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Editor's Note: The Illinois Register Issue 45 did not contain the page numbers 17959 to 18070, these represent the pages for Department of Financial and Professional Regulation rules.

A corrected version is available at www.cyberdriveillinois.com.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Established Political Party and Independent Candidate Nominating Petitions

2) Code Citation: 26 Ill. Adm. Code 201

3)

Section Numbers:	Proposed Action:
201.10	Amendment
201.30	Amendment

4) Statutory Authority: Implementing Articles 7, 8 and 10 of the Election Code [10 ILCS 5/7-1 et seq., 8-1 et seq. and 10-1 et seq.] and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/1A-8(9)].

5) A Complete Description of the Subjects and Issues involved: Past experience has shown that a very small number of petitions and objections to petitions have been filed on Saturday. Therefore the State Board of Elections does not feel it is necessary to maintain business hours for the sole purpose of receiving such items on the Saturday that falls within the time period during which petitions and objections are filed.

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 any incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The rulemaking does not require expenditures by units of local government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication in the *Illinois Register* to:

Steven S. Sandvoss, Acting General Counsel
State Board of Elections
1020 S. Spring St.
PO Box 4187
Springfield IL 62708

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

217/557-9939
ssandvoss@elections.state.il.us

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was not anticipated at the time regulatory agendas were filed.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 201
ESTABLISHED POLITICAL PARTY AND
INDEPENDENT CANDIDATE NOMINATING PETITIONS

Section
201.10 Filing Times at the Office of the State Board of Elections
201.20 Determination of Nominating Petition's Official Time of Filing
201.30 Filing Times for Objections and Withdrawals
201.40 Simultaneous Filings for the Same Office – Lottery

AUTHORITY: Implementing Articles 7, 8 and 10 of the Election Code [10 ILCS 5/Arts. 7, 8 and 10] and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; amended at 5 Ill. Reg. 14140, effective December 4, 1981; codified at 6 Ill. Reg. 7213; emergency amendment at 8 Ill. Reg. 24311, effective November 29, 1984, for a maximum of 150 days; amended at 30 Ill. Reg. _____, effective _____.

Section 201.10 Filing Times at the Office of the State Board of Elections

a) Petitions~~All petitions~~ for nomination to public office, including independent candidate petitions, and all petitions for nomination to political party office required by law to be filed with the State Board of Elections relating to offices to be filled~~filed~~ or for which party nominations are to be made at the general~~regular~~ Primary Election, shall be filed at the principal office of the State Board of Elections at 1020 South Spring Street, Springfield, Illinois 62704.

b) During the statutory filing period, petitions will be received at the principal office of the State Board of Elections from 8:00 a.m. until 5:00 p.m., Monday through Friday~~, and 8:00 a.m. until 12:00 noon on Saturday~~.

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

Section 201.30 Filing Times for Objections and Withdrawals

a) Objections to or withdrawals of nominating petitions filed with the State Board of Elections shall be received either in the principal office of the State Board of

Elections or at the permanent branch office at 100 W. Randolph, Suite 14-100, Chicago, Illinois 60601~~100 North LaSalle Street, Suite 300, Chicago, Illinois 60602,~~ within five business days after the last day of the statutory period during which such petitions for nomination shall be filed.

b) During the statutory period wherein objections and withdrawals shall be filed, objections and withdrawals will be received at the offices of the State Board of Elections from 8:00 a.m. until 5:00 p.m., Monday through Friday~~, and from 8:00 a.m. until 12:00 noon on Saturday, last day for filing objections or withdrawals~~.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: New Political Party Nominating Petitions

2) Code Citation: 26 Ill. Adm. Code 202

3)

Section Numbers:	Proposed Action:
202.10	Amendment
202.30	Amendment

4) Statutory Authority: Implementing Article 10 of the Election Code [10 ILCS 5/Art. 10] and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/1A-8(9)].

5) A Complete Description of the Subjects and Issues involved: Past experience has shown that a very small number of petitions and objections to petitions have been filed on Saturday. Therefore the State Board of Elections does not feel it is necessary to maintain business hours for the sole purpose of receiving such items on the Saturday that falls within the time period during which petitions and objections are filed.

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 any incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The rulemaking does not require expenditures by units of local government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication in the *Illinois Register* to:

Steven S. Sandvoss, Acting General Counsel
State Board of Elections
1020 S. Spring St.
PO Box 4187
Springfield IL 62708

217/557-9939
ssandvoss@elections.state.il.us

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was not anticipated at the time regulatory agendas were filed.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 202
NEW POLITICAL PARTY NOMINATING PETITIONS

Section
202.10 Filing Times at the Office of the State Board of Elections
202.20 Determination of Nominating Petition's Official Time of Filing
202.30 Filing Times for Objections and Withdrawals
202.40 Simultaneous Filings for the Same Office – Lottery
202.50 Nominating Petitions Filed with County Clerks

AUTHORITY: Implementing Article 10 of the Election Code [10 ILCS 5/Art. 10] and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; amended at 5 Ill. Reg. 14144, effective December 4, 1981; codified at 6 Ill. Reg. 7214; amended at 30 Ill. Reg. _____, effective _____.

Section 202.10 Filing Times at the Office of the State Board of Elections

a) All new political party petitions for the formation of such party and for the nomination of candidates to public office, ~~either statewide or in multi-county legislative, multi-county congressional and multi-county judicial districts or circuits, and independent petitions for trustees of either the University of Illinois or multi-county fire protection districts,~~ with regard to all~~the~~ General Elections~~Election~~ to be held on the first Tuesday after the first Monday in November of even numbered years, ~~7, 1978,~~ shall be filed at the principal office of the State Board of Elections, 1020 South Spring Street, Springfield, Illinois 62704.

b) During the statutory filing period, petitions will be received at the principal office of the State Board of Elections from 8:00 a.m. until 5:00 p.m., Monday through Friday~~, and 8:00 a.m. until 12:00 noon on Saturday, August 5, 1978~~.

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

Section 202.30 Filing Times for Objections and Withdrawals

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

a) Objections to or withdrawals of the new political party petitions filed with the State Board of Elections shall be received either in the principal office of the State Board of Elections or at the permanent branch office at 100 West Randolph, Suite 14-100, Chicago, Illinois 60601~~100 North LaSalle Street, Suite 300, Chicago, Illinois 60602,~~ within five business days after the last day of the statutory period during which new political party petitions for formation and nomination of candidates shall be filed.

b) During the statutory period wherein objections and withdrawals shall be filed, objections and withdrawals will be received at the offices of the State Board of Elections from 8:00 a.m. until 5:00 p.m., Monday through Friday~~, and from 8:00 a.m. until 12:00 noon on Saturday, last day for filing objections or withdrawals~~.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Licensing of Radioactive Material

2) Code Citation: 32 Ill. Adm. Code 330

3)

Section Numbers:	Proposed Action:
330.15	Amendment
330.20	New Section
330.200	Amendment
330.210	Amendment
330.220	Amendment
330.240	Amendment
330.260	Amendment
330.270	Amendment
330.280	Amendment
330.290	Amendment
330.310	Amendment
330.320	Amendment
330.325	New Section
330.330	Amendment
330.340	Amendment
330.900	Amendment
Appendix E	New Section

4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10].

5) A Complete Description of the subjects and issues involved: This rulemaking will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 35 regulations currently in place for medical use of radioactive materials. Agreement States such as Illinois are required to have these regulations in place by October 24, 2005. These regulations provide for radiation safety of workers, the general public and patients including patients involved in clinical trials of new products. New technical requirements include provisions for approval of emerging medical technologies, intravascular brachytherapy and gamma stereotactic radiosurgery. Quality assurance for these technologies is also specifically addressed.

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

7) Does this rulemaking contain an automatic repeal date? No

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

8) Does this rulemaking contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: The modifications in the proposed rulemaking are not expected to require medical providers or local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures.

11) Time, Place and Manner in which interested persons may comment on this rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Kevin T. McCLain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

(217) 524-0770 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not for profit corporations affected: The Department believes that this rulemaking will not affect small businesses, small municipalities, and not for profit corporations licensed to use radioactive material.

B) Reporting, bookkeeping or other procedures required for compliance: The Agency believes that this rulemaking will not significantly increase reporting, bookkeeping or procedures from those currently practiced by medical providers or local governments.

C) Types of professional skills necessary for compliance: None

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

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 330
LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

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330.10 Purpose and Scope
330.15 Incorporations by Reference
330.20 Definitions
330.30 License Exemption – Source Material
330.40 License Exemption – Radioactive Materials Other Than Source Material

SUBPART B: TYPES OF LICENSES

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330.200 Types of Licenses
330.210 General Licenses – Source Material
330.220 General Licenses – Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

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330.240 Filing Applications~~Application~~ for Specific Licenses
330.250 General Requirements for the Issuance of Specific Licenses
330.260 Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.270 Special Requirements for Specific Licenses of Broad Scope
330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.290 Requirements for Emergency Plans
330.300 Issuance of Specific Licenses
330.310 Terms and Conditions of Specific and General Licenses
330.320 Renewal Requirements for Specific~~Expiration and Termination of~~ Licenses
330.325 Termination Requirements for Specific Licenses and Locations of Use
330.330 Renewal of Licenses

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

330.340 Amendment of Licenses at Request of Licensee
330.350 Department Action on Application to Renew or Amend
330.360 Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
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330.APPENDIX D Limits for Broad Licenses (Section 330.270)
330.APPENDIX E List of Specialty Board Certifications Recognized by the Agency Until October 24, 2006~~Schedule E (Repealed)~~
330.APPENDIX F Schedule F (Repealed)
330.APPENDIX G Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
330.APPENDIX H Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. 5426, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 330.15 Incorporations by Reference

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

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

Section 330.20 Definitions

"Authorized nuclear pharmacist" means a pharmacist who:

Meets the requirements in Section 330.260(c)(18) and (c)(19) of this Part; or

Is identified as an authorized nuclear pharmacist on:

A specific license issued by the Nuclear Regulatory Commission or Agreement State that authorizes medical use or the practice of nuclear pharmacy;

A permit issued by a Nuclear Regulatory Commission master material licensee that authorizes medical use or the practice of nuclear pharmacy;

A permit issued by a Nuclear Regulatory Commission or Agreement State broad scope medical use licensee that authorizes medical use or the practice of nuclear pharmacy; or

A permit issued by a Nuclear Regulatory Commission master material license broad scope medical use permittee that authorizes medical use or the practice of nuclear pharmacy; or

Is identified as an authorized nuclear pharmacist by a commercial nuclear pharmacy that has been authorized to identify authorized nuclear pharmacists; or

Is designated as an authorized nuclear pharmacist in accordance with Section 330.260(c) of this Part.

"General license" *means a license*, as set forth in this Part and 32 Ill. Adm. Code 341, which is *effective without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, radioactive material* [420 ILCS 40/4(d)], although the filing of a certificate with the Agency may be required by the particular general license. The general licensee is subject to all other applicable portions of 32 Ill. Adm. Code: Chapter II and any limitations of the general license.

"Protective actions" means actions taken by members of the public to protect themselves from radiation from an incident involving radioactive material, which may include sheltering, evacuation, relocation, control of access, administration of radiation-protective drugs, decontamination of persons, decontamination of land or property, or control of food or water.

"Specific license" means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing, radioactive materials [420 ILCS 40/4(m)]. The licensee is subject to all applicable portions of 32 Ill. Adm. Code: Chapter II, as well as any limitations specified in the licensing document.

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

SUBPART B: TYPES OF LICENSES

Section 330.200 Types of Licenses

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Licenses for radioactive materials are of two types: general and specific.

~~a)~~ ~~"General license" *means a license*, as set forth in this Part and 32 Ill. Adm. Code 341, which is *effective without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, radioactive material* (Ill. Rev. Stat. 1991, ch. 111½, par. 210-4(d)) [420 ILCS 40/4(d)], although the filing of a certificate with the Department may be required by the particular general license. The general licensee is subject to all other applicable portions of 32 Ill. Adm. Code: Chapter II and any limitations of the general license.~~

~~b)~~ "~~Specific license" *means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing radioactive materials* (Ill. Rev. Stat. 1991, ch. 111½, par. 210-4(m)) [420 ILCS 40/4(m)]. The licensee is subject to all applicable portions of 32 Ill. Adm. Code : Chapter II as well as any limitations specified in the licensing document.~~

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

Section 330.210 General Licenses – Source Material

a) A general license is hereby issued authorizing commercial and industrial firms, research, educational and medical institutions, and State and local government agencies to use, possess and transfer not more than 6.82 kilograms (15 pounds) of source material at any one time for research, development, educational, commercial or operational purposes. A person authorized to use, possess or transfer source material, pursuant to this general license, may not receive more than a total of 68.2 kilograms (150 pounds) of source material in any 1 calendar year.

b) Persons who receive, possess, use or transfer source material pursuant to the general license issued in subsection (a) ~~above~~ are exempt from the provisions of 32 Ill. Adm. Code 340 and 400 to the extent that such receipt, possession, use or transfer is within the terms of such general license; provided, however, that this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to this Part.

c) A general license is hereby issued authorizing the receipt of title to source

material without regard to quantity. This general license does not authorize any person to receive, possess, use or transfer source material.

d) Depleted Uranium in Industrial Products and Devices

1) A general license is hereby issued to receive, acquire, possess, use or transfer, in accordance with the provisions of subsections (d)(2) through (5)~~ below~~, depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.

2) The general license in subsection (d)(1) ~~above~~ applies only to industrial products or devices which have been manufactured either in accordance with a specific license issued to the manufacturer of the products or devices pursuant to Section 330.280(l) of this Part or in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission or an Agreement State that~~which~~ authorizes manufacture of the products or devices for distribution to persons generally licensed by the U.S. Nuclear Regulatory Commission or an Agreement State.

3) Persons who receive, acquire, possess or use depleted uranium pursuant to the general license established by subsection (d)(1) ~~above~~ shall:

A) File the form, "Registration Certificate − Use of Depleted Uranium Under General License," with the Department. The form shall be submitted within 30 days after the first receipt or acquisition of such depleted uranium. The registrant shall furnish on the form "Registration Certificate – Use of Depleted Uranium Under General License," the following information:

i) Name and address of the registrant;

ii) A statement that the registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in subsection (d)(1) ~~above~~ and designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and

iii) Name and/or title, address and telephone number of the

individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in subsection (d)(3)(A)(ii) ~~above~~.

B) Report in writing to the Department any changes in information furnished by him in the form, "Registration Certificate − Use of Depleted Uranium Under General License." The report shall be submitted within 30 days after the effective date of such change.

4) A person who receives, acquires, possesses or uses depleted uranium pursuant to the general license established by subsection (d)(1) ~~above~~:

A) Shall not introduce such depleted uranium, in any form, into a chemical, physical or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium;

B) Shall not abandon such depleted uranium;

C) Shall transfer or dispose of such depleted uranium only by transfer in accordance with the provisions of Section 330.400 of this Part. In the case where the transferee receives the depleted uranium pursuant to the general license established by subsection (d)(1) ~~above~~, the transferor shall furnish the transferee a copy of this Part and a copy of the form, "Registration Certificate – Use of Depleted Uranium Under General License". In the case where the transferee receives the depleted uranium pursuant to a general license contained in the U.S. Nuclear Regulatory Commission's regulation 10 CFR 40.25(a) or Agreement State's regulation equivalent to subsection (d)(1) ~~above~~, the transferor shall furnish the transferee a copy of this Part and a copy of the form, "Registration Certificate − Use of Depleted Uranium Under General License", accompanied by a note explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or Agreement State under requirements substantially the same as those in this Part;

D) Within 30 days after~~of~~ any transfer, shall report in writing to the Agency~~Department~~ the name and address of the person receiving the depleted uranium pursuant to such transfer; and

E) Shall not export such depleted uranium except in accordance with a license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 110.

5) Any person receiving, acquiring, possessing, using or transferring depleted uranium pursuant to the general license established by subsection (d)(1) ~~above~~ is exempt from the requirements of 32 Ill. Adm. Code 340 and 400 with respect to the depleted uranium covered by that general license.

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

Section 330.220 General Licenses − Radioactive Material Other Than Source Material

a) Certain Devices and Equipment~~.~~

1) A general license is hereby issued to transfer, receive, acquire, possess and use radioactive material incorporated in the following devices or equipment that has been manufactured, tested and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission for use pursuant to 10 CFR 31.3. This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341, 400 and Sections 330.40(a)(2), 330.310, 330.400 and 330.500 of this Part.

AGENCY NOTE: Attention is directed particularly to the provisions of 32 Ill. Adm. Code 340 that relate to the labeling of containers.

2~~1~~) Static Elimination Device. Devices designed for use as static eliminators that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 microCi) of polonium-210 per device.

~~2) Ion Generating Tube. Devices designed for ionization of air that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 microCi) of polonium-210 per device or a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.~~

b) Certain Measuring, Gauging or Controlling Devices and Certain Devices for Producing Light or an Ionized Atmosphere

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1) A general license is hereby issued to commercial and industrial firms and to research, educational and medical institutions, individuals in the conduct of their business and State or local government agencies to receive, acquire, possess, use or transfer, in accordance with the provisions of subsections (b)(2) through (94) of this Section, radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

2) The general license provided by ~~in~~ subsection (b)(1) of this Section applies only to radioactive material contained in devices that have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued by the Agency~~Department~~ pursuant to Section 330.280(d) of this Part or in accordance with the specifications contained in an equivalent~~a~~ specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State that authorizes distribution of devices to persons generally licensed by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. The devices shall have been received from a specific licensee described in subsection (b)(2) of this Section or through a transfer made under subsection (b)(3)(L) of this Section.

AGENCY NOTE: Regulations under the Federal Food, Drug and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling that is found in 21 CFR 179.21.

3) Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license described in subsection (b)(1) of this Section:

A) Shall assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, are maintained on the device and shall comply with all instructions and precautions provided by such labels;

B) Shall assure that the device is tested for leakage of, or contamination by, radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than 6-month intervals or at such other intervals as are specified on~~in~~ the device labels ~~label~~; however:

i) A device~~Devices~~ containing only krypton need not be tested for leakage of, or contamination by, radioactive material; and

ii) A device~~Devices~~ containing only tritium or not more than 3.7 MBq (100 microCi) of other beta and/or gamma emitting material or 370 kBq (10 microCi) of alpha emitting material or a device~~and devices~~ held in storage in the original shipping container prior to initial installation need not be tested for any purpose;

C) Shall assure that testing (including testing required by subsection (b)(3)(B) of this Section), installation, servicing and removal from installation involving the radioactive material, its shielding or containment is performed:

i) In accordance with the instructions provided by the labels; or

ii) By a person holding an applicable specific license from the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such activities;

D) Shall maintain records showing compliance with the requirements of subsections (b)(3)(B), ~~and~~ (C) and (H) and (b)(6)(B) of this Section. The records shall show the results of tests. The records shall also show the dates of performance of, and the names of persons performing, physical inventories, testing, installation, servicing and removal from installation of radioactive material or its shielding or containment. Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license provided by subsection (b)(1) of this Section shall retain these records as follows:~~concerning the~~

~~installation, testing for leakage or contamination, servicing and removal of radioactive material, its shielding or containment. The records also shall show the dates of performance of and the names of persons performing these tests. Records of tests for leakage of, or contamination by, radioactive material required by subsection (b)(3)(B) of this Section shall be maintained for 1 year after the next required test for leakage or contamination is performed or until the sealed source is transferred or disposed of. Records of tests of the on-off mechanism and indicator required by subsection (b)(3)(B) of this Section shall be maintained for 1 year after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of. Records required by subsection (b)(3)(C) of this Section, other than records of tests for leakage of, or contamination by, radioactive material, shall be maintained for a period of 2 years from the date of the recorded event or until the device is transferred or disposed of;~~

i) A record of a test of an on-off mechanism and indicator or a test for leakage or contamination performed in accordance with subsection (b)(3)(B) of this Section shall be retained for 5 years after the next required test is performed or until the device is transferred or disposed of; and

ii) A record of testing, installation, servicing or removal from installation performed in accordance with subsection (b)(3)(C) of this Section shall be retained for 5 years from the date of the recorded event or until the device is transferred or disposed of; and

iii) A record of transfer or disposal of a device in accordance with subsection (b)(3)(H) of this Section shall be retained for 5 years from the date of the recorded event; and

AGENCY NOTE: Note that this record must be retained after transfer of the device.

iv) A record of a quarterly physical inventory performed in accordance with subsection (b)(6)(B) of this Section shall

be retained for 5 years after the next required test is performed or until the device is transferred or disposed of;

E) Shall immediately suspend operation of the device if there is~~Upon the occurrence of~~ a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 185 Bq (5 µCi~~nCi~~) or more removable radioactive material. The device shall not be operated~~, shall immediately suspend operation of the device~~ until it has been repaired by the manufacturer or other person holding an applicable specific license from the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to repair such devices. The device and any radioactive material from the device shall be~~, or~~ disposed of only by transfer to a person authorized by an applicable specific license to receive the radioactive material ~~contained~~ in the device or as otherwise approved by the Agency. A~~and, within 30 days, furnish to the Department a~~ report containing a brief description of the event and the remedial action taken shall be furnished to the Agency within 30 days. As applicable, the following shall also be furnished to the Agency:~~;~~

i) A report within 5 days (as required by 32 Ill. Adm. Code 340.1260) if detection of 185 Bq (5 µCi~~uCi~~) or more removable radioactive material indicates that a sealed source is leaking or contaminated; and

ii) A plan within 30 days for ensuring that the person's premises and environs are acceptable for unrestricted use if 185 Bq (5 µCi~~uCi~~) or more removable radioactive material is detected on the device or failure of or damage to a source is likely to result in contamination of the premises or the environs;

F) Shall not abandon the device containing radioactive material;

G) Shall not export the device containing radioactive material except in accordance with 10 CFR 110, as applicable, effective July 21, 2005, exclusive of subsequent amendments or editions~~Except as~~

~~provided in subsection (b)(3)(H) of this Section, shall transfer or dispose of the device containing radioactive material only by transfer to a specific licensee of the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State whose specific license authorizes him to receive the device and, within 30 days after transfer of a device to a specific licensee shall furnish to the Department a report containing identification of the device by manufacturer's name and model number and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device~~;

H) Shall transfer or dispose of the device containing radioactive material only~~to another general licensee only~~:

i) By export as provided by subsection (b)(3)(G) of this Section~~Where the device remains in use at a particular location. In such case the transferor shall give the transferee a copy of subsection (b) of this Section and any safety documents identified in the label on the device and, within 30 days after the transfer, report to the Department the manufacturer's name and model number of device transferred, the name and address of the transferee and the name and/or position of an individual who may constitute a point of contact between the Department and the transferee~~; ~~or~~

ii) By transfer to another general licensee as provided by subsection (b)(3)(L) of this Section~~Where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee~~;

iii) By transfer to a person authorized to receive the device by a specific license issued by the Agency pursuant to Section 330.280(d) of this Part or an equivalent specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State;

iv) By transfer to a person authorized to perform waste collection by a specific license issued by the Agency, the

U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

v) As approved under subsection (b)(3)(K) of this Section;

I) Shall furnish a written report to~~notify~~ the Agency within ~~Department in writing no later than~~ 30 days after transferring or disposing of the~~receiving a~~ device containing radioactive material. Such notification shall include:

i) The identification of the device by manufacturer's (or initial transferor's name, model and serial number~~name and mailing address of the general licensee~~;

ii) The name, address and license number of the transferee (license number not applicable if exported)~~Information about the device, including the manufacturer, model, serial number, date of receipt, location of use within the radiation installation, and radionuclides and activities within the device~~;

~~iii) Addresses at which devices are used or stored; and~~

iii~~iv~~) A receipt from the transferee showing the serial number of the device and the date that it was received (not applicable if exported)~~The name and telephone number of an individual responsible for having knowledge of the applicable regulations and the authority to take required actions to achieve compliance. The appointment of a responsible individual does not relieve the general licensee of its responsibility to ensure compliance with the regulations~~;

J) Shall maintain a record of the transfer or disposal of the device as required by subsection (b)(3)(D)(iii) of this Section~~report changes in the information submitted pursuant to subsection (b)(3)(I) of this Section. Changes shall be reported within 30 days after they occur~~;

K) Shall obtain written approval from the Agency before transferring

the device to a transferee not identified in subsections (b)(3)(H)(i) through (iv) of this Section;~~comply with the provisions of 32 Ill. Adm. Code 340.1205, 340.1210, 340.1220 and 340.1260 for reporting radiation incidents, theft, loss, leakage of, or contamination by, licensed material, but shall be exempt from the other requirements of 32 Ill. Adm. Code 340 and 400.~~

L) Shall transfer the device to another general licensee only if:

i) The device remains in use at a particular location. In such case the transferor shall give the transferee a copy of subsection (b) of this Section, a copy of 32 Ill. Adm. Code 310.40, 310.80, 330.310, 330.500, 340.1210, 340.1220, 340.1260 and any safety documents identified in the device labels; or

ii) The device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use;

M) Shall furnish a report to the Agency within 30 days after transferring a device containing radioactive material as provided by subsection (b)(3)(L)(i) of this Section. Such notification shall include:

i) The identification of the device by manufacturer's (or initial transferor's) name, model and serial number;

ii) The transferee's name and mailing address;

iii) The address of the transferee's location of use or storage of the device; and

iv) The name, title and phone number of the responsible individual identified by the transferee in accordance with subsection (b)(3)(N) of this Section to have knowledge of, and authority to take actions to ensure compliance with, the appropriate regulations and requirements;

N) Shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard.

4) Any person who receives, acquires, possesses or uses a device identified in subsection (b)(4)(A) of this Section shall register with the Agency in accordance with subsection (b)(4)(B) of this Section:~~An out-of-state general licensee or other person from out-of-state shall notify the Department in writing prior to transporting a device into Illinois. The notification shall include the proposed locations and periods of possession. The notification shall also include the information required by subsection (b)(3)(I) of this Section, except that the date of receipt of a device and its location within a radiation installation need not be reported. The out-of-state person shall report proposed changes in the notification information previously submitted under this subsection (b)(4) before the changes occur.~~

A) A person shall register with the Agency if the person receives, acquires, possesses or uses any of the following devices pursuant to the general license described in subsection (b)(1) of this Section:

i) An electron capture detector, gauge or x-ray fluorescence analyzer containing a sealed source equal to or greater than 37 MBq (1 mCi) of radioactive material;

ii) A device containing a sealed source equal to or greater than 3.7 MBq (100 µCi) of strontium-90; or

iii) A static control or measuring device containing a sealed source equal to or greater than 37 MBq (1 mCi) of radioactive material other than polonium-210;

B) A person shall register with the Agency no later than 30 days after receiving a device identified in subsection (b)(4)(A) of this Section. Registration information shall be in a format prescribed by the Agency and furnished in accordance with subsection

(b)(4)(C) of this Section;

C) When registering with the Agency, a person shall furnish the following and any other information requested by the Agency to track the location and use of a device:

i) The name and mailing address of the person;

ii) The name, title and phone number of the responsible individual designated by the person in accordance with subsection (b)(3)(N) of this Section as having knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements;

iii) Information about each device meeting the criteria of subsection (b)(4)(A) of this Section. This information shall include the manufacturer (or initial transferor), model, serial number, radionuclide and activity as indicated on the labels, the location of the device within the radiation installation, and the calendar quarter and year the person received the device;

iv) The addresses of the locations of use or storage of the devices reported under subsection (b)(4)(C)(iii) of this Section;

AGENCY NOTE: For portable devices, these are the addresses of the primary places of storage.

v) Certification by the responsible individual that the information about devices was verified through a physical inventory and examination of label information; and

vi) Certification by the responsible individual that the general licensee is aware of the requirements of the general license;

AGENCY NOTE: Fee requirements for general licenses are in 32 Ill. Adm. Code 331. Reporting requirements are in Section 330.310(b) of this Part, and bankruptcy

notification requirements are in Section 330.310(j) of this Part.

D) Any person who is required by subsection (b)(4) of this Section to register with the Agency shall report a change in mailing address or address of location of use or storage. This report shall be furnished to the Agency within 30 days after the change.

AGENCY NOTE: For portable devices, this is the address of the primary place of storage.

5) A person from out of state who is generally licensed by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State with respect to a device identified in subsection (b)(4)(A) of this Section is exempt from the registration requirement in subsection (b)(4) of this Section if the device is used in areas subject to Agency jurisdiction for a period less than 180 days in any calendar year.

6) Any person who receives, acquires, possesses or uses radioactive material in a device under the general license described in subsection (b)(1) of this Section shall limit storage of a device that is not in use to a maximum of 2 years.

A) If a device with a shutter is not being used, the shutter shall be locked in the closed position. Testing for proper operation of the on-off mechanism and indicator is not required during the storage period. However, the on-off mechanism and indicator shall be checked before the device is returned to service if the device has not been tested within the required test interval. Tests for leakage of, or contamination by, radioactive material shall be conducted during the storage interval as required by subsection (b)(3)(B) of this Section.

B) A device kept in standby for future use is exempt from the 2-year storage limit if the person performs a quarterly physical inventory of the device while it is in standby. The requirements and exemption of subsection (b)(6)(A) of this Section shall apply.

AGENCY NOTE: Record keeping requirements are contained in subsection (b)(3)(D) of this Section.

7) Failure of any person to comply with the requirements of subsection (b) of this Section may cause the Agency to impose civil penalties in accordance with 420 ILCS 40/36 and 32 Ill. Adm. Code 200.

8~~5~~) The general license described in subsection (b)(1) of this Section does not authorize the manufacture of devices containing radioactive material.

9~~6~~) The general license described~~provided~~ in subsection (b)(1) of this Section is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 326, 331, 340.1210, 340.1220, 340.1260, and 341 and Sections 330.310~~,~~ ~~330.400~~ and 330.500 of this Part. Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license described in subsection (b)(1) of this Section is exempt from the requirements of 32 Ill. Adm. Code 400 and 340 except for the Sections of 32 Ill. Adm. Code 340 specifically identified in subsections (b)(3)(E) and (b)(9) of this Section.

c) Luminous Safety Devices for Aircraft

1) A general license is hereby issued to receive, acquire, possess and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:

A) Each device contains not more than 370 GBq (10 Ci) of tritium or 11.1 GBq (300 mCi) of promethium-147; and

B) Each device has been manufactured, assembled or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in 10 CFR 32.53 published January 1, 1998, exclusive of subsequent amendments or editions.

2) Persons who receive, acquire, possess or use luminous safety devices pursuant to the general license in subsection (c)(1) of this Section are exempt from the requirements of 32 Ill. Adm. Code 340 and 400, except that they shall comply with the provisions of 32 Ill. Adm. Code 340.1210

and 340.1220.

3) This general license does not authorize the manufacture, assembly or repair of luminous safety devices containing tritium or promethium-147.

4) This general license does not authorize the receipt, acquisition, possession or use of promethium-147 contained in instrument dials.

5) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 341 and Sections 330.310, 330.400 and 330.500 of this Part.

d) Ownership of Radioactive Material. A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this Part, this general license does not authorize the manufacture, production, transfer, receipt, possession or use of radioactive material.

e) Calibration and References Sources

1) A general license is hereby issued to those persons listed below to receive, acquire, possess, use and transfer, in accordance with the provisions of subsections (e)(4) and (5) of this Section, americium-241 in the form of calibration or reference sources:

A) Any person who holds a specific license issued by the Agency~~Department~~ that authorizes the licensee~~him~~ to receive, possess, use and transfer radioactive material; and

B) Any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission that authorizes the licensee~~him~~ to receive, possess, use and transfer special nuclear material.

