Illinois, and encourage all citizens in the state to take part in this opportunity to promote family and the health and well-being of children.

Issued by the Governor September 30, 2005.

Filed with the Secretary of State September 30, 2005.

2005-328**LIVE FOR CHANGE: STOP SEX VIOLENCE WEEK**

WHEREAS, 683,000 women are forcibly raped in the United States every year. Furthermore, one in three girls and one in six boys are sexually victimized before the age of 18; and

PROCLAMATIONS

WHEREAS, clearly, sex violence is a serious issue throughout the country. That is why the Ally Foundation is committed to addressing this grave problem; and

WHEREAS, the Ally Foundation promotes awareness, research, and reforms that will prevent opportunities for sexual violence by fostering hope and changes in culture, attitude, and legal policy; and

WHEREAS, the Ally Foundation's national campaign, Live for Change: Stop Sex Violence, targets all Americans, businesses, legal professionals, and public officials to advocate and encourage changes that significantly reduce sexual violence; and

WHEREAS, this year, the Ally Foundation will provide aid and assistance for local Live for Change: Stop Sex Violence activities during the week of October 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2-8, 2005 as LIVE FOR CHANGE: STOP SEX VIOLENCE WEEK in Illinois to raise awareness about sex violence, and in support of the worthy efforts by the Ally Foundation to end this abomination that harms so many Americans.

Issued by the Governor September 30, 2005.

Filed with the Secretary of State September 30, 2005.

2005-329**INTERNATIONAL HISPANIC/LATINO MENTAL HEALTH WEEK**

WHEREAS, Hispanics and Latinos are among the greatest at-risk groups in the United States for mental health problems such as anxiety, depression, and substance abuse; and

WHEREAS, consequently, International Hispanic/Latino Mental Health Week was launched in Chicago in 1992 to educate Hispanics and Latinos in America about mental health issues and prevention; and

WHEREAS, the Latino Family Institute hosts a conference every year during the week for community residents and professionals with workshops on a variety of topics, including depression, domestic violence, substance abuse, and suicide; and

WHEREAS, a number of agencies, institutions, and organizations also offer free mental health lectures and screenings throughout the Chicago-land area; and

WHEREAS, this year, International Hispanic/Latino Mental Health Week begins October 2:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2-8, 2005 as INTERNATIONAL HISPANIC/LATINO MENTAL HEALTH WEEK in Illinois to raise awareness about mental health issues among Hispanics and Latinos in the country, and specifically in our state.

Issued by the Governor September 30, 2005.

Filed with the Secretary of State September 30, 2005.

2005-330**WEEK OF THE CLASSROOM TEACHER**

WHEREAS, the education of our children is critical to their future success. For that reason, teaching is one of the most important professions; and

WHEREAS, throughout Illinois, we entrust the care of our children to thousands of classroom teachers who work with parents and administrators to ensure that each child learns the skills they need to succeed; and

WHEREAS, that is not easy when there are many distractions. In addition to contending with personal and family problems that have always accompanied children, classroom teachers now have to compete with technology such as cell phones, computers, and television; and

WHEREAS, indeed, it is more difficult to engage children in the classroom today than ever. Consequently, teachers must work harder than ever to educate children; and

WHEREAS, in acknowledgment and recognition of their outstanding service, the Association of Childhood Education International annually designates a week in honor of classroom teachers; and

WHEREAS, this year, the Week of the Classroom Teacher will begin October 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2-8, 2005 as WEEK OF THE CLASSROOM TEACHER in Illinois, and join the Association of Childhood Education International to honor and thank classroom teachers for their commitment and dedication to teaching our children.

Issued by the Governor September 30, 2005.

Filed with the Secretary of State September 30, 2005.

2005-331**FINANCIAL PLANNING WEEK**

PROCLAMATIONS

WHEREAS, financial planning today is essential to meeting our needs and realizing our dreams for tomorrow; and

WHEREAS, whether saving to buy a car or house, sending our children to college, or living comfortably during retirement, financial planning helps us develop and set reasonable financial goals to achieve our financial objectives; and

WHEREAS, everyone can benefit from financial planning, and there are thousands of financial planning professionals throughout the country, trained to help people map out their futures; and

WHEREAS, many financial planning professionals are members of the Financial Planning Association, whose 29,000 members and nationwide network of chapters are dedicated to supporting the financial planning process; and

WHEREAS, this year, the Financial Planning Association will promote the importance of financial planning during the week of October 3. Furthermore, their Illinois chapter will work with local libraries to organize an event designed to disseminate practical information for achieving financial objectives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 3-9, 2005 as FINANCIAL PLANNING WEEK in Illinois in support of the campaign by the Financial Planning Association and their Illinois chapter to encourage financial planning.

Issued by the Governor September 30, 2005.

Filed with the Secretary of State September 30, 2005.

2005-332**CAREER AND TECHNICAL ORGANIZATIONS WEEK**

WHEREAS, career and technical education, also known as vocational education, complement formal education programs by providing students with an opportunity to gain hands-on experience in their future profession or trade; and

WHEREAS, in addition to the hands-on experience that vocational education affords students, there are a number of career and technical student organizations in Illinois that also build character and foster leadership skills essential to their future success; and

PROCLAMATIONS

WHEREAS, for more than 27 years, the Illinois Coordinating Council for Career and Technical Student Organizations (ICCCTSO) has promoted career and technical student organizations as an integral part of the educational curriculum; and

WHEREAS, the ICCCTSO also supports other career and technical education initiatives such as ones sponsored by the Illinois State Board of Education and the Illinois Association for Career and Technical Educators; and

WHEREAS, this year, the ICCCTSO will recognize career and technical organizations during the week of October 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2-8, 2005 as CAREER AND TECHNICAL ORGANIZATIONS WEEK in Illinois to raise awareness about the value of those organizations to the educational experiences of our young people.

Issued by the Governor September 30, 2005.

Filed with the Secretary of State September 30, 2005.

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

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