2) A general license is hereby issued to receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of subsections (e)(4) and (5) of this Section to any person who holds a specific license issued by the Agency~~Department~~ that authorizes the licensee~~him~~ to receive, possess, use and transfer radioactive material.

3) A general license is hereby issued to receive, possess, use and transfer

radium-226 in the form of calibration or reference sources in accordance with the provisions of subsections (e)(4) and (5) of this Section to any person who holds a specific license issued by the Agency~~Department~~ that authorizes the licensee~~him~~ to receive, possess, use and transfer radioactive material.

4) The general licenses in subsections (e)(1) through (3) of this Section apply only to calibration or reference sources that have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.57 or 70.39, or that have been manufactured in accordance with the specifications contained in a specific license issued by the Agency~~Department~~, an Agreement State or a Licensing State pursuant to licensing requirements equivalent to those contained in 10 CFR 32.57 or 70.39, published January 1, 1998, exclusive of subsequent amendments or editions.

5) The general licenses provided in subsections (e)(1) through (3) of this Section are subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341, 400 and Sections 330.310, 330.400 and 330.500 of this Part. In addition, persons who receive, acquire, possess, use or transfer one or more calibration or reference sources pursuant to these general licenses:

A) Shall not possess at any one time, at any one location of storage or use, more than 185 kBq (5 µ~~micro~~Ci) of americium-241, 185 kBq (5 µ~~micro~~Ci) of plutonium or 185 kBq (5 µ~~micro~~Ci) of radium-226 in such sources;

B) Shall not receive, possess, use or transfer such source unless the source, or the storage container, bears a label that includes one of the following statements, as appropriate, or a statement that contains the information called for in one of the following statements, as appropriate:

i) The receipt, possession, use and transfer of this source, Model ___ , Serial No. _____, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory

authority. Do not remove this label.

CAUTION – RADIOACTIVE MATERIAL – THIS SOURCE CONTAINS (AMERICIUM-241) (PLUTONIUM). DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

_____
Name of Manufacturer or Importer

AGENCY NOTE: Showing only the name of the appropriate material.

ii) The receipt, possession, use and transfer of this source, Model ___ , Serial No. _____, are subject to a general license and the regulations of a Licensing State. Do not remove this label.

CAUTION – RADIOACTIVE MATERIAL – THIS SOURCE CONTAINS RADIUM-226. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

_____
Name of Manufacturer or Importer

C) Shall not transfer, abandon or dispose of the source except by transfer to a person authorized by a license from the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to receive the source;

D) Shall store the source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium or radium-226 that might otherwise escape during storage; and

E) Shall not use the source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

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6) These general licenses do not authorize the manufacture of calibration or reference sources containing americium-241, plutonium or radium-226.

f) General License for Use of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing

AGENCY NOTE: The New Drug provisions of the Federal Food, Drug and Cosmetic Act also govern the availability and use of any specific diagnostic drugs in interstate commerce.

1) A general license is hereby issued to any physician, veterinarian, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for any of the following stated tests, in accordance with the provisions of subsections (f)(2) through (6) of this Section, the following radioactive materials in prepackaged units for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals:

A) Carbon-14, in units not exceeding 370 kBq (10 μ ~~micro~~Ci) each.

B) Cobalt-57, in units not exceeding 370 kBq (10 μ ~~micro~~Ci) each.

C) Hydrogen-3 (tritium), in units not exceeding 1.85 MBq (50 μ ~~micro~~Ci) each.

D) Iodine-125, in units not exceeding 370 kBq (10 μ ~~micro~~Ci) each.

E) Mock iodine-125 reference or calibration sources, in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each.

F) Iodine-131, in units not exceeding 370 kBq (10 μ ~~micro~~Ci) each.

G) Iron-59, in units not exceeding 740 kBq (20 μ ~~micro~~Ci) each.

H) Selenium-75, in units not exceeding 370 kBq (10 μ ~~micro~~Ci) each.

2) No person shall receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by subsection (f)(1) of this Section until he has filed the Agency~~Department~~ form entitled

"Certificate – In Vitro Testing with Radioactive Material Under General License", with the Agency~~Department~~ and received from the Agency~~Department~~ a validated copy of the form with certification number assigned. No person shall transfer a validated copy of the form to another person without prior written consent of the Agency~~Department~~. The following information shall be furnished to the Agency~~Department~~ on the form entitled "Certificate – In Vitro Testing with Radioactive Material Under General License":

A) Name and address of the physician, veterinarian, clinical laboratory or hospital;

B) The location of use; and

C) A statement that the physician, veterinarian, clinical laboratory or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in subsection (f)(1) of this Section and that such tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.

3) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by subsection (f)(1) of this Section shall comply with the following:

A) The general licensee shall not possess at any one time, pursuant to the general license in subsection (f)(1) of this Section, at any one location of storage, or use a total amount of iodine-125, iodine-131, selenium-75, iron-59 and/or cobalt-57 in excess of 7.4 MBq (200 μ ~~micro~~Ci).

B) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.

C) The general licensee shall use the radioactive material only for the uses authorized by subsection (f)(1) of this Section.

D) The general licensee shall not transfer the radioactive material to a

person who is not authorized to receive it pursuant to a license issued by the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.

E) The general licensee shall dispose of the mock iodine-125 reference or calibration sources described in subsection (f)(1)(E) of this Section as required by 32 Ill. Adm. Code 340.1010(a).

4) The general licensee shall not receive, acquire, possess or use radioactive material pursuant to subsection (f)(1) of this Section:

A) Except as prepackaged units that are labeled in accordance with the provisions of an applicable specific license issued pursuant to Section 330.280(g) of this Part or in accordance with the provisions of a specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State that authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57 or mock iodine-125 to persons generally licensed under subsection (f) of this Section or its equivalent; and

B) Unless one of the following statements, as appropriate, or a statement that contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:

i) This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

_____
Name of Manufacturer

ii) This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.

_____
Name of Manufacturer

5) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the general license of subsection (f)(1) of this Section shall report in writing to the Agency~~Department~~, any changes in the information furnished by the licensee~~him~~ in the "Certificate – In Vitro Testing with Radioactive Material Under General License", Agency~~Department~~ Form KLM.006. The report shall be furnished within 30 days after the effective date of the change.

~~6) Any person using radioactive material pursuant to the general license of subsection (f)(1) of this Section is exempt from the requirements of 32 Ill. Adm. Code 340 and 400 with respect to radioactive material covered by that general license, except that persons using the mock iodine-125 described in subsection (f)(1)(E) of this Section shall comply with the provisions of 32 Ill. Adm. Code 340.1010(a), 340.1205, 340.1210 and 340.1220.~~

6~~7~~) This general license is subject to the provisions of 32 Ill. Adm. Code 310 and 331.

g) Ice Detection Devices

1) A general license is hereby issued to receive, acquire, possess, use and transfer strontium-90 contained in ice detection devices, provided each device contains not more than 1.85 MBq (50 µ~~micro~~Ci) of strontium-90

and each device has been manufactured or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or each device has been manufactured or initially transferred in accordance with the specifications contained in a specific license issued by the Agency~~Department~~ or an Agreement State to the manufacturer of the device pursuant to licensing requirements equivalent to those in 10 CFR 32.61.

2) Persons who receive, acquire, possess, use or transfer strontium-90 contained in ice detection devices pursuant to the general license in subsection (g)(1) of this Section:

A) Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage or contamination and repaired by a person holding a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State to manufacture or service those devices; or shall dispose of the device pursuant to the provisions of 32 Ill. Adm. Code 340.1010(a);

B) Shall assure that all labels affixed to the device at the time of receipt, and that bear a statement that prohibits removal of the labels, are maintained on the device; and

C) Are exempt from the requirements of 32 Ill. Adm. Code 340 and 400 except that such persons shall comply with the provisions of 32 Ill. Adm. Code 340.1010(a), 340.1210, 340.1220 and 340.1260.

3) This general license does not authorize the manufacture, assembly, disassembly or repair of strontium-90 in ice detection devices.

4) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 341 and Sections 330.310, 330.400 and 330.500 of this Part.

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

SUBPART C: SPECIFIC LICENSES

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 330.240 Filing Applications~~Application~~ for Specific Licenses

a) Application requirements:

1) Applications for the issuance, renewal or amendment of specific licenses shall be filed in duplicate and in English~~on forms prescribed by the Department~~.

2)~~b)~~ Applications for initial issuance, amendment and renewal of specific licenses shall be in the format prescribed by the Agency. Each application filed shall be complete with all requested information submitted, including all applicable attachments. The Agency may at any time after the filing of the original application, and before the expiration or termination of the license, require further statements from the applicant or licensee to enable the Agency to determine whether the application should be granted or denied or whether an existing license should be modified or revoked in accordance with Section 330.500 of this Part.~~The Department may at any time after the filing of the original application, and before the expiration or termination of the license, require further statements in order to enable the Department to determine whether the application should be granted or denied or whether an existing license should be modified or revoked.~~

3) Each application shall include all information required by this Part and any other Parts of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, applicable to the requested authorizations.

4) An application may incorporate by reference information contained in previous applications, statements or reports filed with the Agency, provided such references are clear and specific.

5)~~c)~~ Each application and each request for amendment shall be signed by the applicant, ~~or~~ licensee, or a person duly authorized in writing to act for and on the licensee or applicant's~~his~~ behalf.

6) Each application shall identify the radiation safety officer. The proposed activities shall be under the same administrative control for radiation safety purposes and the same radiation protection program.

7)~~d)~~ An application may ~~include a~~ request authority to receive, possess, utilize, manufacture, distribute, transfer, own or acquire radioactive material or

devices or equipment utilizing or producing radioactive materials. The request can include one or more of these activities.~~for a license authorizing one or more activities. The Department will not grant the request if the proposed activities are not under the control of the same facility, administrator and radiation safety officer. In addition, when evaluating the request, the Department will consider complexity, similarity and proximity of the proposed activities.~~

8)~~e)~~ An application for a specific license to authorize receipt, possession or use of radioactive material in the form of a sealed source or in a device that contains a sealed source shall either:~~In the application, the applicant may incorporate by reference information contained in previous applications, statements or reports filed with the Department provided such references are clear and specific.~~

A) Identify the sealed source or device that contains a sealed source by manufacturer and model as filed in an evaluation sheet in the "Registry of Radioactive Sealed Sources and Devices" maintained by the U.S. Nuclear Regulatory Commission; or

B) Contain the information identified in Section 330.280(m) of this Part.

9) For each location to be listed on the license as an authorized use location, the applicant shall submit:

A) A statement that the applicant owns the facility where radioactive material is used or stored; or

B) A copy of a certified letter sent to the facility owner or authorized representative of the owner informing the owner that radioactive material is being or will be used or stored at the facility; or

C) A copy of a letter or statement from the facility owner or authorized representative of the owner indicating that the owner is aware that radioactive material is being used or will be used or stored at the facility.

AGENCY NOTE: The Act requires the Agency to provide written notice to a municipality of an application for a new license for a

fixed location facility or a license amendment for a new location for a facility.

10) The applicant shall ensure that all applicable fees specified in 32 Ill. Adm. Code 331 are paid in full when due.

11) The applicant shall address the Emergency Plan requirements of Section 330.250(e) of this Part, when applicable.

b) Review of application. When evaluating an application or request for amendment, the Agency shall consider:

1) The completeness of the application;

2) The complexity, similarity and proximity of the proposed activities;

3) The radiation protection program proposed by the applicant to ensure the protection of the licensee's personnel, the public and the environment;

4) The qualifications and experience of the applicant's proposed Radiation Safety Officer and authorized users; and

5) The applicant's history of compliance.

c~~f~~) Public access to information. Public inspection of applications and other documents submitted to the Agency~~Department~~ pursuant to this Section shall be in accordance with 2 Ill. Adm. Code 1076 and the requirements of the Freedom of Information Act ~~(Ill. Rev. Stat. 1991, ch. 116, par. 201 et seq.)~~[5 ILCS 140].

~~g) An application for a specific license to authorize receipt, possession or use of radioactive material in the form of a sealed source or in a device that contains a sealed source shall either:~~

~~1) Identify the sealed source or device that contains a sealed source by manufacturer and model number as filed in an evaluation sheet in the U.S. Department of Health and Human Services "Radioactive Material Reference Manual" or in the U.S. Nuclear Regulatory Commission~~ "Registry of Radioactive Sealed Sources and Devices"; or

~~2) Contain the information identified in Section 330.280(m).~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

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

Section 330.260 Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials

a) Specific Licenses to Medical Institutions for Human Use of Radioactive Material. A specific license allowing a medical institution to use radioactive material for medical diagnosis, medical therapy, or medical research involving humans shall be issued only if the applicant has met the requirements of this Part and 32 Ill. Adm. Code 335.

b) Specific Licenses to Individual Physicians for Human Use of Radioactive Material. An application by an individual physician or group of physicians for a specific license for human use of radioactive material shall be approved only if:

1) The applicant satisfies the general requirements specified in this Part;

2) The application is for use in the applicant's practice in an office outside a medical institution; and

3) The applicant has met the requirements of 32 Ill. Adm. Code 335.

c) Specific Licenses for Distribution or Transfer of Radiopharmaceuticals. In addition to the requirements set forth in this Part, persons licensed by the Agency ~~Department~~ for manufacture, preparation, or transfer for commercial distribution of radiopharmaceuticals containing radioactive material for medical use under 32 Ill. Adm. Code 335 shall meet the following additional requirements:~~for distribution or transfer of radiopharmaceuticals shall meet the following additional requirements:~~

1) The applicant satisfies the general requirements specified in Section 330.250 of this Part;~~Radiopharmaceuticals dispensed, distributed or transferred for human use shall be either:~~

~~A) Repackaged from prepared radiopharmaceuticals that have been approved by the U.S. Food and Drug Administration (FDA) for medical use as defined in 32 Ill. Adm. Code 335.20; or~~

~~B) Prepared from generators and reagent kits that have been approved~~

~~by the FDA for medical use, or are subject to the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] or the Pharmacy Practice Act of 1987 [225 ILCS 85].~~

2) The applicant submits information showing that:

A) The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act; or

B) The manufacture and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;

~~The licensee shall perform radiometric tests for molybdenum breakthrough upon each elution of a molybdenum-99/technetium-99m generator in accordance with the requirements of 32 Ill. Adm. Code 335.~~

3) The applicant submits information on the radionuclide, chemical and physical form, packaging, including maximum activity per package, and shielding provided by the packaging of the radioactive material that is appropriate for safe handling and storage of radiopharmaceuticals by specific licensees;~~The licensee may distribute in vitro test kits to customers but shall neither remove any package insert nor violate the packaging.~~

4) The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, activity and activity assay date and the label affixed to each package, or the leaflet or brochure that accompanies each package, contains a statement that the radiopharmaceutical is licensed by the Agency for distribution to persons licensed pursuant to subsection (a) of this Section for radioactive material specified in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010, as appropriate, or under equivalent licenses of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. The labels, leaflets or brochures required by this subsection (c)(4) are in addition to the labeling required by the U.S. Food and Drug Administration (FDA) and may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA;~~The licensee shall report to the Department, within 10~~

~~days of occurrence, any irregularities pertaining to identification, labeling, quality or assay of any radiopharmaceutical received under the authority of this license.~~

5) The applicant submits information on the radionuclide; the chemical and physical form; the maximum activity per vial, syringe, generator, or other container of the radioactive drug; and the shielding provided by the packaging to show it is appropriate for the safe handling and storage of the radioactive drugs by medical use licensees; ~~For licensees authorized to dispense radiopharmaceuticals (such as nuclear pharmacies), the licensee shall ensure radiopharmaceuticals are dispensed only under the prescription of a physician who is authorized in a specific license to use the radiopharmaceuticals. The licensee shall maintain a copy of the recipient's radioactive material license and shall verify that the physician is authorized to receive the prescribed radiopharmaceutical prior to transfer.~~

6) The applicant satisfies the following labeling requirements:

A) A label is affixed to each transport radiation shield, whether it is constructed of lead, glass, plastic, or other material, of a radioactive drug to be transferred for commercial distribution. The label must include the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL"; the name of the radioactive drug or its abbreviation; and the quantity of radioactivity at a specified date and time. For radioactive drugs with a half life greater than 100 days, the time may be omitted.

B) A label is affixed to each syringe, vial, or other container used to hold a radioactive drug to be transferred for commercial distribution. The label must include the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL" and an identifier that ensures that the syringe, vial, or other container can be correlated with the information on the transport radiation shield label;

7) A licensee shall possess and use instrumentation to measure the radioactivity of radioactive drugs. The licensee shall have procedures for use of the instrumentation. The licensee shall measure, by direct

measurement or by combination of measurements and calculations, the amount of radioactivity in dosages of alpha-, beta-, or photon-emitting radioactive drugs prior to transfer for commercial distribution. In addition, the licensee shall:

A) Perform tests, before initial use, periodically, and following repair, on each instrument for accuracy, linearity, and geometry dependence, as appropriate for the use of the instrument and make adjustments when necessary; and

B) Check each instrument for constancy and proper operation at the beginning of each day of use;

8) Nothing in this Section relieves the licensee from complying with applicable FDA, other Federal and State requirements governing radioactive drugs;

9) Radiopharmaceuticals dispensed, distributed or transferred for human use shall be either:

A) Repackaged from prepared radiopharmaceuticals that have been approved by the FDA for medical use as defined in 32 Ill. Adm. Code 335.20; or

B) Prepared from generators and reagent kits that have been approved by the FDA for medical use, or are subject to the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] or the Pharmacy Practice Act of 1987 [225 ILCS 85];

10) The licensee shall perform radiometric tests for molybdenum breakthrough for the first elute of a molybdenum-99/technetium-99m generator following transfer in accordance with the requirements of 32 Ill. Adm. Code 335;

11) The licensee may distribute in vitro test kits to customers but shall neither remove any package insert nor violate the packaging;

12) The licensee shall report to the Agency, within 10 days after occurrence, any irregularities pertaining to identification, labeling, quality or assay of any radiopharmaceuticals received under the authority of this license;

13) For licensees authorized to dispense radiopharmaceuticals (such as nuclear pharmacies), the licensee shall ensure radiopharmaceuticals are dispensed only under the prescription of a physician who is authorized in a specific license to use the radiopharmaceuticals. The licensee shall maintain a copy of the recipient's radioactive material license and shall verify that the physician is authorized to receive the prescribed radiopharmaceutical prior to transfer;

14) A licensee shall apply for and must receive a license amendment before it receives, prepares, or uses radioactive material for a type of use that is permitted under this Part, but that is not authorized on the licensee's current license issued under this Part;

15) Individuals Under Supervision of an Authorized Nuclear Pharmacist

A) A licensee that permits the preparation of radioactive material for medical use by an individual under the supervision of an authorized nuclear pharmacist who is an authorized user shall:

i) In addition to the requirements in 32 Ill. Adm. Code 400.120, instruct the supervised individual in the preparation of radiopharmaceutical material for medical use, as appropriate to that individual's involvement with radioactive material; and

ii) Require the supervised individual to follow the instructions of the supervising authorized nuclear pharmacist regarding the preparation of radioactive material for medical use, written radiation protection procedures established by the licensee, the regulations of this Section, and license conditions.

B) A licensee that permits supervised activities under of this subsection (c)(15) is responsible for the acts and omissions of the supervised individual;

16) A licensee shall apply for and must receive a license amendment identifying an experienced nuclear pharmacist as an authorized nuclear

pharmacist before it allows this individual to work as an authorized nuclear pharmacist;

17) Training for a nuclear pharmacy radiation safety officer. The licensee shall require an individual fulfilling the responsibilities of Radiation Safety Officer to be an individual who:

A) Is certified by a specialty board whose certification has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State.

B) Has completed a structured educational program consisting of:

i) 200 hours of didactic training in the following areas: radiation physics and instrumentation; radiation protection; mathematics pertaining to the use and measurement of radioactivity; radiation biology; radiation dosimetry; and

ii) 1 year of full-time radiation safety experience under the supervision of the individual identified as the Radiation Safety Officer on an Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State license or permit issued by the U.S. Nuclear Regulatory Commission master material licensee that authorizes similar types and uses of radioactive material involving shipping, receiving and performing related radiation monitoring;

iii) Using and performing checks for proper operation of instruments used to determine the activity of dosages, instruments used to measure radionuclides and survey meters;

iv) Securing and controlling radioactive material;

v) Using administrative controls to avoid mistakes in the administration of radioactive material;

vi) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;

vii) Using emergency procedures to control radioactive material; and

viii) Disposing of radioactive material.

C) Has obtained written certification, signed by a preceptor Radiation Safety Officer, that the individual has satisfactorily completed the requirements in subsections (c)(17)(B)(i) and (ii) of this Section and has achieved a level of radiation safety knowledge sufficient to function independently as a Radiation Safety Officer.

D) Is an authorized nuclear pharmacist identified on the licensee's license and has experience with the radiation safety aspects of similar types of use of radioactive material for which the individual has Radiation Safety Officer responsibilities.

E) Has training in the radiation safety, regulatory issues and emergency procedures for the types of use for which a licensee seeks approval. This training requirement may be satisfied by completing training that is supervised by a Radiation Safety Officer or authorized nuclear pharmacist, as appropriate, who is authorized for the types of use for which the licensee is seeking approval.

F) Is an individual identified as a Radiation Safety Officer, or an authorized nuclear pharmacist on an Agency, U.S. Nuclear Regulatory Commission, Agreement State or a Licensing State license or a permit issued by an Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope license or master material license permit or by a master material license permittee of broad scope on or before October 24, 2005;

18) Before a licensee permits anyone to work as an authorized nuclear pharmacist under their license, except for subsection (c)(19) of this Section, the licensee shall require the authorized nuclear pharmacist to be a State of Illinois licensed pharmacist who:

A) Has current board certification as a Nuclear Pharmacist by the Board of Pharmaceutical Specialties on or before October 24,

2006, or is certified as a nuclear pharmacist by a specialty board whose certification process includes all of the requirements in subsection (c)(18)(A)(i) of this Section and whose certification has been recognized by the U.S. Nuclear Regulatory Commission, Agreement State or Licensing State; or

i) Has completed 700 hours in a structured educational program consisting of both didactic training in radiation physics and instrumentation or radiation protection;

ii) Mathematics pertaining to the use and measurement of radioactivity;

iii) Chemistry of byproduct material for medical use; and

iv) Radiation biology; and

B) Supervised practical experience in a nuclear pharmacy involving the following:

i) Shipping, receiving, and performing related radiation surveys;

ii) Using and performing checks for proper operation of instruments used to determine the activity of dosages, survey meters, and, if appropriate, instruments used to measure alpha- or beta-emitting radionuclides;

C) Calculating, assaying, and safely preparing dosages for patients or human research subjects;

D) Use of administrative controls to avoid medical events in the administration of byproduct material;

E) Use of procedures to prevent or minimize radioactive contamination and use of proper decontamination procedures; and

F) Has obtained written attestation, signed by a preceptor authorized nuclear pharmacist, that the individual has satisfactorily completed the requirements in subsection (c)(18)(A)(i) of this Section and has

achieved a level of competency sufficient to function independently as an authorized nuclear pharmacist;

19) An individual identified as an authorized nuclear pharmacist on an Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State license or permit issued by an Agency, U.S. Nuclear Regulatory Commission, Agreement State broad scope licensee or master materials license permit or by a master materials license permittee of broad scope on or before October 24, 2004 need not comply with the training requirements of subsection (c)(18)(A)(i) of this Section;

20) Training for Experienced Nuclear Pharmacist. A State of Illinois licensed pharmacist who has completed a structured educational program as specified in subsection (c)(18)(A)(i) of this Section before December 2, 1994 and who is working in a nuclear pharmacy would qualify as an experienced nuclear pharmacist. An experienced nuclear pharmacist need not comply with the requirements for a preceptor statement and recentness of training to qualify as an authorized nuclear pharmacist;

21) Recentness of Training. The training and experience specified in subsection (c)(18) of this Section must have been obtained within the 7 years preceding the date of application or the individual must have had related continuing education and experience since the required training and experience was completed;

22) Resolution of Conflicting Requirements During Transition Period

A) If this Part conflicts with the licensee's radiation safety program as identified in its license, this Part shall apply, unless the statements, representations, conditions and procedures in the license are more restrictive. However, if the licensee exercises its privilege to amend its license, the portion amended must comply with the requirements of this Part.

B) Until October 24, 2006, the Agency will approve authorized nuclear pharmacists who have certifications from the applicable Boards specified in Appendix E of this Part. The Agency has the right to limit authorization to those uses specified in Appendix E of this Part.

d) Use of Sealed Sources in Industrial Radiography. A specific license for use of sealed sources in industrial radiography shall be issued only if the applicant has met the requirements of this Part and 32 Ill. Adm. Code 350 and 405.

e) Use of Radioactive Materials in Wireline Service Operations and Subsurface Tracer Studies. A specific license for use of radioactive material in wireline operations shall be issued only if the applicant has met the requirements of this Part and 32 Ill. Adm. Code 351.

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

Section 330.270 Special Requirements for Specific Licenses of Broad Scope

This Section prescribes requirements for the issuance of specific licenses of broad scope for radioactive material and certain regulations governing holders of such licenses.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

a) The different types of broad scope licenses are set forth below:

1) A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of the radioactive material specified in the license, but not exceeding quantities specified in the license, for any authorized purpose. The quantities specified are usually in multiples of gigabecquerels or curies.

2) A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in Section 330.Appendix D, for any authorized purpose. The possession limit for a Type B license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Column I of Section 330.Appendix D. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For

each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in Column I of Section 330.Appendix D for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

3) A "Type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in Section 330.Appendix D, for any authorized purpose. The possession limit for a Type C license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Column II of Section 330.Appendix D. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in Column II of Section 330.Appendix D for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

b) An application for a Type A specific license of broad scope will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250;

2) The applicant has engaged in a reasonable number of activities involving the use of radioactive material; and

3) The applicant has established administrative controls and provisions relating to organization and management, procedures, recordkeeping, material control and accounting and management review that are necessary to assure safe operations, including:

A) The establishment of a Radiation Safety Committee composed of such persons as a Radiation Safety Officer, a representative of management and persons trained and experienced in the safe use of radioactive material;

i) The Committee shall meet at least once each calendar quarter.

ii) To establish a quorum and to conduct business, at least

one-half of the Committee membership must be in attendance and shall include, at a minimum, the management's representative, an authorized user and the Radiation Safety Officer. However, no more than once per year, the Radiation Safety Officer's designee may substitute for the Radiation Safety Officer, provided the designee has been given a written report. The report shall include all information necessary for that meeting, such as the minutes of the previous Committee meeting and reports by the Radiation Safety Officer. Reports by the Radiation Safety Officer shall include reports of investigations and information necessary for the reviews. To maintain membership on the Committee, a member must attend at least one-half of the meetings held in any year.

iii) The minutes of each Radiation Safety Committee meeting shall include:

The date of the meeting;

Members in attendance;

Members absent;

Summary of deliberations and discussions;

Recommended actions and the results of all votes; and

Documentation of the radiation protection program review required by 32 Ill. Adm. Code 340.110(c).

iv) The Committee shall provide each member with a copy of the meeting minutes before the next meeting and retain one copy for 5 years from the meeting date.

B) The appointment of a Radiation Safety Officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters.~~The appointment of a Radiation Safety Officer who is qualified by~~

~~training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and~~

C) The establishment of appropriate administrative procedures to assure:

i) Control of procurement and use of radioactive material;

ii) Completion of safety evaluations of proposed uses of radioactive material that take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user and the operating or handling procedures; and

iii) Review, approval and recording by the Radiation Safety Committee of safety evaluations of proposed uses prepared in accordance with subsection (b)(3)(C)(ii) ~~above~~ prior to use of the radioactive material.

4) The applicant or its predecessor has been a specific licensee of the Agency for 5 years.

c) An application for a Type B specific license of broad scope will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250; and

2) The applicant has established administrative controls and provisions relating to organization and management, procedures, recordkeeping, material control and accounting and management review that are necessary to assure safe operations, including:

A) The nomination~~appointment~~ of a Radiation Safety Officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

B) The establishment of appropriate administrative procedures to assure:

i) Control of procurement and use of radioactive material;

ii) Completion of safety evaluations of proposed uses of radioactive material that take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user and the operating or handling procedures; and

iii) Review, approval and recording by the Radiation Safety Officer of safety evaluations of proposed uses prepared in accordance with subsection (c)(2)(B)(ii) ~~above~~ prior to use of the radioactive material.

d) An application for a Type C specific license of broad scope will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250;

2) The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of, individuals who have received:

A) A college degree at the bachelor level, or equivalent training and experience, in the physical, or biological sciences or in engineering; and

B) At least 40 hours of training and experience in the safe handling of radioactive material, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation and biological hazards of exposure to radiation pertinent to the type and forms of radioactive material to be used; and

3) The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, recordkeeping, material control and accounting and management review necessary to assure safe operations.

e) Specific licenses of broad scope are subject to the following conditions:

1) Unless specifically authorized, persons licensed pursuant to this Section

shall not:

A) Conduct tracer studies in the environment involving direct release of radioactive material;

B) Receive, acquire, own, possess, use or transfer devices containing 3.7 PBq (100 kCi) or more of radioactive material in sealed sources used for irradiation of materials;

C) Conduct activities for which a specific license issued by the Agency~~Department~~ under Section~~Sections~~ 330.260 or 330.280 is required; or

D) Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug or other product designed for ingestion or inhalation by, or application to, a human being.

2) Each Type A specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's Radiation Safety Committee.

3) Each Type B specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's Radiation Safety Officer.

4) Each Type C specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of subsection (d) above.

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

Section 330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material

a) Licensing the Introduction of Radioactive Material into Products in Exempt Concentrations

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1) In addition to the requirements set forth in Section 330.250, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another and the transfer of ownership or possession of the product or material containing the radioactive material to persons exempted from this Part pursuant to Section~~Sections~~ 330.30 or 330.40(a) will be issued if:

A) The applicant submits a description of the product or material into which the radioactive material will be introduced, intended use of the radioactive material and the product or material into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material and estimated concentration of the radioactive material in the product or material at the time of transfer; and

B) The applicant provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in ~~Section 330.~~Appendix A, that reconcentration of the radioactive material in concentrations exceeding those in ~~Section 330.~~Appendix A is not likely, that use of lower concentrations is not feasible and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

2) Each person licensed under subsection (a) is required to maintain records of transfer of material and shall file a report with the Agency~~Department~~ that~~which~~ shall identify the following:

A) Type and quantity of each product or material into which radioactive material has been introduced during the reporting period;

B) Name and address of the person who owned or possessed the product or material, into which radioactive material has been introduced, at the time of introduction;

C) The radionuclide, activity and activity assay date of radioactive material introduced into each product or material; and

D) The initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee.

3) The licensee shall file the report within 30 days following:

A) 5 years after filing the preceding report; or

B) Filing an application for renewal of the license under Section 330.330; or

C) Notifying the Agency~~Department~~ under Section 330.320(b) of the licensee's decision to permanently discontinue activities authorized under the license issued under this subsection (a).

4) The report shall cover the period between the filing of the preceding report and an occurrence specified in subsection (a)(3)~~ above~~. If no transfers of radioactive material have been made under subsection (a) during the reporting period, the report shall so indicate.

5) The licensee shall maintain the record of a transfer for a period of 1 year after the event has been included in a report to the Agency~~Department~~.

b) Licensing the Distribution of Radioactive Material in Exempt Quantities

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

1) An application for a specific license to distribute NARM to persons exempted, ~~from this Part~~ pursuant to Section 330.40(b) of this Part, will be approved if:

A) The radioactive material is not contained in any food, beverage, cosmetic, drug or other commodity designed for ingestion or inhalation by, or application to, a human being;

B) The radioactive material is in the form of processed chemical elements, compounds, or mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources or similar substances, identified as radioactive and to be used for its radioactive properties, but is not incorporated into any manufactured or assembled commodity, product or device intended for commercial distribution; and

C) The applicant submits copies of prototype labels and brochures and the Agency~~Department~~ approves such labels and brochures.

2) The license issued under subsection (b)(1) of this Section~~above~~ is subject to the following conditions:

A) No more than ten exempt quantities shall be sold or transferred in any single transaction. However, an exempt quantity may be composed of fractional parts of one or more of the exempt quantities provided the sum of the fractions shall not exceed unity.

B) Each exempt quantity shall be separately and individually packaged. No more than ten such packaged exempt quantities shall be contained in any outer package for transfer to persons exempt pursuant to Section 330.40(b). The outer package shall be such that the dose rate at the external surface of the package does not exceed 5 microSv (500 microrem) per hour.

C) The immediate container of each quantity or separately packaged fractional quantity of radioactive material shall bear a durable, legible label that~~which~~:

i) Identifies the radionuclide and activity; and

ii) Bears the words "Radioactive Material".

D) In addition to the labeling information required by subsection (b)(2)(C) of this Section ~~above~~, the label affixed to the immediate

container, or an accompanying brochure, shall:

i) State that the contents are exempt from Licensing State requirements;

ii) Bear the words "Radioactive Material − Not for Human Use – Introduction into Foods, Beverages, Cosmetics, Drugs, or Medicinals or into Products Manufactured for Commercial Distribution is Prohibited − Exempt Quantities Should Not Be Combined"; and

iii) Set forth appropriate additional radiation safety precautions and instructions relating to the handling, use, storage and disposal of the radioactive material.

3) Each person licensed under this subsection (b) is required to maintain records and file reports as follows:

A) Records of transfer of material identifying, by name and address, each person to whom radioactive material is transferred for use under Section 330.40(b) of this Part or the equivalent regulations of an Agreement State, or a Licensing State and stating the kinds and quantities of radioactive material transferred. The licensee shall maintain the record of a transfer for a period of 1 year after the event is included in a summary report to the Agency~~Department~~.

B) The licensee shall file a summary report stating the total activity of each radioisotope transferred under the specific license with the Agency~~Department~~.

C) The licensee shall file the summary report within 30 days following:

i) 5 years after filing the preceding report; or

ii) Filing an application for renewal of the license under Section 330.330 of this Part; or

iii) Notifying the Agency~~Department~~ under Section 330.320(b)

of this Part of the licensee's decision to permanently discontinue activities authorized under the license issued under subsection (b) of this Section.

D) The report shall cover the period between the filing of the preceding report and an occurrence specified in subsection (b)(3)(C) of this Section~~above~~. If no transfers of radioactive material have been made under subsection (b) of this Section during the reporting period, the report shall so indicate.

c) Licensing the Incorporation of Naturally Occurring and Accelerator-Produced Radioactive Material into Gas and Aerosol Detectors. An application for a specific license authorizing the incorporation of NARM into gas and aerosol detectors to be distributed to persons exempt under Section 330.40(c)(3) of this Part will be approved if the application satisfies requirements equivalent to those contained in 10 CFR 32.26, published January 1, 1993, exclusive of subsequent amendments or editions. The maximum activity of radium-226 in each device shall not exceed 3.7 kBq (100 nCi).

d) Licensing the Manufacture and Distribution of Devices to Persons Generally Licensed Under Section 330.220(b) of this Part

AGENCY NOTE: Section 330.280(n) of this Part contains requirements for radioactive material transfer reports and records.

1) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under Section 330.220(b) of this Part or equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State will be approved if:

A) The applicant satisfies the general requirements of Section 330.250 of this Part.~~;~~

B) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions and potential hazards of the device to provide reasonable assurance that:

i) The device can be safely operated by persons not having training in radiological protection;

ii) Under ordinary conditions of handling, storage and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device and it is unlikely that any person will receive in 1 year a dose in excess of 10~~ten~~ percent of the annual limits specified in 32 Ill. Adm. Code 340.210(a); and

iii) Under accident conditions such as fire and explosion associated with handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:

Whole body; head and trunk; active blood-forming organs; gonads~~;~~ or lens of eye ..... 150 mSv (15 rem)

Hands and forearms; feet and ankles or~~;~~ localized areas of skin averaged over areas no larger than 1 square centimeter ..... 2 Sv (200 rem)

Other organs ..... 500 mSv (50 rem).~~; and~~

C) Each device bears a durable, legible, clearly visible label or labels approved by the Agency~~Department~~, that~~which~~ contain in a clearly identified and separate statement:

i) Instructions and precautions necessary to assure safe installation, operation and servicing of the device. Documents~~; documents~~ such as operating and service manuals may be identified in the label and used to provide this information;

ii) The requirement, or lack of requirement, for testing for leakage or contamination, or for testing any on-off mechanism and indicator, including the maximum time interval for such testing, and the identification of radioactive material by radionuclide, activity and activity

assay date; and

iii) The information called for in one of the following statements, as appropriate, in the same or substantially similar form:

Devices Containing Radioactive Material Other Than Naturally Occurring~~Occuring~~ Radioactive Material

The receipt, possession, use and transfer of this device, Model ___ , Serial No. _____, are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or a State with which the U.S. Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION – RADIOACTIVE MATERIAL

Name of Manufacturer or Distributor

AGENCY NOTE: The model, serial number and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

Devices Containing Naturally-Occurring Radioactive Material

The receipt, possession, use and transfer of this device, Model _____, Serial No. _____are subject to a general license or the equivalent and the regulations of a Licensing State. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION – RADIOACTIVE MATERIAL

AGENCY NOTE: The model, serial number and name of

the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

D) Each device having a separable source housing that provides the primary shielding for the source also bears on the source housing a durable label displaying the device model and serial number, the radionuclide and activity, the words "Caution – Radioactive Material", the radiation symbol described in 32 Ill. Adm. Code 340.Illustration A and the name of the manufacturer or distributor.

E) Each device meeting the criteria of 10 CFR 31.5(c)(13)(i) bears a permanent (e.g., embossed, etched, stamped or engraved) label affixed to the source housing, if separable, or the device, if the source housing is not separable, that includes the words "Caution – Radioactive Material", and, if practicable, the radiation symbol described in 32 Ill. Adm. Code 340.Illustration A.

2) Except as provided in this subsection, the interval between tests for proper operation of the on-off mechanism and indicator, if any, shall not exceed 6 months. The interval between tests for contamination of the device or for leakage of radioactive material from the device or for both shall not exceed 3 months for devices containing sources designed to emit alpha particles and 6 months for all other devices. In the event the applicant desires that the device be required to be tested at intervals longer than the above, the applicant shall include in the application sufficient information to demonstrate that such longer intervals are justified. The information shall include a description of the performance characteristics of the device or similar devices and of design features that have a significant bearing on the probability or consequences of contamination of the device or leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material or contamination of the device, the Agency~~Department~~ will consider information that~~which~~ includes, but is not limited to:

A) Primary containment or source capsule;

B) Protection of primary containment;

C) Method of sealing containment;

D) Containment construction materials;

E) Form of contained radioactive material;

F) Maximum temperature withstood during prototype tests;

G) Maximum pressure withstood during prototype tests;

H) Maximum activity of contained radioactive material;

I) Radiotoxicity of contained radioactive material; and

J) Operating experience with identical devices or similarly designed and constructed devices.

3) In the event the applicant desires that the general licensee under Section 330.220(b) of this Part, or under equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of, or contamination by, radioactive material, service the device, test the on-off mechanism and indicator or remove the device from installation, the applicant shall include in the application written instructions to be followed by the general licensee, estimated annual doses associated with such activity or activities and bases for such estimates. The submitted information shall demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage and use of devices under the general license, is unlikely to cause that individual to receive an annual dose in excess of 10~~ten~~ percent of the limits specified in 32 Ill. Adm. Code 340.210(a).

4) A~~Each~~ person licensed under subsection (d) of this Section to distribute devices to generally licensed persons shall provide the information in subsection (d)(4) of this Section to each person to whom a device is to be transferred for possession and use under the general license in Section 330.220(b) of this Part. This information shall be provided before a device is transferred. In the case of a transfer through an intermediate person, the information shall be provided to the intended user prior to

transfer to the intermediate person. The required information is:

A) AFurnish a copy of the general license contained in Section 330.220(b) of this Partto each person to whom radioactive material in a device is either transferred directly or through an intermediate person for use pursuant to the general license contained in Section 330.220(b);

AGENCY NOTE: If certain provisions of Section 330.220(b) of this Part do not apply to a particular device, they may be omitted; e.g., tests for leakage or contamination or proper operation of an on-off mechanism and indicator.

B) A copy of 32 Ill. Adm. Code 310.40, 330.310 and 340.1210, 1220 and 1260Furnish a copy of the general license contained in the U.S. Nuclear Regulatory Commission's, Agreement State's or Licensing State's regulation equivalent to Section 330.220(b), or alternatively, furnish a copy of the general license contained in Section 330.220(b) to each person to whom he directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission, the Agreement State or the Licensing State. If a copy of the general license in Section 330.220(b) is furnished to such a person, it shall be accompanied by a note explaining that the use of the device is regulated by the U.S. Nuclear Regulatory Commission, an Agreement State or Licensing State under requirements substantially the same as those in Section 330.220(b);

C) A list of the services that may only be performed by a specific licenseeReport to the Department all transfers of such devices to persons for use under the general license in Section 330.220 (b). Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Department and the general licensee, the type and model number of device transferred and the radionuclide and activity contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name,

~~address, contact and relationship to the intended user. If no transfers have been made to persons generally licensed under Section 330.220(b) during the reporting period, the report shall so indicate. The report shall cover each calendar quarter and shall be filed within 30 days thereafter~~;

D) Information on acceptable disposal options, including estimated costs of disposal; and~~Furnish reports to other agencies as follows: i)Report to the U.S. Nuclear Regulatory Commission all transfers of such devices to persons for use under the U.S. Nuclear Regulatory Commission general license in 10 CFR 31.5. ii)Report to the responsible state agency all transfers of devices manufactured and distributed pursuant to subsection (d) for use under a general license in that state's regulations equivalent to Section 330.220(b).iii)Such reports shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the agency and the general licensee, the type and model of the device transferred and the radionuclide and activity contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact and relationship to the intended user. The report shall be submitted within 30 days after the end of each calendar quarter in which such a device is transferred to the generally licensed person.iv)If no transfers have been made to U.S. Nuclear Regulatory Commission licensees during the reporting period, this information shall be reported to the U.S. Nuclear Regulatory Commission.v)If no transfers have been made to general licensees within a particular state during the reporting period, this information shall be reported to the responsible state agency upon request of that agency; and~~

E) A statement of the Agency's policy to take escalated enforcement action for improper disposal.~~Keep records showing the name, address and the point of contact for each general licensee to whom he directly or through an intermediate person transfers radioactive material in devices for use pursuant to the general license provided in Section 330.220(b), or equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a~~

~~Licensing State. The records shall show the date of each transfer, the radionuclide and activity in each device transferred, the identity of any intermediate person and compliance with the report requirements of subsection (d)(4) above. The records required by this subsection shall be maintained for a period of 5 years from the date of the recorded event.~~

5) A person licensed under this subsection (d) to distribute devices to generally licensed persons shall provide the information in this subsection (d)(5) to each person to whom a device is to be transferred for possession and use under a general license equivalent to Section 330.220(b) of this Part in the regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. This information shall be provided before a device is transferred. In the case of a transfer through an intermediate person, the information shall be provided to the intended user prior to transfer to the intermediate person. The required information is:

A) A copy of 10 CFR 31.5, 31.2, 30.51, 20.2201 and 20.2202 or the equivalent regulations of an Agreement State or Licensing State. If a copy of the NRC regulations is provided to a prospective general licensee in lieu of the applicable Agreement State or Licensing State regulations, it shall be accompanied by a note explaining that use of the device is regulated by the Agreement State or Licensing State;

AGENCY NOTE: If certain provisions of the regulations do not apply to a particular device, they may be omitted; e.g., tests for leakage or contamination or proper operation of an on-off mechanism and indicator.

B) A list of the services that may only be performed by a specific licensee;

C) Information on acceptable disposal options, including estimated costs of disposal;

D) A statement of the policies of the U.S. Nuclear Regulatory Commission and most Agreement States and Licensing States to take escalated enforcement action for improper disposal; and

E) The name or title, address and phone number of the contact at the U.S. Nuclear Regulatory Commission, Agreement State or Licensing State regulatory agency from whom additional information may be obtained.

6) A person licensed under this subsection (d) may propose, for approval by the Agency, an alternative method of informing customers.

7) Each device transferred after February 19, 2002, shall meet the labeling requirements of subsections (d)(1)(C), (D) and (E) of this Section.

8) If a license is to be terminated or if notification of bankruptcy is required by subsection (j) of this Section, a person licensed under this subsection (d) shall, upon request, provide to the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State the records of final disposition required by subsection (o)(8) of this Section.

e) Special Requirements for the Manufacture, Assembly or Repair of Luminous Safety Devices for Use in Aircraft

1) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium-147 for use in aircraft, for distribution to persons generally licensed under Section 330.220(c) of this Part will be approved if:

A) The applicant satisfies the general requirements specified in Section 330.250 of this Part; and

B) The applicant satisfies the requirements of 10 CFR 32.53-32.55 and 32.101, published January 1, 1993, exclusive of subsequent amendments or editions, or their equivalent.

2) Each person licensed under this subsection (e) shall file an annual report with the Agency that~~Department which~~ shall state the total activity of tritium or promethium-147 transferred to persons generally licensed under Section 330.220(c) of this Part or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State. The report shall identify each general licensee by name and address, state the kinds and numbers of luminous devices transferred and specify the activity of tritium or promethium-147 in each kind of device. Each report shall cover the

year ending June 30 and shall be filed within 30 days thereafter.

f) Special Requirements for License to Manufacture Calibration Sources Containing Americium-241, Plutonium or Radium-226 for Distribution to Persons Generally Licensed Under Section 330.220(e) of this Part. An application for a specific license to manufacture calibration and reference sources containing americium-241, plutonium or radium-226 for distribution to persons generally licensed under Section 330.220(e) of this Part will be approved if:

1) The applicant satisfies the general requirements of Section 330.250 of this Part; and

2) The applicant satisfies the requirements of 10 CFR 32.57 and 70.39 published January 1, 1993~~,~~ and certifies that the applicant~~the~~ will satisfy, and subsequently satisfies, the requirements of 10 CFR 32.58, 32.59 and 32.102, published January 1, 1993, exclusive of subsequent amendments or editions.

g) Manufacture and Distribution of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing Under General License. An application for a specific license to manufacture or distribute radioactive material for use under the general license of Section 330.220(f) of this Part, or equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250 of this Part.

2) The radioactive material is to be prepared for distribution in prepackaged units of:

A) Carbon-14 in units not exceeding 370 kBq (10 µ~~micro~~Ci) each.

B) Cobalt-57 in units not exceeding 370 kBq (10 µ~~micro~~Ci) each.

C) Hydrogen-3 (tritium) in units not exceeding 1.85 MBq (50 µ~~micro~~Ci) each.

D) Iodine-125 in units not exceeding 370 kBq (10 µ~~micro~~Ci) each.

E) Mock iodine-125 in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each.

F) Iodine-131 in units not exceeding 370 kBq (10 µmicroCi) each.

G) Iron-59 in units not exceeding 740 kBq (20 µmicroCi) each.

H) Selenium-75 in units not exceeding 370 kBq (10 µmicroCi) each.

3) Each prepackaged unit bears a durable, clearly visible label:

A) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 370 kBq (10 µmicroCi) of iodine-125, iodine-131, carbon-14, cobalt-57 or selenium-75; 1.85 MBq (50 µmicroCi) of hydrogen-3 (tritium); 740 kBq (20 µmicroCi) of iron-59; or mock iodine-125 in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each; and

B) Displaying the radiation caution symbol described in 32 Ill. Adm. Code 340.910(a) and the words, "CAUTION – RADIOACTIVE MATERIAL", and "Not for Internal or External Use in Humans or Animals".

4) One of the following statements, as appropriate, or a statement thatwhich contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure thatwhich accompanies the package:

A) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

B) This radioactive material may be received, acquired, possessed and

used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.

5) The label affixed to the unit, or the leaflet or brochure that~~which~~ accompanies the package, contains information about the precautions to be followed in handling and storing such radioactive material. In the case of the mock iodine-125 reference or calibration source, the manufacturer shall state in the directions that this item shall be disposed of in compliance with 32 Ill. Adm. Code 340.1010(a).

h) Licensing the Manufacture and Distribution of Ice Detection Devices. An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under Section 330.220(g) of this Part, will be approved if:

1) The applicant satisfies the general requirements of Section 330.250; and

2) The criteria of 10 CFR 32.61, 32.62 and 32.103 published January 1, 1993, exclusive of subsequent amendments or editions, are met.

i) Manufacture and Distribution of Radiopharmaceuticals Containing Radioactive Material for Medical Use Under Specific Licenses. An application for a specific license to manufacture and distribute radiopharmeceuticals containing radioactive material for use by persons licensed pursuant to Section 330.260(a) for the uses described in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010 will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250 of this Part;

2) The applicant submits information showing that:

A) The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act; or

B) The manufacture and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;

3) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package and shielding provided by the packaging of the radioactive material which is appropriate for safe handling and storage of radiopharmaceuticals by specific licensees; and

4) The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, activity and activity assay date and the label affixed to each package, or the leaflet or brochure which accompanies each package, contains a statement that the radiopharmaceutical is licensed by the Agency~~Department~~ for distribution to persons licensed pursuant to Section 330.260(a) for radioactive material specified in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010, as appropriate, or under equivalent licenses of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. The labels, leaflets or brochures required by this subsection (i) are in addition to the labeling required by the ~~U.S. Food and Drug Administration (~~FDA~~)~~ and may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

j) Manufacture and Distribution of Generators or Reagent Kits for Preparation of Radiopharmaceuticals Containing Radioactive Material~~.~~

AGENCY NOTE: Although the Agency~~Department~~ does not regulate the manufacture and distribution of reagent kits that do not contain radioactive material, it does regulate the use of such reagent kits for the preparation of radiopharmaceuticals containing radioactive material as part of its licensing and regulation of the users of radioactive material. Any manufacturer of reagent kits that do not contain radioactive material who desires to have such reagent kits approved by the Agency~~Department~~ for use by persons licensed pursuant to Section 330.260(a) of this Part for generators or reagent kits specified in 32 Ill. Adm. Code 335.4010 may submit the pertinent information specified in this subsection (j).

An application for a specific license to manufacture and distribute generators or

reagent kits containing radioactive material for preparation of radiopharmaceuticals by persons licensed pursuant to Section 330.260(a) of this Part for the uses specified in 32 Ill. Adm. Code 335.4010 will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250 of this Part;

2) The applicant submits evidence that:

   A) The generator or reagent kit is to be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act; or

   B) The manufacture and distribution of the generator or reagent kit are not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;

3) The applicant submits information on the radionuclide, chemical and physical form, packaging, including maximum activity per package, and shielding provided by the packaging of the radioactive material contained in the generator or reagent kit;

4) The label affixed to the generator or reagent kit contains information on the radionuclide, activity and activity assay date; and

5) The label affixed to the generator or reagent kit, or the leaflet or brochure that~~which~~ accompanies the generator or reagent kit, contains:

   A) Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit; and

   B) A statement that the generator or reagent kit, as appropriate, is approved for use by persons licensed by the Agency~~Department~~ pursuant to Section 330.260(a) of this Part and 32 Ill. Adm. Code 335.4010 or under equivalent licenses of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. The labels, leaflets or brochures required by this subsection (j) are in addition to the labeling required by the ~~U.S. Food and Drug~~

~~Administration (~~FDA~~)~~ and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

k) Manufacture and Distribution of Sources or Devices Containing Radioactive Material for Medical Use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to Section 330.260(a) of this Part for use as a calibration or reference source or for the uses listed in 32 Ill. Adm. Code 335.7010 will be approved if:

1) The applicant satisfies the general requirements in Section 330.250 of this Part;

2) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:

A) The radioactive material contained, its chemical and physical form and activity;

B) Details of design and construction of the source or device;

C) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;

D) For devices containing radioactive material, the radiation profile of a prototype device;

E) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;

F) Procedures and standards for calibrating sources and devices;

G) Legend and methods for labeling sources and devices as to their radioactive content; and

H) Instructions for handling and storing sources or devices from the radiation safety standpoint. These instructions shall be included on

a durable label attached to each source or device or attached to a permanent storage container for the source or device; provided, that instructions which are too lengthy for such label may be summarized on the label and printed in detail on a brochure that~~which~~ is referenced on the label;

3) The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, activity and activity assay date, radiation trefoil and/or "Caution Radioactive Material", serial number, model, manufacturer name or logo, and a statement that the source or device is licensed by the Agency~~Department~~ for distribution to persons licensed pursuant to Section 330.260(a) of this Part and 32 Ill. Adm. Code 335.7010 or under equivalent licenses of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, provided~~,~~ that the~~such~~ labeling for sources that~~which~~ do not require long-term storage may be on a leaflet or brochure that~~which~~ accompanies the source;

4) In the event the applicant desires that the source or device be required to be tested for leakage of, or contamination by, radioactive material at intervals longer than 6 months, the applicant~~the~~ shall include in the~~his~~ application sufficient information to demonstrate that the~~such~~ longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of radioactive contamination or leakage of radioactive material from the source; and

5) In determining the acceptable interval for tests of leakage of, or contamination by, radioactive material, the Agency~~Department~~ will consider information that includes, but is not limited to:

A) Primary containment or source capsule;

B) Protection of primary containment;

C) Method of sealing containment;

D) Containment construction materials;

E) Form of contained radioactive material;

F) Maximum temperature withstood during prototype tests;

G) Maximum pressure withstood during prototype tests;

H) Maximum activity of contained radioactive material;

I) Radiotoxicity of contained radioactive material; ~~and~~

J) Operating experience with identical sources or devices or similarly designed and constructed sources or devices; and~~.~~

K) Proposed use of source.

l) Requirements for License to Manufacture and Distribute Industrial Products Containing Depleted Uranium for Mass-Volume Applications.

An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to Section 330.210(d) of this Part or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250 of this Part.

2) The applicant submits sufficient information relating to the design (including blueprints), manufacture (construction materials and methods), prototype testing (description of testing that will be done and the acceptance criteria), quality control procedures, labeling or marking, proposed uses and potential hazards of the industrial product or device to assure that possession, use or transfer of the depleted uranium in the product or device will not cause any individual to receive in any period of 1 year a radiation dose in excess of 10~~ten~~ percent of the limits specified in 32 Ill. Adm. Code 340.210(a).

3) The applicant submits information assuring that the presence of depleted uranium for a mass-volume application in the product or device will provide a unique benefits to the public, i.e., a benefit that~~which~~ could not be achieved but for the use of depleted uranium. The applicant's methods for use and handling of the product or device will not result in

uncontrolled disposal or dispersal of depleted uranium into the environment.

4) The Agency~~Department~~ will deny any application for a specific license under this subsection if the end uses~~use(s)~~ of the industrial product or device cannot be reasonably foreseen.

5) Each person licensed pursuant to this subsection (l) ~~of this subsection~~ shall:

A) Maintain the level of quality control required by the license in the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device;

B) Label or mark each unit to:

i) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium and the activity of depleted uranium in each product or device; and

ii) State that the receipt, possession, use and transfer of the product or device are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or an Agreement State;

C) Assure that the depleted uranium before being installed in each product or device has been impressed with the following legend clearly legible through any plating or other covering: "Depleted Uranium";

D) Furnish:

i) A copy of the general license contained in Section 330.210(d) of this Part and a copy of the form~~,~~ "Registration Certificate – Use of Depleted Uranium Under General License", to each person to whom the licensee~~he~~ transfers depleted uranium in a product or device for use pursuant to the general license contained in Section

330.210(d) of this Part; or

ii) A copy of the general license contained in the U.S. Nuclear Regulatory Commission's or Agreement State's regulation equivalent to Section 330.210(d) of this Part and a copy of the U.S. Nuclear Regulatory Commission's or Agreement State's certificate, or alternatively, furnish a copy of the general license contained in Section 330.210(d) of this Part and a copy of the form~~,~~ "Registration Certificate – Use of Depleted Uranium Under General License", to each person to whom he transfers depleted uranium in a product or device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission or an Agreement State, with a note explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or an Agreement State under requirements substantially the same as those in Section 330.210(d) of this Part;

E) Report to the Agency~~Department~~ all transfers of industrial products or devices to persons for use under the general license in Section 330.210(d) of this Part. Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Agency~~Department~~ and the general licensee, the type and model number of device transferred and the activity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which such a product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under Section 330.210(d) of this Part during the reporting period, the report shall so indicate;

F) File a report that~~which~~ identifies each general licensee by name and address, an individual by name and/or position who constitutes a point of contact between the agency and the general licensee, the type and model number of the device transferred and the activity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which such product or device is transferred to the generally licensed person. The licensee shall report:

i) To the U.S. Nuclear Regulatory Commission all transfers of industrial products or devices to persons for use under the U.S. Nuclear Regulatory Commission general license in 10 CFR 40.25;

ii) To the responsible state agency all transfers of devices manufactured and distributed pursuant to this subsection (l) for use under a general license in that state's regulations equivalent to Section 330.210(d) of this Part;

iii) To the U.S. Nuclear Regulatory Commission if no transfers have been made by the licensees during the reporting period;

iv) To the responsible Agreement State agency~~Agency~~ upon the request of that agency~~Agency~~ if no transfers have been made to general licensees within a particular Agreement State during the reporting period; and

G) Keep records showing the name, address and point of contact for each general licensee to whom he transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in Section 330.210(d) of this Part or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State. The records shall be maintained for a period of 2 years and shall show the date of each transfer, the activity of depleted uranium in each product or device transferred and compliance with the report requirements of this Section.

m) Special Requirements for License to Manufacture, Import or Initially Distribute Sealed Sources or Devices Containing Sealed Sources to Persons Having a Specific License.

1) An application for license to manufacture, import or initially distribute sealed sources or devices containing sealed sources for initial transfer to persons having a specific license to receive such sealed sources or devices will be approved subject to the following conditions:

A) The applicant satisfies the general requirements specified in

Section 330.250 of this Part;

B) The licensee subject to this subsection (m) shall not transfer a sealed source or device containing a sealed source to any person except in accordance with the requirements of Section 330.400 of this Part.

2) Any manufacturer, importer or initial distributor of a sealed source or device containing a sealed source whose product is intended for use under a specific license may submit a request to the Agency~~Department~~ for evaluation of radiation safety information about its product and for filing an evaluation sheet ~~in the U.S. Department of Health and Human Services "Radioactive Material Reference Manual" or~~ in the U.S. Nuclear Regulatory Commission "Registry of Radioactive Sealed Sources and Devices".

A) A request for evaluation of a sealed source or device containing a sealed source shall be submitted in duplicate and shall include information required by subsection~~subsections~~ (m)(2)(B) or (C) of this Section~~below~~, as applicable, demonstrating that the radiation safety properties of the~~such~~ source or device will not endanger public health and safety or property.

B) A request for evaluation of a sealed source shall include the following radiation safety information:

i) Proposed uses for the sealed source;

ii) Chemical and physical form and maximum quantity of radioactive material in the sealed source;

iii) Details of design of the sealed source, including blueprints, engineering drawings or annotated drawings;

iv) Details of construction of the sealed source, including a description of materials used in construction;

v) Radiation profile of a prototype sealed source;

vi) Procedures for and results of prototype testing;

vii) Details of quality control procedures to be followed in manufacture;

viii) A description or facsimile of labeling to be affixed to the sealed source;

ix) Leak testing procedures; and

x) Any additional information, including experimental studies and tests, required by the Agency~~Department~~ to facilitate a determination of the safety of the sealed source, as required by Section 330.250 of this Part.

C) A request for evaluation of a device containing a sealed source shall include the following radiation safety information:

i) Proposed uses for the device;

ii) Manufacturer, model number, chemical and physical form and maximum quantity of radioactivity in the sealed source or sources to be used in the device;

iii) Details of design of the sealed source, including blueprints, engineering drawings or annotated drawings;

iv) Details of construction of the sealed source, including a description of materials used in construction;

v) Radiation profile of a prototype device;

vi) Procedures for and results of prototype testing;

vii) Details of quality control procedures to be followed in manufacture;

viii) A description or facsimile of labeling to be affixed to the device;

ix) Leak testing procedures;

x) A description of potential hazards in installation, service, maintenance, handling, use and operation of the device;

xi) Information about installation, service and maintenance procedures;

xii) Handling, operating and safety instructions; and

xiii) Any additional information, including experimental studies and tests, required by the Agency~~Department~~ to facilitate a determination of the safety of the device as required by Section 330.250 of this Part.

D) When evaluating a sealed source or device, the Agency~~Department~~ will apply the radiation safety criteria described in 10 CFR 32.210(d), published January 1, 1993, exclusive of subsequent amendments or editions.

E) The person submitting a request for evaluation of a product shall manufacture and distribute the product in accordance with:

i) The statements and representations, including the quality control program, described in the request; and

ii) The provisions of the evaluation sheet prepared by the Agency~~Department~~ and submitted to the U.S. Department of Health and Human Services~~,~~ for filing in the "Radioactive Material Reference Manual", or to the U.S. Nuclear Regulatory Commission~~,~~ for filing in the "Registry of Radioactive Sealed Sources and Devices".

n) Manufacture and Distribution of Radioactive Material for Medical Use Under General License. A specific license authorizing the distribution of radioactive materials for diagnostic medical use by a physician under a general license shall be issued only if the applicant for the specific license satisfies the requirements of Section 330.250 of this Part and:

1) The applicant submits evidence that the radioactive material is to be manufactured, labeled and packaged in accordance with an approval by

the commissioner of Food and Drugs, U.S. Food and Drug Administration, or in accordance with an approval for a biologic product issued by the Secretary, U.S. Department of Health and Human Services; and

2) One of the following statements, as appropriate, or a statement which contains the information called for in one of the following statements, appears on the label affixed to the container or appears in the leaflet or brochure that~~which~~ accompanies the package:

A) This radiopharmaceutical may be received, possessed and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use and transfer are subject to the regulations and a general license or its equivalent of the U.S. Nuclear Regulatory Commission~~,~~ or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

B) This radiopharmaceutical may be received, possessed and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use and transfer are subject to the regulations and a general license or its equivalent of a Licensing State.

o) Material Transfer Reports and Records
Each person licensed under subsection (d) of this Section to distribute devices to generally licensed persons shall comply with the requirements of subsection (n) of this Section.

1) The person shall report:

A) To the Agency and to the responsible regulatory agency all transfers of devices to persons for use under the general license in Section 330.220(b) of this Part or the equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State;

B) To the Agency and to the responsible regulatory agency all receipts of devices from persons generally licensed under Section 330.220(b) of this Part or the equivalent regulations of the U.S.

Nuclear Regulatory Commission, an Agreement State or a Licensing State;

C) To the Agency if no transfers were made to or from general licensees during the reporting period; and

D) To the responsible regulatory agency upon the request of the agency if no transfers during the reporting period were made to or from general licensees in the agency's area of jurisdiction.

2) The report shall be on NRC Form 653, "Transfers of Industrial Devices Report" or in a clear and legible format containing all of the information required by the form. The report shall cover each calendar quarter, shall be filed within 30 days after the end of the calendar quarter and shall clearly indicate the period covered.

3) For a transfer to a general licensee, the report shall provide:

A) The identity of the general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted, along with information on the actual location of use;

B) The name, title, and phone number of the individual identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

C) The date of transfer;

D) The type, model and serial number of the device transferred; and

E) The radionuclide and activity contained in the device.

4) If one or more intermediate persons will temporarily possess a device at the intended place of use before its possession by the user, the report shall include the same information for both the intended user and each intermediate person and shall clearly designate all intermediate persons.

5) For a device received from a general licensee, the report shall provide the name and address of the general licensee and the type, model and serial number of the device and the date of receipt. For a device not initially transferred by the reporting person, the report shall provide the name of the manufacturer or distributor.

6) If the person makes a change to a device possessed by a general licensee that necessitates a change in the label, the report shall identify the general licensee, the device and the changes to information on the device label.

7) The report shall clearly identify the person licensed under subsection (d) of this Section that is furnishing the report and shall include the person's specific license number.

8) The person shall maintain all information concerning transfers and receipts of devices that supports the reports required by this subsection (o). These records shall be maintained for 5 years following the recorded event.

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

Section 330.290 Requirements for Emergency Plans

a) An emergency plan for responding to a release of radioactive material submitted under Section 330.250(e) of this Part shall include the following information:

1) Facility Description. A brief description of the applicant's facility and area near the site.

2) Types of Accidents. An identification of each type of radioactive materials accident for which actions may be needed to protect members of the public.

3) Classification of Accidents. A method for classifying accidents as alerts or site area emergencies as defined below:

A) "Alert" means a condition in which events may occur, are in progress, or have occurred that could lead to a release of radioactive material but in which the release is not expected to require a response by offsite response organizations to protect

individuals offsite.

B) "Site area emergency" means a condition in which events may occur, are in progress, or have occurred that could lead to a significant release of radioactive material that could require a response by offsite response organizations to protect individuals offsite.

4) Detection of Accidents. Identification of the means of detecting each type of accident in a timely manner.

5) Mitigation of Consequences. A brief description of the means and equipment for mitigating the consequences of each type of accident, including those provided to protect workers onsite, and a description of the program for maintaining the equipment.

6) Assessment of Releases. A brief description of the methods and equipment to assess releases of radioactive materials.

7) Responsibilities~~.~~

A) The names and titles of the applicant's personnel responsible for developing, maintaining and updating the plan.

B) A brief description of the responsibilities of the applicant's personnel should an accident occur, including identification of personnel responsible for promptly notifying offsite response organizations, including the Agency~~Department~~.

C) A list of offsite response organizations and a description of their responsibilities and anticipated actions.

8) Notification and Coordination~~.~~

A) A brief description of the means, in the event of a classified accident, of promptly notifying and, if necessary, requesting assistance from the offsite response organizations listed pursuant to subsection (a)(7)(C) of this Section. The assistance requested may include, but need not be limited to, medical treatment of contaminated or injured onsite workers.

B) A description or drawing of locations designated as locations from which control and assessment of an accident would be exercised (i.e., control points).

C) Provisions for arranging notification and coordination so that unavailability of some personnel, parts of the facility, or some equipment will not prevent notification and coordination.

9) Information to be Communicated. A brief description of the information to be provided to offsite response organizations, including the Agency~~Department~~, in the event of a classified accident. The types of information to be provided shall include the status of the facility, a description of radioactive releases, the names and telephone numbers of onsite personnel designated as points of contact and recommendations for protective actions.

~~AGENCY NOTE: Protective actions means actions taken by members of the public to protect themselves from radiation from an incident involving radioactive material, which may include sheltering, evacuation, relocation, control of access, administration of radioprotective drugs, decontamination of persons, decontamination of land or property, or control of food or water.~~

10) Training~~.~~

A) A brief description of the performance objectives and plans for annual training that the applicant will provide workers on how to respond to an emergency, including any special instructions and orientation tours that the applicant will provide for fire, police, medical and other emergency personnel.

B) Provisions for familiarizing personnel with site-specific emergency procedures.

C) Provisions for preparing site personnel for their responsibilities for a range of accident scenarios for the specific site, including the use of drills, exercises and team training for such scenarios.

11) Safe Shutdown. A brief description of the means of restoring the facility

to a safe condition after an accident.

12) Exercises. Provisions for:

A) Conducting quarterly communications checks with offsite response organizations that include the verification and updating of all necessary phone numbers.

B) Inviting offsite response organizations to participate in biennial exercises.

AGENCY NOTE: Participation of offsite response organizations in biennial exercises, although recommended, is not required.

C) Using accident scenarios postulated as most probable for the specific site.

D) Ensuring that accident scenarios are not known to exercise participants.

E) Providing critiques of each exercise by individuals who have no direct implementation responsibility for the plan.

b) The applicant shall allow the offsite response organizations expected to respond in case of an accident 60 days to comment on the applicant's emergency plan before submitting it to the Agency~~Department~~. Significant amendments to the plan should also be provided to offsite agencies for comment before submission to the Agency~~Department~~. The applicant shall provide any comments received within the 60 days to the Agency~~Department~~ with the emergency plan.

c) Hazardous Chemicals. The applicant shall certify to the Agency~~Department~~ that it has met its responsibilities under the Emergency Planning and Community Right-to-Know Act of 1986, Title III, P.L.~~Pub. L.~~ 99-499 (42 USC 11001 et seq.), if applicable to the applicant's activities at the proposed place of use of the radioactive material.

d) The licensee shall:

1) Comply with the provisions and descriptions of the emergency plan submitted pursuant to this Section;

2) Review and update~~Update~~ the emergency plan: ~~at intervals not to exceed 1 year, and report the update to the Department and to affected offsite response organizations within 30 days after the update is completed;~~

A) At intervals not to exceed 1 year;

B) Whenever the facility license is revised;

C) Whenever the existing contingency plan fails when actually applied;

D) Whenever the facility changes in a way that materially increases the potential for fires, explosions or releases of waste or waste constituents (e.g., a change of manufactured materials used, a change in facility design) or changes the response necessary in the event of an emergency;

E) Whenever the list of emergency coordinators changes; or

F) Whenever the list of emergency equipment changes.

3) If the contingency plan is amended to comply with subsection (d)(2)(A), (B), (C) or (D) of this Section, the complete plan, as amended, shall be distributed to those entities identified in subsection (d)(4) of this Section. If the plan is amended to comply with subsection (d)(2)(E) or (F) of this Section, only the revised lists need be distributed. Distribution shall be within 30 days after the update is completed.

4) Ensure copies of the contingency plan and all revisions to the plan are:

A) Maintained at the facility;

B) Submitted to the Agency; and

C) Submitted to all local police agencies, fire agencies, hospitals and State and local emergency response teams that might be called upon to provide emergency services.

5~~3~~) Obtain Departmental approval before implementing changes to the plan,

except for updates to names, titles and telephone numbers;

64) Provide training at intervals not to exceed 1 year for all personnel with responsibilities for responding to accidents postulated as most probable for the specific site;

75) Conduct biennial onsite exercises to test the response to simulated emergencies;

86) Perform critiques of drills and exercises and ensure that such critiques evaluate the appropriateness of the emergency plan, emergency procedures, facilities, equipment, training of personnel and overall effectiveness of the response;

97) Correct deficiencies noted in critiques of drills and exercises; and

108) Notify offsite response organizations, including the AgencyDepartment, immediately after the licensee declares an alert or site area emergency.

AGENCY NOTE: The reporting requirement of subsection (d)(108) of this Section does not supersede or relieve licensees from complying with the requirements of the Emergency Planning and Community Right-to-Know Act of 1986, Title III, P.L.Pub. L. 99-499 (42 USC 11001 et seq.) or other State or federal reporting requirements.

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

Section 330.310 Terms and Conditions of Specific and General Licenses

a) Each specific or general license issued pursuant to this Part shall be subject to all applicable license conditions, provisions of the Act [420 ILCS 40], and to all applicable rules, regulations and orders of the AgencyDepartment.

b) Each person granted a general license by this Part shall provide information required by the AgencyDepartment to track the location and use of generally-licensed radioactive materialdevices. Such information shall be in the format prescribed by the Agency, shall be complete and accurate,Department and shall be due within the time frame indicated on the notification. In accordance with 32 Ill. Adm. Code 310.50, the Agency may inspect and investigate premises, operations or personnel and have access to or copy records:

1) of a person who fails to provide information as required by this subsection (b); or

2) For the purpose of evaluating past, current or potential hazards to the public health, workers or the environment resulting from radiation.

c) No specific license issued or granted to any person pursuant to this Part and no right to possess or use radioactive material granted to any person by any specific license issued pursuant to this Part shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the specific license to any other person unless the Agency~~Department~~, after securing full information, first:

1) Finds that the proposed transfer, assignment or disposal is in accordance with the provisions of the Act; and

2) Consents in writing to the proposed transfer, assignment or disposal.

AGENCY NOTE: Agency~~Department~~ consent is required prior to any transfer or assignment of a specific license. A purported transfer or assignment without prior written consent may subject the purported transferor or assignor to penalties for violating this Section. Likewise, a purported transferee or assignee may also be subject to penalties if it does not have a valid specific license and possesses radioactive material or performs activities requiring a valid specific license.

d) Upon approval from the Agency under~~Department~~ pursuant to subsection (c)(2) of this Section for transfer, assignment or disposal of a specific license, the transferor shall ensure the following information is provided to the transferee:

1) The radioactive material license and all documents referenced in the license;

2) Records maintained in accordance with 32 Ill. Adm. Code 340, Subpart L, inventory records, and any other records required by subsections (k) and (l) of this Section; and

3) Any other information required by the Agency~~Department~~ pursuant to the approval granted.

e) Each person licensed by the Agency~~Department~~ pursuant to this Part shall confine use and possession of the material licensed to the locations and purposes authorized in the license.

f) Each person issued a specific license pursuant to this Part shall maintain the license in accordance with the requirements of Section 330.320 of this Part.

g) When temporary jobsites are authorized on a specific license, radioactive material may be used at temporary jobsites, in areas not under exclusive federal jurisdiction, throughout the State of Illinois.

AGENCY NOTE: Authorization for use of byproduct radioactive materials at jobsites under exclusive federal jurisdiction must be obtained from the U.S.~~United States~~ Nuclear Regulatory Commission, either by filing an NRC Form-241 in accordance with 10 CFR 150.20(b), "Recognition of Agreement State Licenses~~,~~", or by applying for a specific license from the NRC. Also, specific licenses issued by the Agency~~Department~~ do not authorize activities in other states. Before radioactive materials can be used at a temporary jobsite in another state, a license must be obtained from the appropriate state or federal regulatory agency.

h) Each person issued a specific license pursuant to this Part shall apply for an appropriate license amendment not later than 30 days after a Radiation Safety Officer permanently discontinues performance of duties under the license.

i) Each specific licensee shall notify the Agency~~Department~~ in writing not later than 60 days after principal activities involving the use of radioactive materials, other than sealed sources, at the site or in a separate building or outdoor area have not occurred for a period of 2 years, and the licensee has not decontaminated the site or area.

AGENCY NOTE: Principal activities are those originally authorized on the license for that site or location. For example, licensees could not store radioactive material in an otherwise unused building to avoid end-of-use decommissioning, unless storage was a principal activity for that building.

This notification shall include a description of the location of the site, building or outdoor area and a plan for reclaiming or decommissioning these facilities (including a proposed schedule) for release in accordance with applicable regulations. The notification shall include an evaluation of any changes, if required, to financial assurance arrangements submitted in accordance with 32 Ill.

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Adm. Code 326. Upon approval of the plan by the Agency~~Department~~, implementation shall begin within 6 months and be completed within 24 months after approval (unless the Agency~~Department~~ approves a different schedule).

AGENCY NOTE: 32 Ill. Adm. Code 340.1310 requires licensees to notify the Agency~~Department~~ no less than 30 days before vacating or relinquishing possession or control of premises that may have been contaminated with radioactive material.

j) Notification of Bankruptcy

1) Each specific or general licensee shall notify the Agency~~Department~~, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter~~Chapter~~ of Title 11~~II~~ (Bankruptcy) of the United States Code by or against:

A) The licensee;

B) An entity (as the term is defined in 11 USC 101(14)) controlling the~~he~~ licensee or listing the license or licensee as property of the estate; or

C) An affiliate (as the term is defined in 11 USC 101(2)) of the licensee.

2) This notification shall indicate:

A) The bankruptcy court in which the petition for bankruptcy was filed;

B) The date of the filing of the petition;

C) The chapter under which the bankruptcy petition has been filed;

D) The name, address and phone number of the bankruptcy trustee (if a trustee has been named at the time of the notification);

E) Whether the licensed radiation source remains in the possession and control of the licensee and whether any change in possession or control is expected or contemplated;

F) The name of the person in possession and control of the licensed radiation source if the licensee no longer maintains possession or control; and

G) Whether the Agency~~Illinois Department of Nuclear Safety~~ has been named in the bankruptcy petition either as a creditor or in some other capacity.

k) Recordkeeping Requirements for Potentially Contaminated Areas. Except for areas containing only sealed sources, provided the sources have not leaked, or no contamination remains after any leakage, and except for areas where only radioactive materials with half-lives less than 90 days were used or stored, each specific licensee shall keep:

1) Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment or site, when contamination remains after any cleanup procedures or when there is reasonable likelihood the contaminants may have spread to inaccessible areas (as in the case of possible seepage into porous materials such as concrete). These records must include the location and any known information on identification of involved radionuclides, quantities, chemical and physical forms, and concentrations.

2) Drawings and subsequent modifications of structures and equipment in restricted areas where radioactive materials are used or stored, and of locations of possible inaccessible contamination, such as buried or enclosed pipes, that may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.

l) Each licensee shall maintain the following records, if applicable:

1) Records of all areas where low-level radioactive wastes were buried, including areas previously authorized by and documented pursuant to 10 CFR 20.2108.

2) Records of the Agency~~Department~~-approved cost estimate for the amount

certified for reclaiming and the associated reclamation plan, for licensees required by 32 Ill. Adm. Code 326 to secure financial assurance arrangements.

3) All records required to be maintained pursuant to 32 Ill. Adm. Code Chapter II, Subchapters b and d.

m) To lawfully obtain termination for a specific license, each licensee shall meet the termination requirements of this Part.

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

Section 330.320 Renewal Requirements for Specific~~Expiration and Termination of~~ Licenses

a) Each licensee issued a specific license shall maintain a valid specific license until the licensee completes the license termination requirements of Section 330.325 of this Part and the Agency has notified the licensee in writing that the specific license is terminated. Each specific license and any amendment to the license issued by the Agency contains an expiration date. Unless the specific license has been terminated in accordance with Section 330.325 of this Part, the licensee shall, 30 days prior to the expiration date of the license, file with the Agency:

1) A complete application, in proper format, for license renewal as provided in Section 330.240 of this Part; or

2) A complete application, in proper format, for a license authorizing, at a minimum, continued possession and storage of any radioactive materials possessed under the expiring specific license.

b) In any case in which a licensee files an application in accordance with subsection (a) of this Section before the expiration date of the specific license, the existing license shall not be terminated until the Agency renews the license or denies the application. An Agency denial of an application can be appealed pursuant to the procedures in 32 Ill. Adm. Code 200.

AGENCY NOTE: Nothing in this subsection (b) is intended to limit the Agency's authority, if circumstances warrant, to take emergency action in accordance with the Act [420 ILCS 40], or other appropriate action in regard to a specific license in accordance with procedures in 32 Ill. Adm. Code 200.

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c~~a~~) A licensee who fails to comply with the requirements of subsection (a) of this Section shall be subject to such civil penalties and sanctions as may be appropriate to the circumstances, in accordance with the Act and 32 Ill. Adm. Code 310. In addition, if the expiration date passes without license termination requirements having been met by the licensee and without a timely renewal application having been filed by the licensee before the expiration date, the authority of the licensee~~Except as provided in Section 330.330(b), the authority~~ to engage in licensed activities as specified in the specific license shall expire at the end of the specified expiration date. The passing of the expiration date~~day in the month and year stated therein. Any expiration date on a specific license applies only to the authority to engage in licensed activities. Expiration of a specific license~~ shall not relieve the licensee of the duties and responsibilities of applying for and maintaining a valid specific license,~~responsibility for~~ decommissioning, reclaiming, and meeting the license termination requirements of Section 330.325 of this Part~~its facility and terminating the specific license~~. Immediately upon the passing of the expiration date, a licensee that has neither met license termination requirements nor filed a timely application under subsection (a) of this Section shall:

1) Cease use of radioactive material;

2) Store all radioactive material in a secure location and limit activities involving radioactive material to those necessary for shipping, transferring and disposing of the radioactive material;

3) File either a new application for a specific license or provide information equivalent to that required on Agency Form KLM.007;

4) Comply with all applicable Agency regulations;

5) Comply with the license conditions of the expired license until either a new license is issued or the termination requirements of Section 330.325 of this Part are met; and

6) Comply with any orders issued by the Agency in accordance with the Act and 32 Ill. Adm. Code 200 that result from violation of subsection (a) of this Section or any other applicable provisions of Agency regulations or the Act.

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~~b) Each licensee shall notify the Department immediately, in writing, and request termination of the license when the licensee decides to terminate all activities involving radioactive materials authorized under the license. This notification and request for termination shall include the documents required by subsection (d) below and shall otherwise substantiate that the licensee has met all of the requirements in subsection (d) below.~~

~~c) No less than 30 days before the expiration date specified in the license, the licensee shall either:~~

~~1) Submit an application for license renewal under Section 330.330; or~~

~~2) Notify the Department, in writing, if the licensee decides not to renew the license. The licensee requesting termination of a license shall comply with the requirements of subsection (d) below.~~

~~d) Termination of Licenses~~

~~1) If a licensee does not submit an application for license renewal under Section 330.330, the licensee shall, on or before the expiration date specified in the license:~~

~~A) Terminate use of radioactive material;~~

~~B) Remove radioactive contamination to the level outlined in 32 Ill. Adm. Code 340.Appendix A, to the extent practicable;~~

~~C) Properly dispose of radioactive material;~~

~~D) Submit a completed Department Form KLM.007; and~~

~~E) Submit a radiation survey report to confirm the absence of radioactive materials or to establish the levels of residual radioactive contamination, unless the licensee demonstrates the absence of residual radioactive contamination in some other manner. The radiation survey report shall specify the instrumentation used and certify that each instrument was properly calibrated and tested. The licensee shall, as applicable, report levels or quantities of:~~

~~i) Beta and gamma radiation at 1 centimeter from surfaces in units, multiples, or subunits of sieverts or rem per hour;~~

~~ii) Gamma radiation at 1 meter from surfaces in units, multiples, or subunits of sieverts or rem per hour;~~

~~iii) Removable radioactivity on surfaces in units, multiples, or subunits of becquerels or curies per 100 square centimeters of surface area, or in disintegrations (transformations) per minute per 100 square centimeters of surface area;~~

~~iv) Fixed radioactivity on surfaces in units, multiples, or subunits of becquerels or curies per 100 square centimeters of surface areas or in disintegrations (transformations) per minute per 100 square centimeters of surface area;~~

~~v) Radioactivity in contaminated liquids such as water, oils or solvents in units, multiples, or subunits of becquerels or curies per milliliter of volume; and~~

~~vi) Radioactivity in contaminated solids such as soils or concrete in units, multiples, or subunits of becquerels or curies per gram of solid.~~

~~2) If no residual radioactive contamination attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable radioactive contamination was found. The Department will notify the licensee, in writing, of the termination of the license.~~

~~3) If detectable levels or residual radioactive contamination attributable to activities conducted under the license are found:~~

~~A) The license continues in effect beyond the expiration date, if necessary, with respect to possession of residual radioactive material present as contamination until the Department notifies the licensee in writing that the license is terminated. During this time the licensee is subject to the provisions of subsection (e) below.~~

~~B) In addition to the information submitted under subsections (1)(D)~~

~~and (1)(E) above, the licensee shall submit a plan for decontamination, if required, as regards residual radioactive contamination remaining at the time the license expires.~~

~~e) Each licensee who possesses residual radioactive material under subsection (d)(3) above, following the expiration date specified in the license, shall:~~

~~1) Limit actions involving radioactive material to those related to decontamination and other activities related to preparation for release for unrestricted use; and~~

~~2) Continue to control entry to restricted areas until they are suitable for release for unrestricted use and the Department notifies the licensee in writing that the license is terminated.~~

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

Section 330.325 Termination Requirements for Specific Licenses and Locations of Use

a) To lawfully obtain termination of a specific license or a location of use, each licensee shall meet the requirements of this Section no later than the end of the expiration date on the specific license or on any applicable amendment to the specific license unless the licensee has filed an application for renewal in accordance with Section 330.320(a) of this Part prior to the expiration date.

AGENCY NOTE: If the licensee has filed a renewal application in accordance with Section 330.320(a) of this Part and the Agency subsequently denies the application, the Agency shall, in an order issued to the licensee in accordance with the Act, the Illinois Administrative Procedure Act [5 ILCS 100] and 32 Ill. Adm. Code 200, specify the time by which the licensee must meet the requirements of this Section.

b) Requirements for Obtaining Termination of a Specific License, Removal of a Site or Location of Use from a Specific License

1) The licensee shall:

A) Cease use of radioactive material;

B) Remove radioactive contamination to levels considered acceptable for unrestricted use. A site will be considered acceptable for unrestricted use when:

i) Radioactive contamination is removed to levels outlined in 32 Ill. Adm. Code 340.Appendix A; or

ii) The residual radioactivity, excluding radon, thoron and their progeny, that is distinguishable from background radiation does not result in a TEDE to an average member of the critical group that exceeds 25 mrem (0.25 mSv) per year, including that from groundwater sources of drinking water, and the residual radioactivity has been reduced to levels that are as low as reasonably achievable (ALARA). Determination of the levels that are ALARA must take into account consideration of any detriments, such as deaths from transportation accidents, expected to potentially result from decontamination and waste disposal;

C) Properly transfer and/or dispose of radioactive material;

D) Submit a completed Agency Form KLM.007 or provide equivalent information;

E) For licensees authorized to possess sealed sources, submit evidence of transfer and/or disposal of all sealed sources authorized on the license and a copy of the most recent leak test; and

F) For licensees authorized to possess radioactive material in forms other than sealed sources, submit a radiation survey report to confirm the absence of radioactive materials or to establish the levels of residual radioactive contamination, unless the licensee demonstrates the absence of residual radioactive contamination in some other manner. The radiation survey report shall specify the date of the survey and the instrumentation used and shall certify that each instrument was properly calibrated and tested. The licensee shall, as applicable, report levels or quantities of:

i) Beta and gamma radiation at 1 centimeter from surfaces in units, multiples, or subunits of Sieverts or rem per hour;

ii) Gamma radiation at 1 meter from surfaces in units, multiples, or subunits of Sieverts or rem per hour;

iii) Removable radioactivity on surfaces in units, multiples, or subunits of Becquerels or Curies per 100 square centimeters of surface area, or in disintegrations (transformations) per minute per 100 square centimeters of surface area;

iv) Fixed radioactivity on surfaces in units, multiples, or subunits of Becquerels or Curies per 100 square centimeters of surface areas or in disintegrations (transformations) per minute per 100 square centimeters of surface area;

v) Radioactivity in contaminated liquids, such as water, oils or solvents, in units, multiples, or subunits of Becquerels or Curies per milliliter of volume; and

vi) Radioactivity in contaminated solids, such as soils or concrete, in units, multiples, or subunits of Becquerels or Curies per gram of solid.

2) If no residual radioactive contamination attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable radioactive contamination was found.

3) If detectable levels or residual radioactive contamination attributable to activities conducted under the license are found, the licensee shall:

A) In addition to the information submitted under subsections (b)(1)(D) and (b)(1)(F) of this Section, submit for Agency approval a plan for reclaiming the facility, including decontamination and removal of residual radioactive contamination;

B) Limit actions involving radioactive material to those approved under the decontamination plan in subsection (b)(3)(A) of this Section;

C) Continue to control entry to restricted areas until they are suitable for release for unrestricted use; and

D) Implement and complete the plan approved under subsection (b)(3)(A) of this Section.

c) When a licensee ends activities authorized under a specific license and has met the termination requirements of subsection (b) of this Section, the licensee shall immediately notify the Agency in writing and request that the license be terminated. This notification and request for termination shall include the documents required by subsection (b) of this Section and shall otherwise substantiate that the licensee has met all of the requirements in subsection (b) of this Section.

d) After receiving a request for license termination pursuant to subsection (c) of this Section, the Agency shall confirm, through such inspections and record reviews as may be necessary, that the licensee has met the requirements of subsection (b) of this Section. Upon confirmation, the Agency shall issue an amendment to terminate the licensee. Until issued the termination amendment, the licensee shall maintain a valid specific license in accordance with Section 330.320 of this Part.

e) A licensee who fails to comply with the pertinent requirements of this Section shall be subject to such civil penalties and sanctions as may be appropriate in accordance with the Act and 32 Ill. Adm. Code 310. The passing of the expiration date shall not relieve the licensee of the duties and responsibilities of applying for and maintaining a valid specific license in accordance with Section 330.320 of this Part, decommissioning, reclaiming, and meeting the license termination requirements of this Section. Immediately upon the passing of the expiration date, a licensee that fails to comply with subsection (a) of this Section shall comply with the requirements of Section 330.320(c) of this Part.

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

Section 330.330 Renewal of Licenses

a) Applications for renewal of specific licenses shall be filed in accordance with Section 330.240 of this Part.

b) In any case in which a licensee, not less than 30 days prior to expiration of an~~his~~ existing license, has filed an application in proper form for renewal or for a new license authorizing the same activities, the~~such~~ existing license shall not expire until final action has been taken by the Agency~~Department~~.

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

Section 330.340 Amendment of Licenses at Request of Licensee

a) Applications for amendment of a license shall be filed in accordance with Section 330.240 of this Part and shall specify the purpose for which the licensee desires the license to be amended and the grounds for the~~such~~ amendment.

b) Except as otherwise authorized by the Agency, the licensee must receive an amendment before the licensee:

1) Receives, uses or transfers radioactive material for a type of use not authorized on the licensee's current license.

2) Adds or changes the Radiation Safety Officer, authorized nuclear pharmacist or authorized user.

3) Receives radioactive material in excess of the license possession limits or in a form not stated on the current license.

4) Adds to or changes areas of use or storage locations, including change of address.

5) Revises procedures identified in the current license.

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

Section 330.900 Reciprocal Recognition of Licenses

a) Subject to this Part, any person who holds a specific license from the U.S. Nuclear Regulatory Commission or another state is hereby granted a general license to conduct the activities authorized in such licensing document within this

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State, in areas not under exclusive federal jurisdiction, for a period not in excess of 180 days in any 12-month period, provided that:

1) A current copy of the licensing document is on file with the Agency~~Department~~ and activities authorized by the~~such~~ document are not limited to specified installations or locations.~~;~~

2) The out-of-state licensee notifies the Agency~~Department~~ by telephone, facsimile, telegraph or letter prior to engaging in such activities. Notification~~Such notification~~ shall indicate the following:~~indicate the location, period and type of proposed possession and use within the State. If initial notification was by telephone or telegraph, the out-of-state licensee shall submit to the Department within 10 days following such notification a letter which contains the above information. Upon receipt from the out-of-state licensee of a written request which contains a schedule of activities to be conducted within Illinois, the Department shall waive the requirement for additional notifications of activities on that schedule during the 12-month period following the receipt of the initial notification from a person engaging in activities under the general license provided in this Section;~~

A) Contact person

B) Phone number of contact

C) Company name and address

D) Company contact person on-site

E) License number of applicant or registrant

F) Licensing authority

G) Expiration date of applicant's or registrant's license

H) Dates of work at temporary job site

I) Client or facility name and address

K) Client or facility contact person and phone number

L) Proposed use and names and social security numbers of authorized users

M) Device manufacturer, model, radionuclide, source model, and activity.

3) If initial notification was by telephone or telegraph, the out-of-state licensee shall submit to the Agency, within 10 days following notification, a letter containing the information specified in subsection (a)(2). Upon receipt from the out-of-state licensee of a written request containing a schedule of activities to be conducted within Illinois, the Agency shall waive the requirement for additional notifications of activities on that schedule during the 12-month period following the receipt of the initial notification from a person engaging in activities under the general license provided in this Section.~~The out-of-state licensee complies with 32 Ill. Adm. Code: Chapter II and with all the terms and conditions of the licensing document, except any such terms and conditions which may be inconsistent with 32 Ill. Adm. Code: Chapter II;~~

4) The out-of-state licensee complies with 32 Ill. Adm. Code: Chapter II and with all the terms and conditions of the licensing document, except any terms and conditions that may be inconsistent with 32 Ill. Adm. Code: Chapter II.~~The out-of-state licensee supplies other information as the Department may request to show compliance with 32 Ill. Adm. Code: Chapter II; and~~

5) The out-of-state licensee supplies other information as the Agency may request to show compliance with 32 Ill. Adm. Code: Chapter II. ~~The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in this Section except by transfer to a person:~~

~~A) Specifically licensed by the Department, the U.S. Nuclear Regulatory Commission or another state to receive such material; or~~

~~B) Exempt from the requirements for a license for such material under Section 330.40(a) of this Part.~~

6) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in this Section, except by transfer to a person:

A) Specifically licensed by the Agency, the U.S. Nuclear Regulatory Commission or another state to receive such material; or

B) Exempt from the requirements for a license for such material under Section 330.40(a) of this Part.

b) In addition to the provisions of subsection (a) of this Section, any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission or another state authorizing the holder to manufacture, transfer, install or service a device described in Section 330.220(b)(1) of this Part within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate or service the~~such a~~ device in this State, provided that:

~~1) Such person shall file a report with the Department within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this State. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred and the radionuclide and activity of radioactive material contained in the device;~~

1~~2~~) The device has been manufactured, labeled, installed and serviced in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission or another state;

2~~3~~) The~~Such~~ person shall assure that any labels required to be affixed to the device under regulations of the authority that licensed manufacture of the device bear a statement that "Removal of this label is prohibited".~~; and~~

~~4) The holder of the specific license shall furnish to each general licensee to whom he transfers or on whose premises he installs such a device a copy of the general license contained in Section 330.220(b) of this Part or in equivalent regulations of the agency having jurisdiction over the manufacture and distribution of the device.~~

c) The Department may withdraw, limit or qualify its acceptance of any specific license issued by the U.S. Nuclear Regulatory Commission or another state, or

any product distributed pursuant to the~~such~~ license, if the Agency~~Department~~ determines that had the person been licensed in Illinois by the Agency~~Department~~, the license would have been subject to action under Section 330.500 of this Part or 32 Ill. Adm. Code 310.90.

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

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Section 330.APPENDIX E List of Specialty Board Certifications Recognized by the Agency Until October 24, 2006~~Schedule E (Repealed)~~

Until October 24, 2006, the Agency will recognize Board certification by the specialty boards for the uses of radioactive material as specified in this Appendix. The Agency will also accept boards recognized by the U.S. Nuclear Regulatory Commission and listed on its website.

Training for Authorized Nuclear Pharmacist

Board of Pharmaceutical Specialties in Nuclear Pharmacy or Sciences

~~UNIMPORTANT QUANTITIES OF SOURCE MATERIAL~~

(Source: Appendix E repealed at 10 Ill. Reg. 17315, effective September 25, 1986; new Appendix E added at 30 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Medical Use of Radioactive Material

2) Code Citation: 32 Ill. Adm. Code 335

3)

Section Number:	Proposed Action:
Heading	Amendment
335.10	Amendment
335.15	Amendment
335.20	Amendment
335.30	Amendment
335.40	Amendment
335.50	Repealed
335.60	New Section
335.1010	Repealed
335.1020	Repealed
335.1030	Repealed
335.1040	Amendment
335.1050	Amendment
335.1060	Amendment
335.1070	Repealed
335.1080	Amendment
335.1090	Repealed
335.1100	New Section
335.1110	New Section
335.1120	New Section
335.2010	Amendment
335.2020	Repealed
335.2030	Amendment
335.2040	Amendment
335.2050	Repealed
335.2060	Amendment
335.2070	Repealed
335.2080	Amendment
335.2090	Repealed
335.2100	Repealed
335.2110	Amendment
335.2120	Amendment
335.2130	Repealed
335.2140	New Section
Subpart D	Amendment

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335.3010	Amendment
Subpart E	Amendment
335.4010	Amendment
335.4020	Amendment
335.4030	Repealed
Subpart F	Amendment
335.5010	Amendment
335.5020	Amendment
335.5030	Amendment
335.6010	Amendment
335.7010	Amendment
335.7020	Amendment
335.7030	Amendment
335.7040	Amendment
335.7050	Repealed
335.7060	New Section
335.7070	New Section
335.7080	New Section
335.7090	New Section
Subpart I	Amendment
335.8010	Amendment
335.8020	Amendment
335.8030	Repealed
335.8040	Amendment
335.8050	Amendment
335.8060	Amendment
335.8070	Repealed
335.8080	Amendment
335.8090	Amendment
335.8100	Amendment
335.8110	Amendment
335.8120	Repealed
335.8130	Repealed
335.8140	Repealed
335.8150	Amendment
335.8160	New Section
335.8170	New Section
335.8180	New Section
335.8190	New Section
335.8200	New Section

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335.8210	New Section
335.8220	New Section
335.8230	New Section
335.9010	Amendment
335.9030	Amendment
335.9040	Amendment
335.9050	Amendment
335.9060	Amendment
335.9070	Amendment
335.9100	Amendment
335.9130	Amendment
335.9140	Amendment
335.9150	Amendment
335.9160	Amendment
335.9190	Amendment
Appendix A	Amendment

4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 35 regulations currently in place for medical use of radioactive materials. Agreement States such as Illinois are required to have these regulations in place by October 24, 2005. These regulations provide for radiation safety of workers, the general public and patients including patients involved in clinical trials of new products. New technical requirements include provisions for approval of emerging medical technologies, intravascular brachytherapy and gamma stereotactic radiosurgery. Quality assurance for these technologies is also specifically addressed.

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

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10) Statement of Statewide Policy Objective: The modifications in the proposed rulemaking are not expected to require medical providers or local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Kevin T. McLain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

(217) 524-0770 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking may affect small businesses and not for profit corporations if they are licensed to use radioactive material on humans. Small municipalities, as defined in Section 100/1-80 of the IAPA, and government agencies will not be affected by this rulemaking.

B) Reporting, bookkeeping or other procedures required for compliance: The Agency believes that this rulemaking will not increase reporting, bookkeeping or procedures from those currently practiced by medical providers or local governments.

~~C)~~C) Types of professional skills necessary for compliance: None

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

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 335
MEDICAL USE OF RADIOACTIVE MATERIAL~~USE OF RADIONUCLIDES IN THE HEALING ARTS~~

SUBPART A: GENERAL INFORMATION

Section
335.10 Purpose and Scope
335.15 Incorporations by Reference
335.20 Definitions
335.30 License Required
335.40 License Amendments
335.50 Written Directives (Repealed)
335.60 Provisions for the Protection of Human Research Subjects

SUBPART B: GENERAL ADMINISTRATIVE REQUIREMENTS

Section
335.1010 ALARA Program (Repealed)
335.1020 Radiation Safety Officer (Repealed)
335.1030 Radiation Safety Committee (Repealed)
335.1040 ~~Statement of~~ Authorities and Responsibilities for the Radiation Protection Program
335.1050 Supervision
335.1060 Authorized User and Visiting Authorized User
335.1070 Mobile Nuclear Medicine Service Administrative Requirements (Repealed)
335.1080 Report and Notification of a Medical Event~~Notifications, Reports and Records of Reportable Events~~
335.1090 Materials Authorized for Medical Use (Repealed)
335.1100 Report and Notification of a Dose to an Embryo/Fetus or a Nursing Child
335.1110 Written Directives
335.1120 Procedures for Administrations Requiring a Written Directive

SUBPART C: GENERAL TECHNICAL REQUIREMENTS

Section

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335.2010 Possession, Use and~~,~~ Calibration of Instruments Used to Measure the Activity of Unsealed Radioactive Material ~~and Check of Dose Calibrators~~
335.2020 Possession, Calibration and Check of Survey Instruments (Repealed)
335.2030 Assay of Radiopharmaceutical Dosages
335.2040 Authorization for Calibration, Transmission, Attenuation Correction and Reference Sources
335.2050 Requirements for Possession of Sealed Sources (Repealed)
335.2060 Labeling and Use of Vials and Syringes ~~Syringe Shields and Syringe Shield Labels~~
335.2070 Vial Shields and Vial Shield Labels (Repealed)
335.2080 Monitoring for Contamination and Ambient Radiation Dose Rate
335.2090 Safety Instructions for Patients Not Hospitalized and Containing Therapeutic Doses of Radiopharmaceuticals or Permanent Implants (Repealed)
335.2100 Admission of Patients Being Treated with Radiopharmaceuticals or Permanent Implants (Repealed)
335.2110 Release of Individuals Containing Unsealed Radioactive Material or Implants Containing Radioactive Material ~~Discharge of Patients Being Treated with Therapeutic Doses of Radiopharmaceuticals or Permanent Implants~~
335.2120 Mobile Medical~~Nuclear Medicine~~ Service ~~Technical~~ Requirements
335.2130 Storage of Volatiles and Gases (Repealed)
335.2140 Other Medical Uses of Radioactive Material or Radiation from Radioactive Material (Emerging Technologies)

SUBPART D: UNSEALED RADIOACTIVE MATERIAL FOR UPTAKE, DILUTION AND EXCRETION STUDIES – WRITTEN DIRECTIVE NOT REQUIRED

Section
335.3010 Use of Unsealed Radioactive Material~~Radiopharmaceuticals~~ for Uptake, Dilution and~~or~~ Excretion Studies for Which a Written Directive is Not Required

SUBPART E: UNSEALED RADIOACTIVE MATERIAL FOR IMAGING AND LOCALIZATION STUDIES FOR WHICH A WRITTEN DIRECTIVE IS NOT REQUIRED

Section
335.4010 Use of Unsealed Radioactive Material~~Radiopharmaceuticals, Generators and Reagent Kits~~ for Imaging and Localization Studies for Which a Written Directive is Not Required
335.4020 Permissible Molybdenum-99 Concentration
335.4030 Control of Aerosols and Gases (Repealed)

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SUBPART F: UNSEALED RADIOACTIVE MATERIAL – WRITTEN DIRECTIVE REQUIRED~~RADIOPHARMACEUTICALS FOR THERAPY~~

Section
335.5010 Use of Unsealed Radioactive Material for Which a Written Directive is Required ~~Radiopharmaceuticals for Therapy~~
335.5020 Safety Instruction
335.5030 Safety Precautions ~~for Radiopharmaceutical Therapy~~

SUBPART G: SEALED SOURCES FOR DIAGNOSIS

Section
335.6010 Use of Sealed Sources for Diagnosis

SUBPART H: MANUAL~~SEALED SOURCES FOR~~ BRACHYTHERAPY

Section
335.7010 Use of Sealed Sources for Manual Brachytherapy
335.7020 Safety Instruction
335.7030 Safety Precautions
335.7040 Accountability and Security of Brachytherapy Sources
335.7050 Discharge of Patients Treated With Temporary Implants (Repealed)
335.7060 Surveys After Source Implant and Removal
335.7070 Calibration Measurements of Brachytherapy Sources
335.7080 Decay of Brachytherapy Sources
335.7090 Therapy-related Computer Systems for Manual Brachytherapy

SUBPART I: REMOTE AFTERLOADER UNITS, INTRAVASCULAR BRACHYTHERAPY UNITS, TELETHERAPY UNITS AND GAMMA STEREOTACTIC RADIOSURGERY UNITS

Section
335.8010 Use of a Sealed Source in ~~a~~ Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units~~Unit~~ or Gamma Stereotactic Radiosurgery Units
335.8020 Installation, Maintenance, Adjustment and Repair ~~Restrictions~~
335.8030 Amendments to Teletherapy Licenses (Repealed)
335.8040 Safety Procedures and Instructions for Remote Afterloader Units, Intravascular

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Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units
335.8050 Safety Precautions for Remote Afterloader Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units ~~Doors, Interlocks and Safety Related Systems~~
335.8060 Radiation Monitoring Device for Teletherapy Units and Gamma Stereotactic Radiosurgery Units
335.8070 Viewing System for Teletherapy (Repealed)
335.8080 ~~Teletherapy~~ Dosimetry Equipment
335.8090 Full Calibration Measurements for Teletherapy
335.8100 Periodic Spot-Checks for Teletherapy
335.8110 Radiation Monitoring ~~of Teletherapy Facilities~~
335.8120 Safety Checks for Teletherapy Facilities (Repealed)
335.8130 Modification of Teletherapy Unit or Room Before Beginning a Treatment Program (Repealed)
335.8140 Reports of Teletherapy Monitoring, Checks, Tests and Measurements (Repealed)
335.8150 5-Year ~~Teletherapy~~ Inspection for Teletherapy and Gamma Stereotactic Radiosurgery Units
335.8160 Full Calibration Measurements on Remote Afterloader Units
335.8170 Periodic Spot-Checks for Remote Afterloader Units
335.8180 Monitoring of Patients and Human Research Subjects Treated with a Remote Afterloader Unit or Intravascular Brachytherapy Unit
335.8190 Full Calibration Measurements on Gamma Stereotactic Radiosurgery Units
335.8200 Periodic Spot-Checks for Gamma Stereotactic Radiosurgery Units
335.8210 Additional Technical Requirements for Mobile Remote Afterloader Units
335.8220 Additional Technical Requirements for Intravascular Brachytherapy Units
335.8230 Therapy-related Computer Systems for Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Units

SUBPART J: TRAINING AND EXPERIENCE REQUIREMENTS

Section
335.9010 Radiation Safety Officer
335.9020 Training for Experienced Radiation Safety Officer (Repealed)
335.9030 Training for Uptake, Dilution or Excretion Studies
335.9040 Training for Imaging and Localization Studies
335.9050 Training for Use of Unsealed Radioactive Material for Which a Written Directive is Required
335.9060 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Less Than or Equal to 1.22 GBq (33 mCi)
335.9070 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written

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Directive in Quantities Greater Than 1.22 GBq (33 mCi) 335.9080 Training for Therapeutic Use of Soluble Phosphorus-32 (Repealed)
335.9090 Training for Therapeutic Use of Colloidal Chromic Phosphorus-32 Labeled Phosphate Compound or Gold-198 (Repealed)
335.9100 Training for Use of Manual Brachytherapy Sources
335.9120 Training for Ophthalmic Use of Strontium-90
335.9130 Training for Use of Sealed Sources for Diagnosis
335.9140 Training for Use of Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units
335.9150 Training for Authorized Medical Physicist
335.9160 Training for Experienced Radiation Safety Officer, Authorized Medical Physicist or Authorized User
335.9170 Physician Training in a 3-Month Program (Repealed)
335.9180 Recentness of Training
335.9190 Resolution of Conflicting Requirements During Transition Period

335.APPENDIX A List of Specialty Board Certifications Accepted by the Agency~~Department~~ Until October 24, 2007~~2004~~

AUTHORITY: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10].

SOURCE: Adopted at 15 Ill. Reg. 10763, effective July 15, 1991; emergency amendment at 17 Ill. Reg. 9099, effective June 8, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 7308, effective May 2, 1994; emergency amendment at 26 Ill. Reg. 4434, effective March 8, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10517, effective July 1, 2002; amended at 27 Ill. Reg. 10057, effective June 30, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL INFORMATION

Section 335.10 Purpose and Scope

This Part contains the requirements and provisions for the medical use of radioactive material and for issuance of specific licenses authorizing the medical use of this material. This Part allows use of radioactive material strictly for medical use as authorized by an authorized user and does not allow use for training, demonstration or other purposes unrelated to the treatment of patients. These requirements and provisions provide for the radiation safety of workers, the general public, patients and human research subjects.~~establishes requirements for the use of~~

~~radionuclides in the healing arts and for issuance of licenses authorizing the medical use of this material. These requirements provide for the protection of the public health and safety.~~ The requirements of this Part are in addition to, and not in substitution for, others in 32 Ill. Adm. Code: Chapter II, Subchapters b and d. The requirements of 32 Ill. Adm. Code: Chapter II, Subchapters b and d apply to applicants and licensees subject to this Part unless specifically exempted.

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

Section 335.15 Incorporations by Reference

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

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

Section 335.20 Definitions

~~"ALARA program" means a program designed to maintain effluents to unrestricted areas, occupational doses and doses to the general public as low as is reasonably achievable.~~

~~"Annually" means at intervals not to exceed 1 year.~~

"Area of use" means a portion of a physical structure that has been set aside for the purpose of receiving, using or storing radioactive material.

"Authorized user" means a physician, dentist or podiatrist who meets the requirements in Subpart J of this Part or is identified as being authorized to use radioactive material on a specific medical use license issued by the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; a medical use permit issued by a U.S. Nuclear Regulatory Commission master material licensee; a permit issued by a U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope medical use licensee; or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope medical use permittee.

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"Authorized medical physicist" means an individual who meets the requirements in Sections 335.9150~~(a)~~ and 335.9180 of this Part or Section 335.9190(b) of this Part until October 24, 2007; or is identified as an authorized medical physicist or teletherapy physicist on a specific medical use license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or Licensing State; a medical use permit issued by a U.S. Nuclear Regulatory Commission master material licensee; a permit issued by a U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope medical use licensee; or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope medical use permittee.

~~"Brachytherapy" means a method of radiation therapy in which sealed sources, including those contained in high dose rate afterloaders, are used to deliver a radiation dose at a distance of less than 6 centimeters by surface, intracavitary or interstitial application.~~

~~"Calculated weekly administered dose" means the portion of the calculated administered dose received by the patient in 7 consecutive days.~~

"Case" means the performance of a clinical procedure on a patient.

"Classroom and laboratory training" means planned instruction outlined in a syllabus and offered by an individual or organization. It is comprised of lectures, demonstrations, hands-on laboratory exercises and tests.

"Client's address" means the area of use or a temporary job site for the purpose of providing mobile medical service in accordance with Section 335.2120 of this Part.

"Clinical procedure" means a method of using radioactive material for patient care in which the material or its radiation is administered to the patient. A specific clinical procedure specifies, either explicitly or in context, the indication for the procedure, the purpose (diagnosis or therapy), the radionuclide and its chemical and physical form, the dosage or dose and method of administration and patient follow-up. Diagnostic clinical procedures also include the method of collecting raw data, manipulating the data and interpreting the final results, which may be images, graphs or numbers.

~~"Dedicated check source" means a radioactive source, with a half-life greater than~~

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~~5 years, that is used to assure the constant operation of a radiation detection or measurement device.~~

"Dentist" means an individual licensed by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to practice dentistry.

~~"Diagnostic clinical procedures manual" means a collection of written procedures that describes each method (and other instructions and precautions) by which the licensee performs diagnostic clinical procedures. Each diagnostic clinical procedure included in this manual must be approved by the authorized user and must include the radiopharmaceutical, dosage and route of administration.~~

"Gamma stereotactic radiosurgery" means the use of external radiation in conjunction with a stereotactic guidance device to very precisely deliver a therapeutic dose to a tissue volume.

"High dose rate remote afterloader", as used in this Part, means a brachytherapy device that remotely delivers a dose rate in excess of 12 gray (1200 rads) per hour at the point or surface where the dose is prescribed~~an automated device used for delivering a sealed source of high activity (typically of the magnitude of gigabecquerels or curies of activity for Ir-192) for brachytherapy~~.

"Intravascular brachytherapy" means a type of brachytherapy in which the brachytherapy sources are placed into blood vessels at the point where the dose is prescribed for the treatment of in-stent restenosis.

~~"Licensed practitioner of the healing arts", means a person licensed under the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Dental Practice Act [225 ILCS 25], or the Podiatric Medical Practice Act of 1987 [225 ILCS 100].~~

"Low dose rate remote afterloader", as used in this Part, means a brachytherapy device that remotely delivers a dose rate of less than or equal to 2 gray (200 rads) per hour at the point or surface where the dose is prescribed.

"Management" means the chief executive officer or other individual having the authority to manage or administer the licensee's activities, or those individuals' delegates~~that individual's designee~~.

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"Manual brachytherapy", as used in this Part, means a type of brachytherapy in which the brachytherapy sources (e.g., seeds, ribbons) are manually placed topically on or inserted either into the body cavities that are in close proximity to a treatment site or directly into the tissue volume.

"Medical event" means an event that meets the criteria in Section 335.1080 of this Part.

"Medical institution" means:

An organization, other than a medical clinic, private medical practice or mobile nuclear medicine service, that holds a specific license issued by the Agency~~Department~~ and that practices more than two medical disciplines; or

A medical clinic, private practice or mobile nuclear medicine service that holds a specific license issued by the Agency~~Department~~ and is authorized under Section~~Sections~~ 335.2140, 335.5010 (for therapy procedures only), 335.7010 or 335.8010 of this Part to use radioactive material.

"Medical use" means the intentional internal or external administration of radioactive material or the radiation from radioactive material to patients or human research subjects under the supervision of an authorized user.

"Medium dose rate remote afterloader", as used in this Part, means a brachytherapy device that remotely delivers a dose rate of greater than 2 gray (200 rads), but less than 12 gray (1200 rads) per hour at the point or surface where the dose is prescribed.

"Mobile medical service" means the transportation of radioactive material to, and its medical use at, the client's address.

"Output" means the exposure rate, dose rate or a quantity related in a known manner to these rates from a brachytherapy source or a teletherapy, remote afterloader or gamma stereotactic radiosurgery unit for a specified set of exposure conditions.

"Patient intervention" means actions by the patient or human research subject, whether intentional or unintentional, such as dislodging or removing treatment devices or prematurely terminating the administration.

"Physically present" means within audible range and in such proximity that immediate assistance can be given if required.

"Podiatrist" means an individual licensed by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to practice podiatry.

"Prescribed dosage" means the specified activity or range of activity of unsealed radioactive material~~radiopharmaceutical activity~~ as documented:

in a written directive; or

in accordance with the directions of the authorized user for procedures pursuant to Sections 335.3010 and 335.4010 of this Part.~~either in the diagnostic clinical procedures manual for diagnostic procedures, or as otherwise directed by the authorized user for diagnostic procedures.~~

"Prescribed dose" means:

for gamma stereotactic radiosurgery, the total dose as documented in the written directive;

for teletherapy, the total dose and dose per fraction as documented in the written directive; ~~or~~

for manual brachytherapy and intravascular brachytherapy, either the total dose or the total source strength and exposure time, as documented in the written directive; or~~.~~

for remote brachytherapy afterloaders, the total dose and dose per fraction as documented in the written directive.

"Pulsed dose rate remote afterloader", as used in this Part, means a special type of remote afterloading brachytherapy device that uses a single source capable of delivering dose rates in the "high dose rate" range, and:

is approximately one-tenth of the activity of typical high dose rate remote afterloader sources; and

is used to simulate the radiobiology of a low dose rate treatment by inserting the source for a given fraction of each hour.

~~"Quarterly" means at intervals not to exceed 3 months.~~

"Radiation Safety Officer" means an individual who:

meets the requirements in Sections 335.9010, 335.9160 and 335.9180 of this Part;

meets the requirements in Section 335.9190(b) of this Part until October 24, 2007; or

is identified as a Radiation Safety Officer on:

a specific medical use license issued by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

a medical use permit issued by the Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope licensee or master material license permit or by a master material license permittee of broad scope Commission master material licensee.

~~"Recordable event" means the administration of:~~

~~material or radioactive radiation therefrom without a written directive by a procedure listed in the definition of the term "written directive";~~

~~radioactive material or radiation therefrom pursuant to a written directive without daily recording the administered radiation dose or radiopharmaceutical dosage;~~

~~a therapeutic radiopharmaceutical dosage, other than iodine-125 or iodine-131 as sodium iodide, when the administered dosage differs from the prescribed dosage by more than ten percent of the prescribed dosage;~~

~~a radiopharmaceutical procedure involving greater than 1.11 Mbq (30mCi) of iodine-125 or iodine-131 as sodium iodide, when both the administered~~

~~dosage differs from the prescribed dosage by more than ten percent of the prescribed dosage, and the difference between the administered dosage and prescribed dosage exceeds 555 kBq (15mCi);~~

~~a teletherapy radiation dose when the calculated weekly administered dose is 15 percent greater than the weekly prescribed dose; or~~

~~a brachytherapy radiation dose when the calculated administered total dose differs from the prescribed dose by more than ten percent of the prescribed dose.~~

~~"Reportable event" means the administration of:~~

~~a therapeutic radiopharmaceutical dosage other than iodine-125 or iodine-131 as sodium iodide:~~

~~involving the wrong patient, wrong radiopharmaceutical, the wrong route of administration; or~~

~~when the administered dosage differs from the prescribed dosage by more than 20 percent of the prescribed dosage;~~

~~a radiopharmaceutical dosage in quantities greater than 1.11 MBq (30 mCi) of iodine-125 or iodine-131 as sodium iodide:~~

~~involving the wrong patient, wrong radiopharmaceutical, the wrong route of administration; or~~

~~when both the total administered dosage differs from the prescribed dosage by more than 20 percent of the prescribed dosage, and the difference between the administered dosage and prescribed dosage exceeds 1.11 MBq (30 mCi);~~

~~a gamma stereotactic radiosurgery radiation dose:~~

~~involving the wrong patient or wrong treatment site; or~~

~~when the calculated total administered dose differs from the total prescribed dose by more than ten percent of the total prescribed dose;~~

~~a teletherapy radiation dose:~~

~~involving the wrong patient, wrong treatment modality, the wrong treatment site;~~

~~when the treatment consists of three or fewer fractions and the calculated total administered dose differs from the total prescribed dose by more than ten percent of the total prescribed dose;~~

~~when the calculated weekly administered dose is 30 percent greater than the weekly prescribed dose; or~~

~~the calculated total administered dose differs from the prescribed dose by more than 20 percent of the prescribed dose;~~

~~a brachytherapy radiation dose:~~

~~involving the wrong patient, wrong radioisotope or the wrong treatment site (excluding, for permanent implants, seeds that were implanted in the correct site but migrated outside the treatment site);~~

~~involving a sealed source that is leaking;~~

~~when, for a temporary implant, one or more sealed sources are not removed upon completion of the procedure; or~~

~~when the calculated total administered dose differs from the prescribed dose by more than 20 percent of the prescribed dose;~~

~~a diagnostic radiopharmaceutical dosage, other than iodine-125 or iodine-131 as sodium iodide in quantities greater than 1.11 MBq (30 mCi) both:~~

~~involving the wrong patient, the wrong pharmaceutical, the wrong route of administration or the wrong radiopharmaceutical dosage; and~~

~~when the dose to the patient exceeds 50 mSv (5 rem) effective dose~~

~~equivalent or 500 mSv (50 rem) dose equivalent to any individual organ.~~

"Structured educational program" means an educational program designed to impart particular knowledge and practical education through interrelated studies and supervised training.

"Teletherapy", as used in this Part, means a method of radiation therapy in which collimated gamma rays are delivered at a distance from the patient or human research subject~~the source of radiation is at a distance of 6 centimeters or more from the area being treated~~.

"Therapeutic dosage" means a dosage of unsealed radioactive material that is intended to deliver a radiation dose to a patient or human research subject for palliative or curative treatment.

"Therapeutic dose" means a radiation dose delivered from a source containing radioactive material to a patient or human research subject for palliative or curative treatment.

"Treatment site" means the anatomical description of the tissue intended to receive a radiation dose, as described in a written directive.

"Type of use" means use of radioactive material under Sections 335.2140, 335.3010, 335.4010, 335.5010, 335.6010, 335.7010 or 335.8010 of this Part.

“Unit dosage” means a dosage prepared for medical use for administration as a single dosage to a patient or human research subject without any further manipulation of the dosage after it is initially prepared.

"Visiting authorized user" means a temporary (i.e., less than 60 days each year) authorized user who is not identified on the license of the licensee being visited and who has been approved by the Radiation Safety Committee in accordance with Section 335.1060(b) of this Part.

~~"Weekly prescribed dose" means the portion of the prescribed dose to be delivered in 7 consecutive days.~~

"Written directive" means an authorized user's written order for the administration of radioactive material or radiation from radioactive material to a specific patient

or human research subject, as specified in Section 335.1110~~335.50~~ of this Part.

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

Section 335.30 License Required

a) A person may manufacture, produce, acquire, receive, possess, prepare, use, or transfer radioactive material or a radioactive sealed source for medical use only in accordance with a specific license issued by the Agency in accordance with 32 Ill. Adm. Code 330 or the equivalent regulations of the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, or as allowed in subsection (b)(1) or (b)(2) of this Section. ~~No person shall manufacture, produce, acquire, receive, possess, use or transfer radioactive material for medical use except in accordance with a specific license issued in accordance with 32 Ill. Adm. Code 330.~~

b) A specific license is not needed for an individual who:

1) Receives, possesses, uses or transfers radioactive material in accordance with this Part under the supervision of an authorized user as provided in Section 335.1050 of this Part, unless prohibited by license condition; or

2) Prepares unsealed radioactive material for medical use in accordance with this Part under the supervision of an authorized nuclear pharmacist or authorized user as provided in Section 335.1050 of this Part, unless prohibited by license condition.

c) Notwithstanding the distribution requirements in this Section, the licensee may receive, possess, and use naturally-occurring or accelerator-produced radioactive material (NARM) specifically authorized by the license and distributed by a supplier located in a non-Licensing State.~~Unless prohibited by license condition, an individual may receive, possess, use or transfer radioactive material in accordance with this Part under the supervision of an authorized user as provided in Section 335.1050.~~

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

Section 335.40 License Amendments

For specific licenses issued pursuant to 32 Ill. Adm. Code 330.260(a) or 330.260(b), a licensee's

management shall apply for and shall receive a license amendment:

a) Before using radioactive material for any use not permitted by the license;

b) Before permitting anyone, except a visiting authorized user described in Section 335.1060 of this Part, to work as an authorized user under the license;

c) Before changing the Radiation Safety Officer or authorized medical~~teletherapy~~ physicist. If the authorized medical~~teletherapy~~ physicist named on the license is no longer performing his or her duties, the Radiation Safety Committee may have the duties performed by an individual who is listed by name as an authorized medical~~a teletherapy~~ physicist on an Agency~~a Department~~, U.S. Nuclear Regulatory Commission, ~~or~~ Agreement State or Licensing State license, and who meets the training criteria listed in Section 335.9150 of this Part, for up to 90 days while an amendment is being obtained;

d) Before receiving radioactive material in excess of the amount authorized on the license;

e) Before adding to or changing any area of use identified on the license, including changing the shielding in any area approved on the license~~a teletherapy suite or changing the shielding in or location of a room containing a high dose rate afterloader~~;

f) Before changing statements~~statement~~, representations and procedures that are incorporated into the license; and

g) Within 30 days after a Radiation Safety Officer or authorized medical~~teletherapy~~ physicist permanently discontinues performance of duties under the license, or after changing the name or the mailing address of the licensee as it appears on the license.

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

Section 335.50 Written Directives (Repealed)

~~a) A written directive must be dated and signed by an authorized user before the administration of sodium iodide I-131 greater than 1.11 MBq (30 mCi), any therapeutic dosage of unsealed radioactive material or any therapeutic dose of radiation from radioactive material. If, because of the emergent nature of the~~

~~patient's condition, a delay in order to provide a written directive would jeopardize the patient's health, an oral directive is acceptable. The information contained in the oral directive must be documented as soon as possible in writing in the patient's record. A written directive must be prepared within 48 hours after the oral directive.~~

~~b) The written directive must contain the patient or human research subject's name and the following information:~~

~~1) For any administration of quantities greater than 1.11 MBq (30 mCi) of sodium iodide I-131, the dosage.~~

~~2) For an administration of a therapeutic dosage of unsealed radioactive material other than sodium iodide I-131, the radioactive drug, dosage and route of administration.~~

~~3) For gamma stereotactic radiosurgery, the total dose, treatment site, and values for the target coordinate settings per treatment for each anatomically distinct treatment site.~~

~~4) For teletherapy, the total dose, dose per fraction, number of fractions and treatment site.~~

~~5) For high dose-rate remote afterloading brachytherapy, the radionuclide, treatment site, dose per fraction, number of fractions and total dose.~~

~~6) For all other brachytherapy, including low, medium and pulsed dose-rate remote afterloaders:~~

~~A) Before implantation, treatment site, the radionuclide and dose; and~~

~~B) After implantation but before completion of the procedure, the radionuclide, treatment site, number of sources, and total source strength and exposure time (or the total dose).~~

~~c) A written revision to an existing written directive may be made if the revision is dated and signed by an authorized user before the administration of the dosage of unsealed radioactive material, the brachytherapy dose, the gamma stereotactic radiosurgery dose, the teletherapy dose or the next fractional dose. If, because of the patient's condition, a delay in order to provide a written revision to an existing~~

~~written directive would jeopardize the patient's health, an oral revision to an existing written directive is acceptable. The oral revision must be documented as soon as possible in the patient's record. A revised written directive must be signed by the authorized user within 48 hours after the oral revision.~~

~~d) The licensee shall retain a copy of the written directive specified in subsection (a) of this Section for 5 years.~~

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

Section 335.60 Provisions for the Protection of Human Research Subjects

a) A licensee may conduct research involving human research subjects only if it uses the radioactive materials specified on its license for the uses authorized on its license.

b) If the research is conducted, funded, supported or regulated by another Federal agency that has implemented the Federal Policy for the Protection of Human Subjects (Federal Policy), the licensee shall, before conducting research:

1) Obtain review and approval of the research from an Institutional Review Board, as defined and described in the Federal Policy; and

2) Obtain informed consent, as defined and described in the Federal Policy, from the human research subject.

c) If the research will not be conducted, funded, supported, or regulated by another Federal agency that has implemented the Federal Policy, the licensee shall, before conducting research, apply for and receive a specific amendment to its Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State medical use license. The amendment request must include a written commitment that the licensee will, before conducting research:

1) Obtain review and approval of the research from an Institutional Review Board, as defined and described in the Federal Policy; and

2) Obtain informed consent, as defined and described in the Federal Policy, from the human research subject.

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d) Nothing in this Section relieves licensees from complying with the other requirements in this Part.

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

SUBPART B: GENERAL ADMINISTRATIVE REQUIREMENTS

Section 335.1010 ALARA Program (Repealed)

~~a) Each licensee shall develop and implement a written program designed to maintain radiation doses and releases of radioactive material in effluents to unrestricted areas as low as is reasonably achievable. The licensee shall retain a current written description of the ALARA program for the duration of the license. The written description shall include:~~

~~1) A commitment by management to keep occupational doses and releases of radioactive material in effluents as low as is reasonably achievable:~~

~~2) A requirement that the Radiation Safety Officer brief management at least once each year on the radiation safety program;~~

~~3) Personnel dose investigational levels that, when exceeded, will initiate an investigation by the Radiation Safety Officer of the cause of the dose; and~~

~~4) Personnel dose investigational levels that, when exceeded, will within 24 hours initiate an investigation by the Radiation Safety Officer of the cause of the dose and a consideration of actions that might be taken to reduce the probability of recurrence.~~

~~b) To satisfy the requirements of subsection (a) above:~~

~~1) The management, Radiation Safety Officer and all authorized users shall participate in the establishment, implementation and operation of the ALARA program.~~

~~2) For licensees that are not medical institutions, management and all authorized users shall participate in the program as requested by the Radiation Safety Officer.~~

~~3) The ALARA program shall include notice to workers of the program's~~

~~existence and workers' responsibility to help keep radiation doses as low as is reasonably achievable.~~

~~e)~~ ~~The ALARA program shall include an annual review by the Radiation Safety Committee for medical institutions, or management and the Radiation Safety Officer for licensees that are not medical institutions. The annual review shall include summaries of:~~

~~1)~~ ~~The types and amounts of radioactive material used;~~

~~2)~~ ~~Occupational dose reports;~~

~~3)~~ ~~All license conditions and regulations as they relate to the licensee's program; and~~

~~4)~~ ~~Continuing education and training provided to personnel as required by 32 Ill. Adm. Code 400.120.~~

~~d)~~ ~~The purpose of the review is to ensure that individuals make every effort to maintain occupational doses, doses to the general public and releases of radioactive material as low as is reasonably achievable.~~

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

Section 335.1020 Radiation Safety Officer (Repealed)

~~a)~~ ~~A licensee shall appoint a Radiation Safety Officer responsible for implementing the radiation safety program. The licensee, through the Radiation Safety Officer, shall ensure that radiation safety activities are being performed in accordance with the license provisions and regulatory requirements in the daily operation of the licensee's radioactive material program.~~

~~b)~~ ~~The Radiation Safety Officer shall:~~

~~1)~~ ~~Investigate overexposures, accidents, recordable and reportable events, spills, losses, thefts, unauthorized receipts, unauthorized uses, unauthorized transfers, unauthorized disposals and other deviations from approved radiation safety practices approved by the Radiation Safety Officer or the Department and implement corrective actions as necessary;~~

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~~2) Implement written policy and procedures for:~~

~~A) Authorizing the purchase of radioactive material;~~

~~B) Receiving and opening packages of radioactive material;~~

~~C) Storing radioactive material;~~

~~D) Keeping an inventory record of radioactive material;~~

~~E) Using radioactive material safely;~~

~~F) Taking emergency action if control of radioactive material is lost;~~

~~G) Performing radiation surveys as required by the license or this Part or 32 Ill. Adm. Code 330 or 340;~~

~~H) Performing operability checks of survey instruments and other safety equipment;~~

~~I) Disposing of radioactive material in accordance with the requirements of 32 Ill. Adm. Code 340.1010;~~

~~J) Providing or supervising the provision of radiation safety training to personnel who work in or frequent areas where radioactive material is used or stored; and~~

~~K) Keeping copies of the license and 32 Ill. Adm. Code: Chapter II, Subchapters b and d and all records, reports and written policies and procedures required thereunder.~~

~~3) For medical use at a facility other than a medical institution, approve or disapprove radiation safety program changes with the advice and consent of management prior to submittal to the Department for licensing action.~~

~~4) For medical use at a medical institution, assist the Radiation Safety Committee in the performance of its duties as specified in Section 335.1030.~~

~~5) Maintain, for a period of 5 years, records of all individuals designated by~~

~~the Radiation Safety Officer to perform duties or meet regulatory requirements that would otherwise be required as a duty of the Radiation Safety Officer. These records shall include:~~

~~A) The name of the designated individual;~~

~~B) A list of all duties that the Radiation Safety Officer's designee is authorized to perform;~~

~~C) The date upon which the designation became effective;~~

~~D) The signature of the Radiation Safety Officer's designee; and~~

~~E) The signature of the Radiation Safety Officer.~~

~~6) Review records generated by designees and the performance of designees quarterly. In addition, the licensee shall maintain, for Departmental inspection for a period of 5 years, records of the quarterly reviews of records generated by designees and quarterly reviews of designee performance. These records shall include:~~

~~A) The date of the review;~~

~~B) The records being reviewed or the name of the designee being reviewed;~~

~~C) A list of all duties reviewed by the Radiation Safety Officer for the designee review;~~

~~D) The results of the Radiation Safety Officer's review and any corrective measures taken, if applicable, based on the review; and~~

~~E) The signature of the Radiation Safety Officer.~~

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

Section 335.1030 Radiation Safety Committee (Repealed)

~~Each medical institution licensee shall establish a Radiation Safety Committee to oversee the use of radioactive material.~~

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~~a) The Committee shall meet the following administrative requirements:~~

~~1) Membership shall consist of at least three individuals and shall include an authorized user of each type of use permitted by the license, the Radiation Safety Officer, a representative of management who is neither an authorized user nor a Radiation Safety Officer and, for license authorizing the therapeutic uses described in Subparts F and H below, a representative of the nursing service.~~

~~2) The Committee shall meet at least once each calendar quarter.~~

~~3) To establish a quorum and to conduct business, at least one-half of the Committee membership must be in attendance, and shall include, at a minimum, the management's representative, an authorized user and the Radiation Safety Officer. However, no more than once per year, the Radiation Safety Officer's designee may substitute for the Radiation Safety Officer, provided that the designee has been provided a written report. The report shall include all information necessary for that meeting, such as the minutes of the previous Committee meeting as required by subsection (a)(5) below and reports by the Radiation Safety Officer. Reports by the Radiation Safety Officer shall include reports of investigations required by Section 335.1020(b)(1) above and information necessary for the reviews required by subsections (b)(5) and (b)(6) below. To maintain membership on the Committee, a member must attend at least one-half of the meetings held in any year.~~

~~4) The minutes of each Radiation Safety Committee meeting shall include:~~

~~A) The date of the meeting;~~

~~B) Members in attendance;~~

~~C) Members absent;~~

~~D) Summary of deliberations and discussions;~~

~~E) Recommended actions and the results of all votes; and~~

~~F) Documentation of the radiation protection program review~~

~~required by 32 Ill. Adm. Code 340.110(c) and the ALARA program review required by Section 335.1010(c).~~

~~5) The Committee shall provide each member with a copy of the meeting minutes before the next meeting and retain one copy for 5 years from the meeting date.~~

~~b) To oversee the use of licensed material, the Committee shall:~~

~~1) Monitor the institutional program to maintain individual and collective doses as low as is reasonably achievable;~~

~~2) Review and approve or disapprove any individual who is to be listed as an authorized user, Radiation Safety Officer or teletherapy physicist before submitting a license application or request for amendment or renewal. Such review and approval shall be on the basis of safety and with regard to the training and experience standards of this Part;~~

~~3) Review on the basis of safety and approve or disapprove each proposed method of use of radioactive material;~~

~~4) Submit to the Department, for licensing action, only those procedures and radiation safety program changes that have been reviewed by the Committee on the basis of safety, and have been approved with the advice and consent of the Radiation Safety Officer and the management representative;~~

~~AGENCY NOTE: This approval may be obtained either by vote at a meeting of the Radiation Safety Committee or by written approval of the individual members of the Committee.~~

~~5) Review quarterly, with the assistance of the Radiation Safety Officer, the records of individual monitoring results of all individuals for whom monitoring was required pursuant to 32 Ill. Adm. Code 340.520;~~

~~6) Review quarterly all recordable and reportable events and incidents involving radioactive material with respect to cause and subsequent actions taken. These reviews shall be with the assistance of the Radiation Safety Officer;~~

~~7) Review annually the radiation safety program. These reviews shall be with the assistance of the Radiation Safety Officer; and~~

~~8) Establish investigational levels for occupational dose that, when exceeded, shall require investigations and considerations of action by the Radiation Safety Officer.~~

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

Section 335.1040 ~~Statement of~~ Authorities and Responsibilities for the Radiation Protection Program

a) In addition to the radiation protection program requirements of 32 Ill. Adm. Code 340.110, a licensee's management shall approve in writing:~~A licensee shall provide the Radiation Safety Officer, and also at a medical institution the Radiation Safety Committee, the authority, organizational freedom and management perogative to:~~

1) Requests for a license application, renewal or amendment before submittal to the Agency.~~Identify actual or potential radiation safety hazards;~~

2) Any individual before allowing that individual to work as an authorized user or authorized medical physicist.~~Initiate, recommend or provide solutions to actual or potential radiation safety hazards; and~~

~~3) Verify implementation of corrective actions.~~

b) A licensee's management shall appoint a ~~licensee shall establish, in writing, the authorities, duties, responsibilities and radiation safety activities of the~~ Radiation Safety Officer who agrees, in writing, to be responsible for implementing the radiation protection program. The licensee, through the Radiation Safety Officer, shall ensure that radiation safety activities are being performed in accordance with licensee-approved procedures and regulatory requirements~~, and also at a medical institution the Radiation Safety Committee~~.

c) A licensee may permit an authorized user or an individual qualified to be a Radiation Safety Officer, under Sections 335.9010, 335.9160, 335.9180 and 335.9190 of this Part, to function as a Radiation Safety Officer designee and to perform the functions of a Radiation Safety Officer, as provided in subsection (g)

of this Section, if the licensee takes the actions required in subsections (b), (e), (g), (h) and (i) of this Section.

d) A licensee may simultaneously appoint more than one temporary Radiation Safety Officer in accordance with subsection (c) of this Section, if needed to ensure that the licensee has a temporary Radiation Safety Officer that satisfies the requirements to be a Radiation Safety Officer for each of the different types of uses of radioactive material permitted by the license.

e) A licensee shall establish the authority, duties and responsibilities of the Radiation Safety Officer in writing.

f) Licensees that are authorized for two or more different types of uses of radioactive material under Subparts E, F, H and I or Section 335.2140 of this Part for emerging technologies, or two or more types of units under Subpart I of this Part, shall establish a Radiation Safety Committee to oversee all uses of radioactive material permitted by the license. The Committee shall include an authorized user of each type of use permitted by the license, the Radiation Safety Officer, a representative of the nursing service, and a representative of management who is neither an authorized user nor a Radiation Safety Officer. The Committee may include other members the licensee considers appropriate.

g) A licensee shall provide the Radiation Safety Officer sufficient authority, organizational freedom, time, resources and management prerogative to:

1) Identify radiation safety problems;

2) Initiate, recommend or provide corrective actions;

3) Stop unsafe operations; and

4) Verify implementation of corrective actions.

h) A licensee shall retain a record of actions taken by the licensee's management in accordance with Section 335.1040(a) of this Part for 5 years. The record shall include a summary of the actions taken and a signature of licensee's management.

i) The licensee shall retain a copy of the authority, duties and responsibilities of the Radiation Safety Officer as required by subsection (e) of this Section and a signed copy of each Radiation Safety Officer's agreement to be responsible for

implementing the radiation safety program, as required by subsection (b) of this Section, for the duration of the license. The records shall include the signature of the Radiation Safety Officer and licensee's management.

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

Section 335.1050 Supervision

a) A licensee who permits the receipt, possession, use or transfer of radioactive material by an individual other than a physician under the supervision of an authorized user as allowed by Section 335.30 of this Part shall:

1) Document instruction provided to the supervised individual, prior to assuming duties requiring the handling of radioactive materials, regarding the principles of radiation safety appropriate to that individual's use of radioactive material;

2) Review the supervised individual's use of radioactive material, provide reinstruction and review records kept to reflect this use;

3) Require the authorized user or Radiation Safety Officer to be available to communicate with the supervised individual; and

4) Allow only those individuals who are accredited by the Agency~~Department~~ pursuant to 32 Ill. Adm. Code 401.100 or exempt from accreditation by 32 Ill. Adm. Code 401.30, and designated in writing by the licensee, to administer radionuclides or radiation to patients.

b) A licensee who permits the receipt, possession, use or transfer of radioactive material by a physician under the supervision of an authorized user as allowed by Section 335.30 of this Part shall:

1) Review the supervised individual's use of radioactive material, provide reinstruction and review records kept to reflect this use;

2) Require the authorized user to be available to communicate with the supervised individual; and

3) Maintain a record of each supervised individual for a period of 5 years from the initiation of the supervised training. This record shall include the

name of each supervised individual, the results of reviews required by subsection (b)(1) of this Section~~above~~, a description of what procedures the supervised individual is approved to perform and the signature of the supervising authorized user.

c) A licensee shall require the supervised individual receiving, possessing, using or transferring radioactive material under Section 335.30 of this Part to:

1) Follow the instructions of the supervising authorized user;

2) Follow the procedures established by the Radiation Safety Officer; and

3) Comply with this Part and 32 Ill. Adm. Code 310, 330, 340, 341, 400 and 401 and the license conditions with respect to the use of radioactive material.

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

Section 335.1060 Authorized User and Visiting Authorized User

a) A licensee shall assure that only authorized users of radioactive material~~ who are licensed practitioners of the healing arts~~:

1) Select or establish written criteria for the selection of the patients to receive radioactive material or radiation therefrom;

2) Prescribe the radiopharmaceutical dosage or radiation dose to be administered; and

3) Interpret the results of tests, studies or treatments.

b) A licensee may permit any visiting authorized user to use licensed material for medical use under the terms of the licensee's license for up to 60 days each year without applying for a license amendment if:

1) The physician is licensed in accordance with the Medical Practice Act of 1987;

2) The visiting authorized user has the prior written permission of the licensee's management and, if the use occurs on behalf of an institution,

the institution's Radiation Safety Committee;

3) The licensee has a copy of a license issued by the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State that identifies the visiting authorized user by name as an authorized user; and

4) The visiting authorized user performs only those procedures for which the visiting authorized user is specifically authorized by a license described in subsection (b)(3) of this Section~~above~~.

c) A licensee shall retain copies of the records specified in subsection (b) of this Section for 5 years.

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

Section 335.1070 Mobile Nuclear Medicine Service Administrative Requirements (Repealed)

~~a) Prior to bringing radioactive material into a client's facility, mobile nuclear medicine service licensees shall obtain a letter, signed by the management of the client for whom services are rendered, that authorizes use of radioactive material at the client's address of use. The mobile nuclear medicine service licensee shall retain the letter for 5 years after the last provision of service.~~

~~b) If a mobile nuclear medicine service provides services that the client is also authorized to provide, then the mobile nuclear medicine service shall provide those services in accordance with 32 Ill. Adm. Code: Chapter II, Subchapters b and d and the requirements of the mobile nuclear medicine service's license.~~

~~c) A mobile nuclear medicine service shall not have radioactive material delivered directly from the manufacturer or the distributor to the mobile nuclear medicine service company's client.~~

~~d) The mobile nuclear medicine service shall retain a record of all dosages administered under the service's license for 5 years after the date of administration. This record shall include the radiopharmaceutical name, the clinical procedure, the activity administered, the name of the authorized user, the date of administration and the identity of the individual performing the administration.~~

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~~e) A mobile nuclear medicine licensee may permit a physician to use licensed material for medical use under the terms of the mobile nuclear medicine service's license without applying for a license amendment if:~~

~~1) The physician has the prior written permission of the mobile nuclear medicine service's management;~~

~~2) The mobile nuclear medicine service has a copy of a license issued by the Department, U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State that identifies the physician by name as an authorized user for medical use;~~

~~3) The physician performs only those procedures for which the physician is specifically authorized by a license described in subsection (2) above; and~~

~~4) The mobile nuclear medicine service license shall retain a copy of the physician's authorization for 5 years after the physician's most recent performance of service.~~

~~f) Mobile nuclear medicine licensees shall comply with the ALARA program requirements of Section 335.1010.~~

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

Section 335.1080 Report and Notification of a Medical Event~~Notifications, Reports and Records of Reportable Events~~

a) A licensee shall report any event, except for an event that results from patient intervention, in which the administration of radioactive material or radiation from radioactive material results in:

1) A dose that differs from the prescribed dose or dose that would have resulted from the prescribed dosage by more than 0.05 Sv (5 rem) effective dose equivalent, 0.5 Sv (50 rem) to an organ or tissue, or 0.5 Sv (50 rem) shallow dose equivalent to the skin; and

A) The total dose delivered differs from the prescribed dose by 20 percent or more;

B) The total dosage delivered differs from the prescribed dosage by 20 percent or more or falls outside the prescribed dosage range; or

C) The fractionated dose delivered differs from the prescribed dose, for a single fraction, by 50 percent or more.

2) A dose that exceeds 0.05 Sv (5 rem) effective dose equivalent, 0.5 Sv (50 rem) to an organ or tissue, or 0.5 Sv (50 rem) shallow dose equivalent to the skin from any of the following:

A) An administration of a wrong radioactive drug containing radioactive material;

B) An administration of a radioactive drug containing radioactive material by the wrong route of administration;

C) An administration of a dose or dosage to the wrong individual or human research subject;

D) An administration of a dose or dosage delivered by the wrong mode of treatment; or

E) A leaking sealed source.

3) A dose to the skin or an organ or tissue other than the treatment site that exceeds by 0.5 Sv (50 rem) to an organ or tissue and 50 percent or more of the dose expected from the administration defined in the written directive (excluding, for permanent implants, seeds that were implanted in the correct site but migrated outside the treatment site).~~For any administration of radioactive material or radiation that results in a reportable event:~~

~~1) The licensee shall notify the Department by telephone no later than the next day after the licensee ascertains and confirms that a reportable event has occurred.~~

~~2) The licensee shall submit a written report to the Department within 15 days after the licensee ascertains and confirms that a reportable event has occurred. The written report must include the licensee's name; the prescribing physician's name; a brief description of the reportable event; why the reportable event occurred; the effect on the patient; what~~

~~improvements are needed to prevent recurrence; actions taken to prevent recurrence; whether the licensee informed the patient (or the patient's responsible relative or guardian), and if not, why not; and if the patient was informed, what information was provided to the patient. The report must not include the patient's name or other information that could lead to identification of the patient.~~

~~3) The licensee shall notify the patient of the reportable event within 15 days after the licensee ascertains and confirms that a reportable event has occurred, unless the referring physician agrees to inform the patient or believes, based on medical judgment, that telling the patient would be harmful. If the referring physician or patient cannot be reached within 15 days, the licensee shall notify them as soon as practicable. The licensee is not required to notify the patient without first consulting the referring physician; however, the licensee shall not delay any appropriate medical care for the patient because of any delay in notification.~~

~~4) If the patient was notified, the licensee shall also furnish a written report to the patient within 15 days after the licensee ascertains and confirms that a reportable event has occurred. The report to the patient shall be either a copy of the report that was submitted to the Department or a brief description of both the event and the consequences, as they may affect the patient, provided that a statement is included that the report submitted to the Department can be obtained from the licensee.~~

b) A licensee shall report any event resulting from intervention of a patient or human research subject in which the administration of radioactive material or radiation from radioactive material results or will result in unintended permanent functional damage to an organ or a physiological system, as determined by a physician. ~~Each licensee shall retain a record of each reportable event for 5 years. The record must contain the names of all individuals involved in the reportable event (including the prescribing physician, allied health personnel, the patient and the patient's referring physician), the patient's social security number or identification number if one has been assigned, a brief description of the reportable event, why the reportable event occurred, the effect on the patient, what improvements are needed to prevent recurrence and the actions taken to prevent recurrence.~~

c) The licensee shall notify by telephone the Agency no later than the next calendar day after discovery of the medical event.~~Aside from the notification requirement, nothing in this Section affects any rights or duties of licensees and physicians in~~

~~relation to each other, patients or the patient's responsible relatives or guardians.~~

d) The licensee shall submit a written report to the Agency within 15 days after discovery of the medical event.

1) The written report shall include:

A) The licensee's name;

B) The name of the prescribing physician;

C) A brief description of the event;

D) Why the event occurred;

E) The effect, if any, on the individual who received the administration;

F) What actions, if any, have been taken or are planned to prevent recurrence; and

G) Certification that the licensee notified the individual (or the individual's responsible relative or guardian) and, if not, why not.

2) The report may not contain the individual's name or any other information that could lead to identification of the individual.

e) The licensee shall provide notification of the event to the referring physician and also notify the individual who is the subject of the medical event no later than 24 hours after its discovery, unless the referring physician personally informs the licensee either that he or she will inform the individual or that, based on medical judgment, telling the individual would be harmful. The licensee is not required to notify the individual without first consulting the referring physician. If the referring physician or the affected individual cannot be reached within 24 hours, the licensee shall notify the individual as soon as possible thereafter. The licensee may not delay any appropriate medical care for the individual, including any necessary remedial care as a result of the medical event, because of any delay in notification. To meet the requirements of this subsection, the notification of the individual who is the subject of the medical event may be made instead to that individual's responsible relative or guardian. If a verbal notification is made, the

licensee shall inform the individual, or appropriate responsible relative or guardian, that a written description of the event can be obtained from the licensee upon request. The licensee shall provide such a written description if requested.

f) Aside from the notification requirement, nothing in this Section affects any rights or duties of licensees and physicians in relation to each other, to individuals affected by the medical event, or to those individuals' responsible relatives or guardians.

g) A licensee shall:

1) Annotate a copy of the report provided to the Agency with the:

A) Name of the individual who is the subject of the event; and

B) Social security number or other identification number, if one has been assigned, of the individual who is the subject of the event; and

2) Provide a copy of the annotated report to the referring physician, if other than the licensee, no later than 15 days after the discovery of the event.

h) A licensee shall report to the Agency immediately upon discovery of any irregularities pertaining to identification, labeling, quality or assay of any radiopharmaceutical received under the authority of the license.

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

Section 335.1090 Materials Authorized for Medical Use (Repealed)

~~A licensee shall utilize only the following for medical use:~~

~~a) Radioactive material prepared, manufactured, labeled, packaged and distributed in accordance with a license issued pursuant to 32 Ill. Adm. Code 330 or the equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; and~~

~~b) Reagent kits that have been manufactured, labeled, packaged and distributed in accordance with an approval issued by the Department, the U.S. Department of Health and Human Services, Food and Drug Administration (FDA), the U.S.~~

~~Nuclear Regulatory Commission, an Agreement State or a Licensing State.~~

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

Section 335.1100 Report and Notification of a Dose to an Embryo/Fetus or a Nursing Child

a) A licensee shall report any dose to an embryo/fetus that is greater than 50 mSv (5 rem) dose equivalent that is a result of an administration of radioactive material or radiation from radioactive material to a pregnant individual unless the dose to the embryo/fetus was specifically approved, in advance, by the authorized user.

b) A licensee shall report any dose to a nursing child that is a result of an administration of radioactive material to a breast-feeding individual that:

1) Is greater than 50 mSv (5 rem) total effective dose equivalent; or

2) Has resulted in unintended permanent functional damage to an organ or a physiological system of the child, as determined by a physician.

c) The licensee shall notify by telephone the Agency no later than the next calendar day after discovery of a dose to the embryo/fetus or nursing child that requires a report in subsection (a) or (b) of this Section.

d) The licensee shall submit a written report to the Agency within 15 days after discovery of a dose to the embryo/fetus or nursing child that requires a report in subsection (a) or (b) of this Section.

1) The written report shall include:

A) The licensee's name;

B) The name of the prescribing physician;

C) A brief description of the event;

D) Why the event occurred;

E) The effect, if any, on the embryo/fetus or the nursing child;

F) What actions, if any, have been taken or are planned to prevent recurrence; and

G) Certification that the licensee notified the pregnant individual or mother (or the mother's or child's responsible relative or guardian) and, if not, why not.

2) The report shall not contain the individual's or child's name or any other information that could lead to identification of the individual or child.

e) The licensee shall provide notification of the event to the referring physician and also notify the pregnant individual or mother, both hereafter referred to as the mother, no later than 24 hours after discovery of an event that would require reporting under subsection (a) or (b) of this Section, unless the referring physician personally informs the licensee either that he or she will inform the mother or that, based on medical judgment, telling the mother would be harmful. The licensee is not required to notify the mother without first consulting with the referring physician. If the referring physician or mother cannot be reached within 24 hours, the licensee shall make the appropriate notifications as soon as possible thereafter. The licensee may not delay any appropriate medical care for the embryo/fetus or for the nursing child, including any necessary remedial care as a result of the event, because of any delay in notification. To meet the requirements of this subsection (e), the notification may be made to the mother's or child's responsible relative or guardian instead of the mother. If a verbal notification is made, the licensee shall inform the mother, or the mother's or child's responsible relative or guardian, that a written description of the event can be obtained from the licensee upon request. The licensee shall provide a written description if requested.

f) A licensee shall:

1) Annotate a copy of the report provided to the Agency with the:

A) Name of the pregnant individual or the nursing child who is the subject of the event; and

B) Social security number or other identification number, if one has been assigned, of the pregnant individual or the nursing child who is the subject of the event; and

2) Provide a copy of the annotated report to the referring physician, if other than the licensee, no later than 15 days after the discovery of the event.

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

Section 335.1110 Written Directives

a) A written directive shall be dated and signed by an authorized user before the administration of I-131 sodium iodide greater than 1.11 MBq (30 µCi), any therapeutic dosage of unsealed radioactive material or any therapeutic dose of radiation from radioactive material. If, because of the emergent nature of the patient's condition, a delay in order to provide a written directive would jeopardize the patient's health, an oral directive is acceptable. The information contained in the oral directive shall be documented as soon as possible in writing in the patient's record. A written directive shall be prepared within 48 hours after the oral directive.

b) The written directive shall contain the patient's or human research subject's name and the following information:

1) For any administration of quantities greater than 1.11 MBq (30 µCi) of sodium iodide I-131, the dosage.

2) For an administration of a therapeutic dosage of unsealed radioactive material other than sodium iodide I-131, the radioactive drug, dosage and route of administration.

3) For gamma stereotactic radiosurgery, the total dose, treatment site, and values for the target coordinate settings per treatment for each anatomically distinct treatment site.

4) For teletherapy, the total dose, dose per fraction, number of fractions and treatment site.

5) For high dose-rate remote afterloading brachytherapy, the radionuclide, treatment site, dose per fraction, number of fractions and total dose.

6) For all other brachytherapy, including low, medium and pulsed dose rate remote afterloaders:

A) Before implantation, treatment site, the radionuclide and dose; and

B) After implantation but before completion of the procedure, the radionuclide, treatment site, number of sources, and total source strength and exposure time (or the total dose).

c) A written revision to an existing written directive may be made if the revision is dated and signed by an authorized user before the administration of the dosage of unsealed radioactive material, the brachytherapy dose, the gamma stereotactic radiosurgery dose, the teletherapy dose or the next fractional dose. If, because of the patient's condition, a delay in order to provide a written revision to an existing written directive would jeopardize the patient's health, an oral revision to an existing written directive is acceptable. The oral revision shall be documented as soon as possible in the patient's record. A revised written directive shall be signed by the authorized user within 48 hours after the oral revision.

d) A licensee shall retain a copy of each written directive as required by subsections (a) and (c) of this Section for 5 years.

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

Section 335.1120 Procedures for Administrations Requiring a Written Directive

a) For any administration requiring a written directive, the licensee shall develop, implement, and maintain written procedures to provide high confidence that:

1) The patient's or human research subject's identity is verified before each administration; and

2) Each administration is in accordance with the written directive.

b) At a minimum, the procedures required by subsection (a) of this Section shall address the following items that are applicable to the licensee's use of radioactive material:

1) Verifying the identity of the patient or human research subject;

2) Verifying that the administration is in accordance with the treatment plan, if applicable, and the written directive;

3) Checking both manual and computer-generated dose calculations; and

4) Verifying that any computer-generated dose calculations are correctly transferred into the consoles of therapeutic medical units authorized by Section 335.8010 of this Part.

c) A licensee shall retain a copy of the procedures required by subsection (a) of this Section for the duration of the license.

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

SUBPART C: GENERAL TECHNICAL REQUIREMENTS

Section 335.2010 Possession, Use and~~,~~ Calibration of Instruments Used to Measure the Activity of Unsealed Radioactive Material~~and Check of Dose Calibrators~~

a) For licensees performing direct measurements, the licensee shall possess and use appropriate instrumentation to measure the radioactivity of radiopharmaceuticals. ~~A medical use licensee that is authorized to administer radiopharmaceuticals shall possess a dose calibrator and use it to measure the amount of activity administered to each patient.~~

b) Perform tests on each instrument for constancy, accuracy, linearity and geometry dependence, in accordance with nationally recognized standards or the manufacturer's instructions.~~A licensee shall:~~

~~1) Check each dose calibrator for constancy with a dedicated check source at the beginning of each day of use. To satisfy the requirement of this subsection, the check shall be done on all settings to be used that day with a sealed source of not less than 370 kBq (10 microCi) of radium-226 or 1.85 MBq (50 microCi) of any other photon-emitting radionuclide with a half-life greater than 90 days. The licensee shall make a record of the results of these checks. The record shall include the model and serial number of the dose calibrator, the identity of the radionuclide contained in the check source, the date of the check, the activity measured, the instrument settings and the identity of the individual who performed the check;~~

~~2) Test each dose calibrator for accuracy upon installation, and thereafter at intervals not to exceed 12 months. The licensee shall make a record of~~

~~these tests which shall include the model, serial number, radionuclide, activity and activity assay date of each source used, the manufacturer, model and serial number of the dose calibrator, the date and results of the accuracy test and the signatures or initials of the Radiation Safety Officer and the individual who performed the test. These tests shall be performed by assaying at least the following three sealed sources, the activity of which the manufacturer, National Bureau of Standards or the National Institute of Standards and Technology has determined within five percent of the stated activity:~~

~~A) Cesium-137, minimum 3.7 MBq (100 microCi) source;~~

~~B) Barium-133, minimum 3.7 MBq (100 microCi, source;~~

~~C) Cobalt-57, minimum 37 MBq (1 mCi) source;~~

~~3) Test each dose calibrator for linearity upon installation and thereafter at intervals not to exceed 3 months, over the range of use from the lowest to the highest dosage that will be administered. The licensee shall also make a record of these tests. These records shall include the model and serial number of the dose calibrator, the calculated activities, the measured activities, the date(s) and time(s) of the test, the identity of the individual performing the test and the signature or initials of the Radiation Safety Officer; and~~

~~4) Test each dose calibrator for geometry dependence upon installation over the range of volumes and volume configurations for which it will be used. The licensee shall make a record of this test. The record shall include the model and serial number of the dose calibrator, the activity and configuration of the source measured, the activity measured for each volume measured, the instrument setting for each volume measured, the date of the test, the identity of the individual performing the test and the signature or initials of the Radiation Safety Officer.~~

c) A licensee shall maintain a record of instrument calibrations required by subsection (b) of this Section for 5 years. The records shall include the model and serial number of the instrument, the date of the calibration, the results of the calibration, the name of the individual who performed the calibration and a copy of the national standard or manufacturer's instructions used to perform the calibration.~~A licensee shall mathematically correct dosage readings for any~~

~~geometry or linearity error that exceeds ten percent if the dosage is greater than 370 kBq (10 microCi) and shall repair or replace the dose calibrator if the accuracy or constantly error exceeds ten percent.~~

~~d)~~ ~~A licensee shall also perform checks and tests required by subsection (b) above following adjustment or repair of the dose calibrator, such as replacement of electronic components, that will affect constancy, linearity, accuracy or geometry dependence.~~

~~e)~~ ~~A licensee shall retain a record of each constancy check, accuracy test and linearity test required by this Section for 5 years. A licensee shall retain a record of the results of the most recent performance of the geometry dependence test for the duration of the use of the dose calibrator.~~

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

Section 335.2020 Possession, Calibration and Check of Survey Instruments (Repealed)

~~a)~~ ~~A licensee authorized to use radioactive material for uptake, dilution and excretion studies shall have in its possession a portable radiation detection survey instrument capable of detecting dose rates over the range 1 microSv (100 microrem) per hour to 500 microSv (50 mrem) per hour. The instrument shall be operable and calibrated in accordance with the requirements of this Section.~~

~~b)~~ ~~A licensee authorized to use radioactive material for imaging and localization studies, for radiopharmaceutical therapy or for implant therapy, excluding high dose rate afterloaders, shall have in its possession a portable radiation detection survey instrument capable of detecting dose rates over the range 1 microSv (100 microrem) per hour to 500 microSv (50 mrem) per hour, and a portable radiation measurement survey instruments capable of measuring dose rates over the range 10 microSv (1 mrem) per hour to 10 mSv (1 rem) per hour. The instruments shall be operable and calibrated in accordance with the requirements of this Section.~~

~~c)~~ ~~A licensee authorized to use radioactive material as a sealed source:~~

~~1)~~ ~~In a teletherapy unit or high dose rate afterloader shall have in its possession either a portable radiation detection survey instrument capable of detecting dose rates over the range 1 microSv (100 microrem) per hour to 500 microSv (50 mrem) per hour or a portable radiation measurement survey instrument capable of measuring dose rates over the range 10~~

~~microSv (1 rem) per hour to 10 mSv (1 rem) per hour. The instrument shall be operable and calibrated in accordance with the requirements of this Section.~~

~~2) For diagnostic purposes shall use either a portable radiation detection survey instrument capable of detecting dose rates over the range 1 microSv (100 microrem) per hour to 500 microSv (50 mrem) per hour or a portable radiation measurement survey instrument capable of measuring dose rates over the range 10 microSv (1 mrem) per hour to 10 mSv (1 rem) per hour. The instrument shall be operable and calibrated in accordance with the requirements of this Section.~~

~~d) A licensee shall ensure that the survey instruments used to show compliance with this Part have been calibrated before first use, at intervals not to exceed 1 year and following repair.~~

~~e) To satisfy the requirement of subsection (d) above the licensee shall:~~

~~1) Calibrate all required scale readings up to 10 mSv (1rem) per hour with a radiation source;~~

~~2) Calibrate two readings, separated by at least 50 percent of the full-scale reading, for each scale to be calibrated;~~

~~3) Post a legible note on the instrument showing the date of calibration and the apparent dose rate from a dedicated check source as determined at the time of calibration or immediately upon receipt of the calibrated instrument; and~~

~~4) Ensure that survey instrument calibrations are performed by persons specifically licensed by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such services.~~

~~f) To satisfy the requirements of subsections (e)(1) and (2) above, the licensee shall:~~

~~1) Consider a point as calibrated if the indicated dose rate differs from the calculated dose rate by not more than ten percent; or~~

~~2) Consider a point as calibrated if the indicated dose rate differs from the~~

~~calculated dose rate by not more than 20 percent and a correction chart or graph is conspicuously attached to the instrument.~~

~~g)~~ ~~Prior to using radioactive material, a licensee shall check the survey instrument to be used for required surveys with a dedicated check source on each day that instrument is used. This check source shall have a half-life greater than 5 years. These checks shall be taken with the check source placed in a specific geometry relative to the detector. If any check source reading varies greater than 20 percent from the reading measured immediately after calibration the licensee shall require that the instrument be repaired or re-calibrated before use to determine compliance with this Part or 32 Ill. Adm. Code 340. The results of these checks shall be recorded:~~

~~1)~~ ~~After repair, battery change or instrument calibration; and~~

~~2)~~ ~~At intervals not to exceed 3 months.~~

~~h)~~ ~~The licensee shall retain a record, for 5 years, of each calibration required in subsection (d) above. The record shall include:~~

~~1)~~ ~~A copy of the licensee's calibration procedures or a copy of a license issued by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State authorizing the person that performed the calibration to perform calibrations as a customer services;~~

~~2)~~ ~~The manufacturer, model and serial number of the instrument being calibrated; and~~

~~3)~~ ~~The model, serial number, radionuclide, activity and activity assay date of the source used and the exposure rates from the source as provided in, or calculated from, information provided by the source supplier and the rates indicated by the instrument being calibrated, the correction factors deduced from the calibration data, the signature or initials of the individual who performed the calibration and the date of calibration.~~

~~i)~~ ~~The licensee shall retain a record of each check required in subsection (g) above for 5 years. The record shall include the manufacturer, model and serial number of the instrument being checked, a description of the source used, the radiation level indicated by the instrument being checked, the identity of the individual who performed the check and the date of the check.~~

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NOTICE OF PROPOSED AMENDMENT

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

Section 335.2030 Assay of Radiopharmaceutical Dosages

a) A licensee shall determine and record the activity of each dosage before medical use.~~:~~

~~a) Assay, before medical use, the activity of each radiopharmaceutical dosage that contains more than 370 kBq (10 microCi) of a photon-emitting radionuclide;~~

b) For a unit dosage, this determination shall be made by:

1) Direct measurement of radioactivity by the licensee; or

2) For radiopharmaceuticals with a photon emitting radionuclide not requiring a written directive, a decay correction, based on the activity or activity concentration determined by:

A) A manufacturer or preparer authorized under Section 335.30 of this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or

B) An Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State licensee for use in research in accordance with a Radioactive Drug Research Committee-approved protocol or an Investigational New Drug (IND) protocol accepted by FDA.

c) For other than unit dosages, this determination shall be made by:

1) Direct measurement of radioactivity by the licensee;

2) Combination of measurement of radioactivity and mathematical calculations; or

3) Combination of volumetric measurements and mathematical calculations, based on the measurement made by a manufacturer or preparer licensed under Section 335.30 of this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements.

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d) Unless otherwise directed by the authorized user, a licensee may not use a dosage if the dosage does not fall within the prescribed dosage range or if the dosage differs from the prescribed dosage by more than 20 percent.

e) A licensee shall maintain a record of dosage determinations required by subsection (a) of this Section for 5 years.

f) The record shall contain:

1) The radiopharmaceutical;

2) The patient's or human research subject's name, or identification number if one has been assigned;

3) The prescribed dosage, the determined dosage, or a notation that the total activity is less than 1.1 MBq (30 µCi);

4) The date and time of the dosage determination;

5) If more than 15 minutes have elapsed between the time of dosage determination and dosage administration, the date and time of dosage administration; and

6) The name of the individual who determined the dosage.

AGENCY NOTE: If a unit dose has been manipulated in any way, it is no longer considered a unit dose and shall be measured by the licensee before administration.

~~b) Assay, before medical use, the activity of each radiopharmaceutical dosage with a desired activity of 370 kBq (10 microCi) or less of a photon-emitting radionuclide to verify that the dosage does not exceed 370 kBq (10 microCi);~~

~~c) Retain a record of the assays required by this Section for 5 years. To satisfy this requirements, the record shall contain:~~

~~1) The generic name, trade name or abbreviation of the radiopharmaceutical, its lot number and expiration date or time and the radionuclide;~~

~~2) The patient's name and identification number if one has been assigned;~~

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~~3) The prescribed dosage and activity of the dosage at the time of assay or a notation that the total activity is less than 370 kBq (10 microCi);~~

~~4) The date and time of the assay;~~

~~5) The date of administration of the radiopharmaceutical and the time of administration, if more than 15 minutes has elapsed between the time of assay and the time of administration; and~~

~~6) The identity of the individual who performed the assay.~~

~~d) A report of any irregularities pertaining to identification, labeling, quality or assay of any radiopharmaceutical received under the authority of this license shall be filed within 10 days of occurrence with the Department, Division of Radioactive Materials.~~

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

Section 335.2040 Authorization for Calibration, Transmission, Attenuation Correction and Reference Sources

Any person authorized by Section 335.30 of this Part for medical use of radioactive material may receive, possess and use the following radioactive material for check, calibration, transmission, attenuation correction and reference use:

a) Sealed sources~~source~~ not exceeding 1.11 GBq (30 mCi) each, manufactured and distributed by a person~~persons specifically~~ licensed under Section 335.30 of this Part ~~in accordance with 32 Ill. Adm. Code 330~~ or equivalent ~~provisions of the~~ U.S. Nuclear Regulatory Commission or~~, an~~ Agreement State regulations. ~~or a Licensing State and that do not exceed 555 MBq (15 mCi) each, except radioactive material with atomic number 83 or above shall not exceed 185 kBq (5 microCi) per source and the total of such sources shall not exceed 1.85 MBq (50 microCi). The license need not submit in license applications the information required by 32 Ill. Adm. Code 330.240(g)(1) provided that the licensee maintains a record for each sealed source possessed under this authorization. The record shall identify the source by manufacturer and model as indicated in an evaluation sheet issued by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State;~~

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b) Sealed sources, not exceeding 1.11 GBq (30 mCi) each, redistributed by a licensee authorized to redistribute the sealed sources manufactured and distributed by a person licensed under Section 335.30 of this Part, providing the redistributed sealed sources are in the original packaging and shielding and are accompanied by the manufacturer's approved instructions.~~Any radioactive material with a half-life of 100 days or less in individual amounts not to exceed 555 MBq (15 mCi);~~

c) Any radioactive material with a half-life not greater~~greater~~ than 120~~100~~ days in individual amounts not to exceed 0.56 GBq (15 mCi).~~7.4 MBq (200 microCi) each; and~~

d) Any radioactive material with a half-life longer than 120 days in individual amounts not to exceed the smaller of 7.4 MBq (200 µCi) or 1000 times the quantities in Appendix B of 32 Ill. Adm. Code 330.

e) Technetium-99m in ~~individual~~ amounts as needed.~~not to exceed 1.85 GBq (50 mCi).~~

f) Yttrium-90 in individual amounts not to exceed 4.6 GBq (125 mCi).

g) Gadolinium-153 in individual amounts not to exceed 22.2 GBq (600 mCi).

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

Section 335.2050 Requirements for Possession of Sealed Sources (Repealed)

~~a) A licensee in possession of any sealed source shall follow the radiation safety and handling instructions supplied by the manufacturer and shall maintain the instructions for the duration of source use in a legible form convenient to users.~~

~~b) A licensee in possession of a sealed source shall assure that it is tested for leakage or contamination in accordance with 32 Ill. Adm. Code 340.410. In the absence of a certificate from a transferor indicating that a test has been made within the 6-month period prior to the transfer, the sealed source shall not be put into use until tested and the test results confirm that the sealed source is not leaking or contaminated.~~

~~c) A licensee shall retain leak test records for 5 years in accordance with 32 Ill. Adm. Code 340.1135. The records shall contain the model and serial number, if assigned, of each source tested, the identity of each source radionuclide and its~~

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~~estimated activity, the measured activity of each test sample expressed in becquerels or microcuries, a copy of the licensee's leak test procedures or a copy of a license issued by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State authorizing the person that performed the leak test to perform leak tests as a customer service, the date of the test and the signature of the Radiation Safety Officer.~~

~~d) A licensee in possession of a sealed source, except sealed sources in teletherapy machines not identified as being in storage, shall conduct a physical inventory of all such sources at intervals not to exceed 3 months. The licensee shall retain each inventory record for 5 years. The inventory record shall include the radionuclide, activity and the activity assay date, manufacturer, model and serial number, the location of the sealed sources(s), date of the inventory, the identity of the person(s) who performed the inventory and the signature or initials of the Radiation Safety Officer.~~

~~e) A licensee in possession of a sealed source shall:~~

~~1) Monitor, with a radiation survey instrument, all areas where such sources are stored. These measurements shall be performed at intervals not to exceed 3 months. This monitoring requirement does not apply to teletherapy sources in teletherapy units, brachytherapy sources in high dose rate afterloaders or sealed sources in diagnostic devices.~~

~~2) Retain a record of all monitoring required by subsection (e)(1) above for 5 years. The record shall include the monitoring date, a sketch of each area that was monitored, the measured dose rate at several points in each area expressed in units, multiples or subunits of sieverts or rem per hour, the manufacturer, model and serial number of the survey instrument used to perform the monitoring, the identity of the person who performed the monitoring and the signature or initials of the Radiation Safety Officer.~~

~~f) A licensee shall submit to the Department, at intervals not to exceed 3 months, a record of all brachytherapy and teletherapy sources not being used and identified as in storage. This record shall include copies of the inventory records required by subsection (d) above and the monitoring records required by subsection (e)(2) above.~~

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

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Section 335.2060 Labeling and Use of Vials and Syringes~~Syringe Shields and Syringe Shield Labels~~

a) Each syringe and vial that contains unsealed radioactive material shall be labeled to identify the radiopharmaceutical. Each syringe shield and vial shield shall also be labeled unless the label on the syringe or vial is visible when shielded. ~~A licensee shall keep in a radiation shield, syringes that contain radioactive material to be administered.~~

b) A licensee shall use syringe radiation shields unless the use of a shield is contraindicated for an individual patient.

AGENCY NOTE: The use of a syringe radiation shield could be contraindicated if a patient presented a venous anatomy poorly suited for venipuncture.

~~c) Notwithstanding the provisions of 32 Ill. Adm. Code 340.940(a) and 340.950, a licensee shall label each syringe or syringe radiation shield that contains a syringe with a radiopharmaceutical with either the radiopharmaceutical name, or its abbreviation, or the procedure to be performed or the patient's name.~~

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

Section 335.2070 Vial Shields and Vial Shield Labels (Repealed)

~~a) A licensee shall use vial radiation shields when preparing or handling vials containing radiopharmaceuticals.~~

~~b) Notwithstanding the provisions of 32 Ill. Adm. Code 340.940(a) and 340.950, a licensee shall label each vial radiation shield that contains a vial of a radiopharmaceutical with the radiopharmaceutical name or its abbreviation.~~

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

Section 335.2080 Monitoring for Contamination and Ambient Radiation Dose Rate

a) In addition to the monitoring required by 32 Ill. Adm. Code 340~~At the end of each day of use~~, the licensee shall monitor with a radiation detection survey instrument capable of detecting dose rates over the range 1µSv (100 µrem) per hour to 500 µSv (50 mrem) per hour all areas where liquid radiopharmaceuticals were prepared for use or administered at the end of each day of use. However, the

licensee does not need to perform the monitoring required by this Section in areas where patients or human research subjects are confined when they cannot be released under Section 335.2110 of this Part. The instrument shall be operable and calibrated in accordance with the requirements of 32 Ill. Adm. Code 340.510(b) and (c). ~~when diagnostic radiopharmaceuticals are administered to a hospitalized patient in the patient's room, the licensee need not monitor the area where the radiopharmaceuticals were administered.~~

b) At least once each week, a licensee shall measure~~monitor~~ with a radiation measurement~~detection survey~~ instrument capable of measuring dose rates over the range 10 µSv (1 mrem) per hour to 10 mSv (1 rem) per hour all areas where radiopharmaceuticals or radioactive wastes are stored to ensure compliance with 32 Ill. Adm. Code 340.210 and 340.310. The instrument shall be operable and calibrated in accordance with the requirements of 32 Ill. Adm. Code 340.510(b) and (c).

~~c) A licensee shall conduct the monitoring required by subsections (a) and (b) above in a manner that allows detection of dose rates as low as 1 microSv (100 microrem) per hour.~~

c~~d~~) At least once each week, a licensee shall measure~~monitor~~ for removable contamination in all areas where unsealed radioactive materials~~radiopharmaceuticals~~ are prepared for use, administered or stored.

d~~e~~) A licensee shall conduct the measurements~~monitoring~~ required by subsections (b) and~~subsection~~ (d) of this Section~~above~~ in a manner that permits detection of contamination on each wipe sample of 2000 dpm per 100 square centimeters of surface area.

e~~f~~) A licensee shall retain a record of all monitoring and surveys required by this Section for 5 years. The record shall include the monitoring date, a sketch of each area monitored, the measured dose rate at several points in each area expressed in units, multiples or subunits of sieverts or rem per hour or the removable contamination in each area expressed in units, multiples or subunits of becquerels or curies per 100 square centimeters of surface area or in disintegrations (transformations) per minute per 100 square centimeters of surface area, the manufacturer, model and serial number of the instrument used to perform the monitoring or analyze the samples and the identity of the individual who performed the monitoring.

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AGENCY NOTE: A detection instrument means an uncompensated Geiger Mueller type instrument. A measurement instrument means an ion chamber or compensated Geiger Mueller instrument.

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

Section 335.2090 Safety Instructions for Patients Not Hospitalized and Containing Therapeutic Doses of Radiopharmaceuticals or Permanent Implants (Repealed)

~~The licensee shall provide safety instructions to patients who are not hospitalized for compliance with Section 335.2100 and to any therapy patient administered 555 MBq (15 mCi) or more of iodine-131 or to the family or guardian of such patient. This information shall be provided orally or in writing.~~

~~AGENCY NOTE: Because the patient is a potential source of radiation dose to his or her family and to other members of the public, it is necessary for the patient or the family or guardian of the patient to be provided with safety instructions to be followed to limit unnecessary radiation dose to others.~~

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

Section 335.2100 Admission of Patients Being Treated with Radiopharmaceuticals or Permanent Implants (Repealed)

~~A licensee shall admit any patient for administration of a permanent implant or 1.11 GBq (30 mCi) or more of a therapeutic radiopharmaceutical, if the patient's dose rate at 1 meter is expected to exceed 50 microSv (5 mrem) per hour.~~

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

Section 335.2110 Release of Individuals Containing Unsealed Radioactive Material or Implants Containing Radioactive Material~~Discharge of Patients Being Treated with Therapeutic Doses of Radiopharmaceuticals or Permanent Implants~~

~~Patients administered a permanent implant or 1.11 GBq (30 mCi) or more of a therapeutic radiopharmaceutical may be discharged from the hospital only after all of the following conditions have been met:~~

a) A licensee may authorize the release from its control of any individual who has been administered unsealed radioactive material or implants containing

radioactive material if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 5 mSv (0.5 rem) following assessment of the patient's medical, living and working conditions.~~physician, authorized to perform therapeutic procedure using radiopharmaceuticals or permanent implants, has authorized the discharge;~~

b) If the total effective dose equivalent to any other individual is likely to exceed 1 mSv (0.1 rem), the licensee shall provide the released individual and, as determined appropriate by the authorized physician user, the individual's spouse, parent, guardian or other primary caregiver, with verbal and written instructions, on actions recommended to maintain doses to other individuals as low as is reasonably achievable. If the total effective dose equivalent to a minor, pregnant individual, or nursing infant or child could exceed 1 mSv (0.1 rem), assuming there were no interruptions of breast-feeding, the instructions shall also include:

1) Guidance on the interruption or discontinuation of breast-feeding;

2) Guidance on minimizing close and/or extended contact; and

3) Information on the potential consequences, if any, of failure to follow the guidance.~~The measured dose rate from the patient is less than either 50 microSv (5 mrem) per hour at a distance of 1 meter or the radioactive material remaining in the patient is calculated to be less than 1.11 GBq (30 mCi); and~~

c) Release of the patient pursuant to this Section shall be approved by an authorized physician user who is approved for the applicable use of radioactive material (i.e., Subpart F or Subpart H of this Part). The authorized user physician shall state in writing that he or she is professionally satisfied that patient compliance with necessary instructions is likely and the patient is suitable for release.~~For any therapy patient whose measured dose rate at 1 meter is greater than 20 microSv (2 mrem) per hour, the licensee has provided instruction orally or in writing to the patient, or the family or guardian of the patient.~~

~~AGENCY NOTE: Because the patient is a potential source of radiation dose to his or her family and to other members of the public, it is necessary for the patient or the family or guardian of the patient to be provided with safety instructions to be followed to limit unnecessary radiation dose to others.~~

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d) A licensee shall retain a record for 5 years after the release of the individual for the following:

1) The basis for authorizing the release of an individual in accordance with subsections (a) and (b) of this Section to include the assessment and evaluation criteria for the patient's medical, living and working conditions, activities of radioactive material used (i.e., retained or administered activity), occupancy factors, biological or effective half-life of radioactive material, shielding by tissue, and means of estimating doses to any other individual and the physicians.

2) The instructions for each patient required by subsection (b) of this Section.

3) The physician's certification for patient release required by subsection (c) of this Section.

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

Section 335.2120 Mobile Medical~~Nuclear Medicine~~ Service ~~Technical~~ Requirements

A licensee providing mobile medical~~nuclear medicine~~ service shall:

a) Prior to bringing radioactive material into a remote use location, obtain a letter, signed by the management of the client for whom services are rendered, that clearly delineates the authority and responsibility of the licensee and the client and authorizes use of radioactive material at the client's address of use.

b) Transport to each address of use only those syringes or vials containing prepared radiopharmaceuticals or radiopharmaceuticals that are intended for reconstitution of radiopharmaceutical kits.~~;~~

~~b) Bring into each location of use all radioactive material to be used and, before leaving, remove all unused radioactive material and associated radioactive waste;~~

c) Provide services in accordance with the client's specific medical license, when providing services that the client is also authorized to provide.~~Secure or keep under constant surveillance and immediate control all radioactive material when in transit or at a location of use;~~

d) Check ~~survey~~ instruments used to measure the activity of unsealed radioactive

material for proper function before medical use at each client's address or on each day of use, whichever is more frequent. At a minimum, the check for proper function required by this subsection shall include a constancy check. ~~and dose calibrators for proper function before medical use at each location of use, as required by Sections 335.2010(b)(1) and 335.2020(g);~~

e) Before releasing a use location for unrestricted use, monitor all areas of use with a radiation detection survey instrument to ensure that all radioactive materials and all associated radioactive wastes have been removed. ~~Carry a calibrated survey instrument in each vehicle that is being used to transport radioactive material, and before leaving a client location of use, monitor all areas of radiopharmaceutical use with a radiation detection survey instrument to ensure that all radiopharmaceuticals and all associated radioactive wastes have been removed; and~~

AGENCY NOTE: 32 Ill. Adm. Code 340, Appendix A may be used as a guideline for this purpose.

f) Check survey instruments for proper operation with a dedicated check source before use at each client's address.~~Retain a record of the monitoring required by subsection (e) above for 5 years. The record shall include the monitoring date, a plan of each area that was monitored, the measured dose rate at several points in each area of use expressed in units, multiples or subunits of sieverts or rem per hour, the manufacturer, model and serial number of the instrument used to perform the monitoring and the identity of the individual who performed the monitoring.~~

g) Secure or keep under constant surveillance and control all radioactive material when in transit and at a location of use.

h) Not have radioactive material delivered from the manufacturer or the distributor to the client unless the client has a license allowing possession of the radioactive material. Radioactive material delivered to the client shall be received and handled in conformance with the client's license.

i) Retain the letter required in subsection (a) of this Section and the record of monitoring required in this Section in accordance with Section 335.2080(e) of this Part.

j) Retain a copy of each letter that permits the use of radioactive material at a client's address as required by subsection (a) of this Section. Each letter must clearly delineate the authority and responsibility of the licensee and the client and shall be retained for 5 years after the last provision of service.

k) Retain the record of monitoring required by subsection (e) of this Section for 5 years. The record shall include the monitoring date, an annotated diagram of each area that was monitored, the measured dose rate at several points in each area of use expressed in units, multiples or subunits of Sieverts (or rem) per hour, the manufacturer, model and serial number of the instrument used to perform the monitoring and the identity of the individual who performed the monitoring.

l) Retain a record of all dosages administered under the service's license for 5 years after the date of administration. This record shall include the radiopharmaceutical name, the clinical procedure, the activity administered, the name of the authorized user, the date of administration and the identity of the individual performing the administration.

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

Section 335.2130 Storage of Volatiles and Gases (Repealed)

~~a) A licensee shall store radioactive gases and volatile radiopharmaceuticals, including iodine as sodium iodide, in the shipper's radiation shield and container; or~~

~~b) A licensee shall store containers from which multiple doses are extracted in a properly functioning, ventilated device such as a glove box or fume hood.~~

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

Section 335.2140 Other Medical Uses of Radioactive Material or Radiation from Radioactive Material (Emerging Technologies)

A licensee may use radioactive material or a radiation source that is not specifically addressed in Subparts D through I of this Part, or if the use is inconsistent with those Subparts, if:

a) The licensee has submitted the information required by 32 Ill. Adm. Code 330.250 and any other necessary information consistent with 32 Ill. Adm. Code 330;

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b) The application contains at least the following:

1) A request signed by management that is consistent with the requirements of 32 Ill. Adm. Code 340.310(b);

2) A description of:

A) The facilities, with a diagram;

B) The necessary equipment and its calibration or maintenance; and

C) Training and experience qualifications of the Radiation Safety Officer, authorized users and authorized medical physicists, if not already previously submitted;

3) Procedures, as applicable, that describe:

A) The radionuclide, form and activity;

B) The expected levels of contamination and the procedures to control them;

C) The general safety precautions;

D) The safety instructions to be provided to staff that are specific to the proposed use; and

E) The methodology for measurement of dosages or doses to be administered to patients or human research subjects;

4) If applicable, a description of the sealed source and/or device as per 32 Ill. Adm. Code 330.280(i) and (k), as applicable, or, alternately, identification of the product in the Sealed Source and Device Registry.

c) In addition to the requirements in subsection (b)(2) of this Section, an application for a license or amendment for medical use of radioactive material as described in this Section shall also include information regarding any radiation safety aspects

of the medical use of the material that is not addressed in Subparts A through C of this Part.

d) The applicant or licensee has provided any other information requested by the Agency in its review of the application.

e) The licensee has received written approval from the Agency in the form of a license amendment and uses the material in accordance with the regulations and specific conditions the Agency considers necessary for the safe use of the material.

AGENCY NOTE: The FDA accepted protocols may be submitted as partial application towards the information requested in this Section.

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

SUBPART D: UNSEALED RADIOACTIVE MATERIAL FOR UPTAKE, DILUTION AND EXCRETION STUDIES – WRITTEN DIRECTIVE NOT REQUIRED

Section 335.3010 Use of Unsealed Radioactive Material~~Radiopharmaceuticals~~ for Uptake, Dilution and~~or~~ Excretion Studies for Which a Written Directive is Not Required

Except for quantities that require a written directive under Section 335.1110(a) of this Part, a licensee may use any unsealed radioactive material prepared for medical use for uptake, dilution or excretion studies that is:~~A licensee may use any radioactive material in a radiopharmaceutical approved by the U.S. Food and Drug Administrative (FDA) for a diagnostic use involving measurements of uptake, dilution or excretion.~~

a) Obtained from a person specified in Section 335.30 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or

b) Prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the requirements in Section 335.9040 or 335.9050 of this Part, or an individual under the supervision of either, as specified in Section 335.1050 of this Part; or

c) Obtained from and prepared by an Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State licensee for use in research in

accordance with a Radioactive Drug Research Committee-approved protocol or an application or protocol accepted by the FDA; or

d) Prepared by the licensee for use in research in accordance with a Radioactive Drug Research Committee-approved application or an application or a protocol accepted by the FDA.

AGENCY NOTE: Participation in FDA research trials involving human subjects does not relieve the licensee from following all Agency regulations, whether or not they are included in the trial protocols. This includes participation in trials using "blind" research protocols.

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

SUBPART E: UNSEALED RADIOACTIVE MATERIAL FOR IMAGING AND LOCALIZATION STUDIES FOR WHICH A WRITTEN DIRECTIVE IS NOT REQUIRED

Section 335.4010 Use of Unsealed Radioactive Material~~Radiopharmaceuticals, Generators and Reagent Kits~~ for Imaging and Localization Studies for Which a Written Directive is Not Required

Except for quantities that require a written directive under Section 335.1110(a) of this Part, a licensee may use any unsealed radioactive material prepared for medical use for imaging and localization studies that is:~~A licensee may use any radioactive material in a diagnostic radiopharmaceutical approved by the U.S. Food and Drug Administration (FDA) or any generator or any reagent kit for preparation and diagnostic use of a radiopharmaceutical containing radioactive material.~~

a) Obtained from a person specified in Section 335.30 of this Part, or equivalent U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State requirements; or

b) Prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the requirements specified in Section 335.9040 or 335.9050 of this Part, or an individual under the supervision of either, as specified in Section 335.1050 of this Part; or

c) Obtained from and prepared by an Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State licensee for use in research in accordance with a Radioactive Drug Research Committee-approved protocol or an application or protocol accepted by the FDA; or

d) Prepared by the licensee for use in research in accordance with a Radioactive Drug Research Committee-approved application or an application or a protocol accepted by the FDA.

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

Section 335.4020 Permissible Molybdenum-99 Concentration

a) A licensee may~~shall~~ not administer to humans a radiopharmaceutical that contains~~containing~~ more than 0.15 kBq~~150 Bq~~ of molybdenum-99 per MBq of technetium-99m (0.15 µCi~~MBq of technetium-99m (0.15 microCi~~ of molybdenum-99 per mCi~~mCi~~ of technetium-99m)~~ or more than 185 kBq (5 microCi) of molybdenum-99 per administered dose at the time of administration~~.

b) A licensee that uses molybdenum-99/~~preparing~~technetium-99m generators for preparing technetium-99m radiopharmaceuticals ~~from molybdenum-99/technetium-99m generators~~ shall measure the molybdenum-99 concentration of the first eluate after receipt of a generator to demonstrate compliance with subsection (a) of this Section~~in each eluate or extract~~.

c) A licensee shall maintain a record of the molybdenum-99 concentration tests required by subsection (b) of this Section ~~who is required to measure molybdenum concentration shall retain a record of each measurement~~ for 5 years. The record must~~shall~~ include, for each measured elution ~~or extraction~~ of technetium-99m~~, the measured activity of the technetium expressed in megabecquerels or millicuries, the measured activity of the molybdenum expressed in becquerels or microcuries~~, the ratio of the measures expressed as kBq ~~becquerels or microcuries~~ of molybdenum per MBa~~megabecquerel~~ of technetium-99m (or µCi of molybdenum per mCi ~~or millicurie~~ of technetium), the time and date of the measurement and the name~~test and the identity~~ of the individual who made the measurement~~performed the test~~.

d) A licensee shall report immediately to the Agency~~Department~~ each occurrence of molybdenum-99 concentration exceeding the limits specified in subsection (a) of this Section~~above~~.

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

Section 335.4030 Control of Aerosols and Gases (Repealed)

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~~a) A licensee who administers radioactive aerosols or gases shall do so with a system that will keep airborne concentrations within the limits prescribed by 32 Ill. Adm. Code 340.~~

~~b) The system shall either be directly vented to the atmosphere through an air exhaust or provide for collection and decay or disposal of the aerosol or gas in a shielded container.~~

~~c) A licensee shall administer radioactive gases only in rooms that are at negative pressure compared to surrounding rooms or hallways.~~

~~d) A licensee shall post at the area of use emergency procedures to be followed in the event of a gas spill.~~

~~e) In the event of evacuation because of a spill, the licensee shall use a radiation detection survey instrument upon room re-entry to ensure radiation levels return to background levels.~~

~~f) A licensee shall check the operation of reusable collection systems monthly and measure the ventilation rates available in areas of use at intervals not to exceed 6 months. The licensee shall maintain a record of these checks for 5 years. The record shall include the model and serial number of the collection system, results of all checks recommended by the manufacturer of the collection system, the date of the checks and the identity of the individual who performed the checks.~~

~~g) Contaminated charcoal trap filters, system tubing and masks shall be disposed of in accordance with 32 Ill. Adm. Code 340.~~

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

SUBPART F: UNSEALED RADIOACTIVE MATERIAL – WRITTEN DIRECTIVE REQUIRED ~~RADIOPHARMACEUTICALS FOR THERAPY~~

Section 335.5010 Use of Unsealed Radioactive Material for Which a Written Directive is Required~~Radiopharmaceuticals for Therapy~~

A licensee may use any unsealed radioactive material prepared for medical use and for which a written directive is required that is:~~in a radiopharmaceutical for a therapeutic use approved by the U.S. Food and Drug Administration (FDA).~~

a) Obtained from a person specified in Section 335.30 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements;

b) Prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the requirements specified in Section 335.9040 or 335.9050 of this Part, or an individual under the supervision of either as specified in Section 335.1050 of this Part;

c) Obtained from and prepared by an Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State licensee for use in research in accordance with a protocol accepted by FDA; or

d) Prepared by the licensee for use in research in accordance with an application or a protocol accepted by FDA.

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

Section 335.5020 Safety Instruction

In addition to the requirements of 32 Ill. Adm. Code 400.120:

a) A licensee shall provide ~~Patients shall be instructed~~ in radiation safety instruction, prior to beginning work and at least annually, to personnel caring for patients or human research subjects who have been administered radioactive materials requiring a written directive. To satisfy this requirement, the instructions must be commensurate with the duties of the personnel and shall include:~~precautions relating to patient control, visitor control, contamination control and waste control.~~

1) Patient or human research subject control;

2) Visitor control, including:

A) Routine visitation to hospitalized individuals in accordance with 32 Ill. Adm. Code 340.310(a)(1); and

B) Visitation authorized in accordance with 32 Ill. Adm. Code 340.310(c);

3) Contamination control;

4) Waste control; and

5) Notification of the Radiation Safety Officer, or his or her designee, and the authorized user if the patient or the human research subject has a medical emergency or dies.

b) A licensee shall maintain a record of safety instructions required by this Section for 5 years. The record must include a list of the topics covered, the date of the instruction, the names of the attendees and the names of the individuals who provided the instruction. ~~Persons who enter a patient's room shall be instructed in radiation safety precautions and procedures related to visitor control and contamination control.~~

~~c) Attendant hospital staff shall receive annual instruction in the licensee's procedures for:~~

~~1) Patient control;~~

~~2) Visitor control;~~

~~3) Contamination control;~~

~~4) Waste control; and~~

~~5) Notification of the Radiation Safety Officer or authorized user in case of the patient's death or medical emergency.~~

~~d) A licensee shall keep for 5 years a list of the attendant hospital staff receiving instruction required by subsection (c) above, a description of the instruction, the date of instruction and the name of the individual who gave the instruction.~~

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

Section 335.5030 Safety Precautions ~~for Radiopharmaceutical Therapy~~

a) For each patient or human research subject who cannot be released under Section 335.2110 of this Part,~~any hospitalized patient receiving treatment with a~~

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~~therapeutic radiopharmaceutical~~ the licensee shall:

1) Perform radiation monitoring as required by 32 Ill. Adm. Code 340.510 for use in determining when the licensee shall supply appropriate personnel with individual monitoring devices as required by 32 Ill. Adm. Code 340.520. Records of the radiation monitoring indicating the date and time of the monitoring, an annotated diagram~~a plan~~ of the area and a~~or~~ list of points monitored, the measured dose rate, the manufacturer, model and serial number of the instrument used to perform the monitoring and the identity of the individual who performed the monitoring shall be maintained for 5 years. This radiation monitoring shall include, as a minimum, the dose rate in units, multiples or subunits of Sieverts~~sieverts~~ or rem per hour at:

   A) The patient's bedside;

   B) 1 meter from the patient;

   C) The patient's hospital room door; and

   D) Contiguous restricted and unrestricted areas. However, radiation monitoring of adjoining rooms is not required if a calculation of the dose rate to a patient in the adjoining room is made based on measurements obtained pursuant to subsection~~subsections~~ (a)(1)(A) or (B) of this Section~~above~~.

2) Prevent any patient who is not receiving radiopharmaceutical~~radiation~~ therapy, but who is occupying a room that adjoins the room of a patient who is receiving radiopharmaceutical~~radiation~~ therapy, to receive a dose greater than 1 mSv (100 mrem) during the patient's entire stay from radiation emitted by any therapy patient. The licensee shall verify compliance by performing radiation surveys based on the monitoring required by subsection (a)(1) of this Section~~above~~.

3) Prevent the placement of a therapy patient in the same room with a patient who is not receiving radiopharmaceutical therapy unless the licensee demonstrates, by monitoring or surveys, compliance with the requirements of 32 Ill. Adm. Code 340.310 at a distance of 1 meter from the therapy patient.

4) Provide each therapy patient's room with a private sanitary facility.

5) Post the patient's door with a "Caution: Radioactive Materials~~Radiation Area~~" sign. The posted sign shall indicate that pregnant women, or women who suspect that they are pregnant, shall contact the attendant staff for additional safety instructions or precautions. Also, a note shall appear on the door and on the patient's chart which states where and how long visitors may stay in the patient's room.

6) Authorize visits by individuals under age 18 only on a patient-by-patient basis with the approval of the radiation therapy physician after consultation with the Radiation Safety Officer.

7) Maintain and make available nursing instructions for the attendant nursing staff that list any restrictions and instructions that shall be followed regarding the care of therapy patients.

8) Either monitor all items removed from the patient's room to determine that any contamination cannot be distinguished from the natural background radiation level with a radiation detection survey instrument set on its most sensitive scale and with no interposed shielding other than a plastic or cloth bag or handle all items removed from the patient's room as radioactive waste.

9) Advise attendant nursing staff to notify the Radiation Safety Officer or the radiation therapy physician immediately if the therapy patient dies or has a medical emergency.

10) Monitor the patient's room and sanitary facility for removable contamination. The room shall not be re-assigned until the requirements of 32 Ill. Adm. Code 340.320 and 340.510 have been met~~removable contamination is less than 2000 dpm per 100 square centimeters of surface area~~.

~~11) Measure the thyroid burden of each individual who helped prepare or administer a dosage of iodine-131 within the interval of 12 hours to 3 days after administering the dosage. Retain a record that includes each thyroid burden measurement, the name of the individual whose thyroid burden was measured, the identity of the individual who made the measurements and either the thyroid burden or dose equivalent to the thyroid gland. If~~

~~monitoring was required pursuant to 32 Ill. Adm. Code 340.520, records shall be maintained in accordance with 32 Ill. Adm. Code 340.1160. If monitoring was not required pursuant to 32 Ill. Adm. Code 340.520, then records shall be maintained for a period of 5 years.~~

b) The licensee shall implement the precautions required by subsections (a)(1) through (10~~8~~) of this Section until all of the requirements of Section 335.2110 of this Part can be met.~~above until all of the following conditions have been met:~~

~~1) The measured dose rate at 1 meter from the therapy patient is less than 50 microSv (5 mrem) per hour.~~

~~2) Radiation monitoring of potentially contaminated items indicate no contamination.~~

~~3) 48 hours have passed since the administration of iodine-125 or iodine-131 as a therapeutic radiopharmaceutical.~~

~~c) Records of monitoring required by subsections (a)(8), (10) and (b)(1) above shall include the monitoring date, the type of monitoring (i.e., room, item, patient, etc.), the measured dose rate expressed in units, multiples or subunits of sieverts or rem per hour or the removable contamination in each area expressed in units, multiples or subunits of becquerels or curies per 100 square centimeters of surface area or in disintegrations (transformations) per minute per 100 square centimeters of surface area, the manufacturer, model and serial number of the radiation survey instrument used and the identity of the individual who performed the monitoring.~~

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

SUBPART G: SEALED SOURCES FOR DIAGNOSIS

Section 335.6010 Use of Sealed Sources for Diagnosis

A licensee shall use only~~the following~~ sealed sources for diagnostic medical uses that are~~in accordance with the manufacturer's radiation safety and handling instructions~~:

a) Obtained from a person specified in Section 335.30 of this Part, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements; or ~~Iodine-125 as a sealed source in a device for bone mineral analysis;~~

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b) Approved and used in accordance with the Sealed Source and Device Registry and the manufacturer's instruction manual. ~~Americium-241 as a sealed source in a device for bone mineral analysis;~~

~~c) Gadolinium-153 as a sealed source in a device for bone mineral analysis; and~~

~~d) Iodine-125 as a sealed source in a portable device for imaging.~~

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

SUBPART H: MANUAL~~SEALED SOURCES FOR~~ BRACHYTHERAPY

Section 335.7010 Use of Sealed Sources for Manual Brachytherapy

A licensee shall use only brachytherapy~~sealed~~ sources for therapeutic medical uses:~~in accordance with the uses approved by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State and in accordance with the manufacturer's radiation safety and handling instructions.~~

a) That are:

1) Obtained from a person specified in Section 335.30 of this Part, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements; and

2) Approved and used in accordance with the Sealed Source and Device Registry and the manufacturer's instruction manual; or

b) That are used in research in accordance with an active protocol accepted by the FDA provided the requirements of Section 335.30 of this Part are met.

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

Section 335.7020 Safety Instruction

In addition to the requirements of 32 Ill. Adm. Code 400.120:

a) The licensee shall provide ~~oral and written~~ radiation safety instruction, ~~to all personnel~~ prior to their assuming duties and at least annually, to personnel caring for patients or human research subjects who are receiving brachytherapy and

cannot be released under Section 335.2110 of this Part. To satisfy this requirement, the instructions must be commensurate with the duties of the personnel and include the:~~independent care (i.e., care provided when an authorized user or Radiation Safety Officer is not physically present) of a patient receiving implant therapy. Refresher training shall be provided at intervals not to exceed 1 year.~~

1) Size and appearance of the brachytherapy sources;

2) Safe handling and shielding instructions;

3) Patient or human research subject control;

4) Visitor control, including both:

A) Routine visitation of hospitalized individuals in accordance with 32 Ill. Adm. Code 340.310(a)(1); and

B) Visitation authorized in accordance with 32 Ill. Adm. Code 340.310(c); and

5) Notification of the Radiation Safety Officer, or his or her designee, and an authorized user if the patient or the human research subject has a medical emergency or dies.

b) A licensee shall maintain a record of safety instructions required by this Section for 5 years. The record must include a list of the topics covered, the date of the instruction, the names of the attendees and the names of the individuals who provided the instruction.~~To satisfy the requirements of subsection (a) above, the instruction shall describe:~~

~~1) Size and appearance of the brachytherapy sources;~~

~~2) Safe handling and shielding instructions in case of a dislodged or disconnected source;~~

~~3) Procedures for control of patients who are not receiving radiation therapy that establish compliance with 32 Ill. Adm. Code 340.310;~~

~~4) Procedures for control of visitors that establish compliance with 32 Ill.~~

~~Adm. Code 340.310; and~~

~~5) Procedures for notification of the Radiation Safety Officer or authorized user if the patient dies or has a medical emergency.~~

~~c) A licensee shall retain for 5 years a record of individuals receiving instruction required by subsection (a) above, a description of the instruction, the date of instruction and the identity of the individual who gave the instruction.~~

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

Section 335.7030 Safety Precautions

~~A licensee shall, for each patient receiving implant therapy:~~

a) For each patient or human research subject who is receiving brachytherapy and cannot be released under Section 335.2110 of this Part, a licensee shall: ~~Prevent the placement of that patient in the same room with a patient who is not receiving therapy unless the licensee demonstrates, by monitoring or surveys, compliance with the requirements of 32 Ill. Adm. Code 340.310 at a distance of 1 meter from the implant;~~

1) Not quarter the patient or the human research subject in the same room as an individual who is not receiving brachytherapy;

2) Authorize visits by individuals under age 18 only on a patient-by-patient basis with the approval of the authorized user after consultation with the Radiation Safety Officer;

3) Conspicuously post the patient's or human research subject's room with a "Caution – Radioactive Materials" sign bearing the radiation trefoil;

4) Note on the door or in the patient's or human research subject's chart where and how long visitors may stay in the patient's or human research subject's room; and

5) Note on the door or in the patient's or human research subject's chart safety instruction noted in Section 335.7020 of this Part.

b) A licensee shall have applicable emergency response equipment available near

each treatment room to respond to a source: ~~Post the patient's door with a "Caution: Radioactive Materials" sign and note on the door or in the patient's chart where and how long visitors may stay in the patient's room. In addition, the posted sign shall indicate that pregnant women, or women who suspect that they are pregnant, shall contact the attendant staff for additional safety instructions or precautions;~~

1) Dislodged from the patient; and

2) Lodged within the patient following removal of the source applicators.

c) A licensee shall notify the Radiation Safety Officer, or his or her designee, and an authorized user as soon as possible if the patient or human research subject has a medical emergency or dies. ~~Authorize visits by individuals under age 18 only on a patient-by-patient basis with the approval of the authorized user after consultation with the Radiation Safety Officer;~~

~~d) Except for high dose rate afterloaders, within 1 hour after implanting the sources, measure the dose rates in contiguous restricted and unrestricted areas with a radiation measurement survey instrument to demonstrate compliance with 32 Ill. Adm. Code 340.310;~~

~~AGENCY NOTE: Monitoring of adjoining rooms is not required if a calculation of the dose rate to a patient in the adjoining room is made based on measurements obtained pursuant to subsection (d) above.~~

~~e) Advise attendant nursing staff to notify the Radiation Safety Officer or the radiation therapy physician immediately if the patient dies or has a medical emergency;~~

~~f) Include the following information in the patient's chart:~~

~~1) The radionuclide administered, the number of sources implanted, the activity in units, multiples or subunits of becquerels or curies implanted and the time and date of administration;~~

~~2) Except when using high dose rate afterloaders, the exposure or dose rate at 1 meter from the patient, the time the determination was made and the identity of the individual who made the determination;~~

~~3) The radiation symbol; and~~

~~4) Precautionary instructions to assure that the dose limits of 32 Ill. Adm. Code 340.210, 340.270, 340.280 and 340.310 are not exceeded;~~

~~g) For high dose rate afterloaders, the licensee shall post the following information at the unit console:~~

~~1) Procedures to be followed to ensure that only the patient is in the treatment room before beginning a treatment or after a door interlock interruption;~~

~~2) Procedures to be followed if an alarm, warning signal or monitoring indicates the source has not returned to its safe position;~~

~~3) The names and telephone numbers of the Radiation Safety Officer and authorized users to be contacted in the event the unit or console malfunctions;~~

~~h) Records of monitoring required by subsection (d) above shall include the time and date of the monitoring, a sketch of the area or list of points monitored, the measured dose rate at several points expressed in units, multiples or subunits of sieverts or rem per hour, the manufacturer, model and serial number of the instrument used to perform the monitoring and the identity of the individual who performed the monitoring. These records shall be retained for a period of 5 years.~~

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

Section 335.7040 Accountability and Security of Brachytherapy Sources

a) A licensee shall maintain security and accountability at all times for all brachytherapy sources in storage or use.~~make, and retain for 5 years from the date of use, a record of the use of brachytherapy sources.~~

~~1) For treatments involving high dose rate afterloaders, this record shall include the time and date of treatment, the activity of the source, the name of the patient and the identity of the individual performing the treatment.~~

~~2) For treatments not involving high dose rate afterloaders, this record shall include:~~

~~A) The number, radionuclide and activity of sources removed from storage; the time and date the sources were removed from storage; the number and activity of the sources remaining in storage after the removal; the room number where the sources were being used; the name of the patient for whom the sources were used; and the identity of the individual who removed the sources from storage; and~~

~~B) The number, radionuclide and activity of sources returned to storage; the time and date the sources were returned to storage; the number and activity of sources in storage after the return; the room number where the sources were used; the name of the patient for whom the sources were used; and the identity of the individual who returned the sources to storage.~~

b) As soon as possible after removing sources from a patient or a human research subject, a licensee shall return brachytherapy sources to a secure storage area.~~Except for high dose rate afterloaders, immediately after implanting sources in a patient and immediately after removal of sources from a patient the licensee shall monitor the patient and the areas of use to confirm that no sources have been misplaced.~~

c) A licensee shall maintain a record of brachytherapy source accountability required by this Section for 5 years. The record must include: ~~For high dose rate afterloaders, immediately upon completion of the treatment and removal of sources from a patient, the licensee shall monitor the patient and the area of use with a portable radiation measurement survey instrument to confirm that all sources have returned to the shielded position.~~

1) For temporary implants:

A) The number and activity of sources removed from storage, the time and date they were removed from storage, the name of the individual who removed them from storage and the location of use; and

B) The number and activity of sources returned to storage, the time and date they were returned to storage and the name of the individual who returned them to storage.

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2) For permanent implants:

A) The number and activity of sources removed from storage, the date they were removed from storage, and the name of the individual who removed them from storage;

B) The number and activity of sources not implanted, the date they were returned to storage and the name of the individual who returned them to storage; and

C) The number and activity of sources permanently implanted in the patient or human research subject.

~~d) Except for high dose rate afterloaders, each time brachytherapy sources are returned to an area of storage from an area of use, the licensee shall immediately count the number returned to ensure that all sources taken from the storage area have been returned. If all sources are not accounted for, the licensee shall notify the Radiation Safety Officer and a search for the sources shall be started immediately. If at the conclusion of the search all sources are not accounted for, the licensee shall notify the Department in accordance with 32 Ill. Adm. Code 340.1210.~~

~~e) A licensee shall make and retain for 5 years a record of the monitoring required by subsection (b) above. Each record shall include the monitoring date, the name of the patient, the dose rate expressed in units, multiples or subunits of sieverts or rem per hour as measured at 1 meter from the patient, the manufacturer, model and serial number of the radiation survey instrument used and the identity of the individual who performed the monitoring.~~

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

Section 335.7050 Discharge of Patients Treated With Temporary Implants (Repealed)

~~The licensee shall not authorize discharge of a patient treated by temporary implant until all sources have been removed and monitoring has been completed in accordance with Section 335.7040(b).~~

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

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Section 335.7060 Surveys After Source Implant and Removal

a) Immediately after implanting sources in a patient or a human research subject, the licensee shall monitor the area to locate and account for all sources that have not been implanted.

b) Immediately after removing the last temporary implant source from a patient or a human research subject, the licensee shall monitor the patient or the human research subject with a radiation detection survey instrument to confirm that all sources have been removed.

c) A licensee shall maintain a record of the monitoring required by this Section for 5 years. The record shall include the monitoring date, the measured dose rate at several points in each area, expressed in units, multiples or subunits of Sieverts or rem per hour, the manufacturer, model and serial number of the survey instrument used to perform the monitoring, and the identity of the person who performed the monitoring.

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

Section 335.7070 Calibration Measurements of Brachytherapy Sources

a) Before the first medical use of a brachytherapy source on or after October 24, 2005, a licensee shall have:

1) Determined the source output or activity using a dosimetry system that meets the requirements of Section 335.8080 of this Part;

2) Determined source positioning accuracy within applicators; and

3) Used published protocols currently accepted by nationally recognized bodies to meet the requirements of subsections (a)(1) and (a)(2) of this Section. Copies of these protocols shall be maintained on file by the licensee for 5 years after the discontinuation of use of brachytherapy sources.

b) A licensee may use measurements provided by the source manufacturer or by a calibration laboratory accredited by the American Association of Physicists in Medicine or other calibration laboratory approved by the Agency that are made in accordance with subsection (a) of this Section.

c) A licensee shall mathematically correct the outputs or activities determined in subsection (a) of this Section for physical decay at intervals consistent with 1 percent physical decay.

d) A licensee shall maintain a record of the calibrations of brachytherapy sources required by this Section for 5 years after the last use of the source. The record must include:

1) The date of the calibration;

2) The manufacturer's name, model, and serial number for the source, and the instruments used to calibrate the source;

3) The source output or activity;

4) The source positioning accuracy within the applicators; and

5) The signature of the authorized medical physicist.

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

Section 335.7080 Decay of Brachytherapy Sources

a) Only an authorized medical physicist or physician-authorized user shall calculate the activity of each brachytherapy source that is used to determine the treatment times for brachytherapy treatments. The decay must be based on the activity determined under Section 335.7070 of this Part.

b) A licensee shall maintain a record of the activity of all brachytherapy sources required by this Section for the life of the source. The record must include:

1) The manufacturer, model and serial number (or lot number for permanent implants) of the sources;

2) The date and initial activity of the source as determined under Section 335.7070 of this Part; and

3) For each decay calculation, the date and the source activity as determined under this Section.

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

Section 335.7090 Therapy-related Computer Systems for Manual Brachytherapy

The licensee shall:

a) Perform acceptance testing on the treatment planning system of therapy-related computer systems in accordance with published protocols accepted by nationally recognized bodies. At a minimum, the acceptance testing must include, as applicable, verification of:

1) The source-specific input parameters required by the dose calculation algorithm;

2) The accuracy of dose, dwell time, and treatment time calculations at representative points;

3) The accuracy of isodose plots and graphic displays; and

4) The accuracy of the software used to determine sealed source positions from radiographic images.

b) Maintain a record of acceptance testing and copies of the protocols used for acceptance testing in accordance with this Section for 5 years after discontinuation of use of the treatment planning system.

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

SUBPART I: REMOTE AFTERLOADER UNITS, INTRAVASCULAR BRACHYTHERAPY UNITS, TELETHERAPY UNITS AND GAMMA STEREOTACTIC RADIOSURGERY UNITS

Section 335.8010 Use of a Sealed Source in Remote Afterloader Units, Intravascular Brachytherapy Units,~~a~~ Teletherapy Units~~Unit~~ or Gamma Stereotactic Radiosurgery Units

A licensee shall use sealed sources in remote afterloader units, intravascular brachytherapy units, teletherapy units or gamma stereotactic radiosurgery units for therapeutic medical uses that are:

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a) Obtained from a person specified in Section 335.30 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or ~~A licensee shall use cobalt-60 or cesium-137 as a sealed source in a teletherapy unit for medical use in accordance with the manufacturer's radiation safety and operating instructions.~~

b) Approved and used in accordance with the Sealed Source and Device Registry and the manufacturer's instruction manual; or ~~Teletherapy sources shall be tested for leakage or contamination in accordance with Sections 335.2050(b) and (c). Tests for leakage or contamination may be made by wiping accessible surfaces of the housing port or collimator while the source is in the off position and measuring the wipes for transferred contamination.~~

c) Used in research in accordance with an active Investigational Device Exemption (IDE) application accepted by the FDA, provided the requirements of Section 335.30 of this Part are met.

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

Section 335.8020 Installation, Maintenance, Adjustment and Repair Restrictions

a) Only a person specifically licensed by the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, ~~or~~ an Agreement State or a Licensing State~~to perform teletherapy unit maintenance and repair~~ shall install, ~~relocate or remove a teletherapy sealed source or a teletherapy unit that contains a sealed source or~~ maintain, adjust or repair a remote afterloader unit, intravascular brachytherapy unit, teletherapy unit or gamma stereotactic radiosurgery unit that involves work on the sources shielding, the sources driving unit or other electronic or mechanical component that could expose the sources, reduce the shielding around the sourcess, or compromise the radiation safety of the unit or the sources.~~the source drawer, the shutter or other mechanism of a teletherapy unit that could expose the source, reduce the shielding around the source or result in increased dose rates.~~

b) Except for a low dose-rate remote afterloader unit and intravascular brachytherapy unit, only a person specifically licensed by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State shall install, replace, relocate, or remove a sealed source or source contained in other remote afterloader units, intravascular brachytherapy units, teletherapy units or gamma stereotactic radiosurgery units.

c) For a low dose-rate remote afterloader unit and intravascular brachytherapy unit, only a person specifically licensed by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State or an authorized medical physicist shall install, replace, relocate or remove a sealed source contained in the unit.

d) A licensee shall retain a record of the installation, maintenance, adjustment and repair of remote afterloader units, intravascular brachytherapy units, teletherapy units and gamma stereotactic radiosurgery units as required by this Section for 5 years. For each installation, maintenance, adjustment and repair, the record must include the date, description of the service, names of the individuals who performed the work, and a copy of the specific license authorizing the service.

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

Section 335.8030 Amendments to Teletherapy Licenses (Repealed)

~~In addition to the requirements specified in Section 335.40, a teletherapy licensee shall apply for and shall receive a license amendment before:~~

~~a) aking any change in the treatment room shielding;~~

~~b) Making any change in the location of the teletherapy unit within the treatment room;~~

~~c) Using the teletherapy unit in a manner that could result in increased dose rates in unrestricted areas or increased total effective dose equivalent to individual members of the public;~~

~~d) Relocating the teletherapy unit; or~~

~~e) Allowing an individual not listed on the licensee's license to perform the duties of the teletherapy physicist. If the teletherapy physicist named on the license is no longer performing his or her duties, the Radiation Safety Committee may, while an amendment is being obtained, have the duties performed for up to 90 days by an individual who is listed by name as a teletherapy physicist on a Department, U.S. Nuclear Regulatory Commission or Agreement State license and who meets the training criteria listed in Section 335.9150.~~

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

Section 335.8040 Safety Procedures and Instructions for Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units

a) A licensee using sealed sources in remote afterloader units, intravascular brachytherapy units, teletherapy units or gamma stereotactic radiosurgery units for therapeutic medical uses shall~~post instructions at the teletherapy unit console. To satisfy this requirement, these instructions shall inform the individual who operates the teletherapy unit of~~:

1) Secure the unit, the console, the console keys and the treatment room when not in use or unattended, if applicable; ~~The procedure to be followed to ensure that only the patient is in the treatment room before turning on the primary beam of radiation to begin a treatment or after a door interlock interruption;~~

2) Permit only individuals approved by the authorized user, Radiation Safety Officer or authorized medical physicist to be present in the treatment room during treatment or emergencies with the sources; ~~The procedure to be followed if the individual who operates the teletherapy unit is unable to turn off the primary beam of radiation with controls outside the treatment room or any other abnormal operation occurs; and~~

3) Prevent dual operation of more than one radiation producing device in a treatment room, if applicable; and ~~The names and telephone numbers of the authorized users and Radiation Safety Officer who are to be contacted immediately if the teletherapy unit or console operates abnormally.~~

4) Develop, implement and maintain written procedures for responding to an abnormal situation when the operator is unable to place the sources in the shielded position, or remove the patient or human research subject from the radiation field with controls from outside the treatment room. These procedures must include:

A) Instructions for responding to equipment failures and the names of the individuals responsible for implementing corrective actions;

B) The process for restricting access to and posting of the treatment area to minimize the risk of inadvertent exposure; and

C) The names and telephone numbers of the authorized users, the authorized medical physicist and the Radiation Safety Officer to be contacted if the unit or console operates abnormally.

b) A copy of the procedures required by subsection (a)(4) of this Section and the manufacturer's instruction manual must be physically located at the unit console. ~~licensee shall provide instruction in the topics identified in subsection (a) above to all individuals prior to their independent operation of a teletherapy unit and shall provide refresher training to such individuals at intervals not to exceed 1 year.~~

c) A licensee shall post instructions at the unit console to inform the operator of: ~~retain for 5 years a record of the names of individuals who received instruction required by subsection (b) above, a description of the instruction, the date of instruction and the identity of the individual who gave the instruction.~~

1) The location of the procedures required by subsection (a)(4) of this Section; and

2) The names and telephone numbers of the authorized users, the authorized medical physicist, and the Radiation Safety Officer to be contacted if the unit or console operates abnormally.

d) A licensee shall provide instruction, initially and at least annually, to all individuals who operate the unit, as appropriate to the individual's assigned duties, in:

1) The procedures identified in subsection (a)(4) of this Section; and

2) The operating procedures for the unit.

e) A licensee shall ensure that operators, authorized medical physicists and authorized users participate in drills of the emergency procedures, initially and at least annually.

f) A licensee shall retain a record of individuals receiving instruction required by subsection (d) of this Section.

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g) A licensee shall maintain a record of safety instructions required by this Section for 5 years. The record must include a list of the topics covered, the date of the instruction, the names of the attendees and the names of the individuals who provided the instruction.

h) A licensee shall retain a copy of the procedures required by subsections (a)(4) and (d)(2) of this Section until the licensee no longer possesses the remote afterloader, intravascular brachytherapy unit, teletherapy unit or gamma stereotactic radiosurgery unit.

i) A licensee shall maintain a copy of the record documenting results of the drills of emergency procedures required by subsection (e) of this Section for 5 years.

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

Section 335.8050 Safety Precautions for Remote Afterloader Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units~~Doors, Interlocks and Safety Related Systems~~

a) A licensee shall control access to the treatment~~teletherapy~~ room by a door at each entrance.

b) A licensee shall equip each entrance to the treatment~~teletherapy~~ room with an electrical interlock system that shall:

1) Prevent the operator~~individual who operates the teletherapy unit~~ from initiating the treatment cycle~~turning on the primary beam of radiation~~ unless each treatment room entrance door is closed;

2) Cause the sources to be shielded~~Turn off the primary beam of radiation immediately~~ when an entrance door is opened; and

3) Prevent the sources from being exposed~~primary beam of radiation from being turned on~~ following an interlock interruption until all treatment room entrance doors are closed and the sources~~beam~~ on-off control is reset at the console.

c) A licensee shall require any individual entering the treatment room to assure, through the use of appropriate radiation monitors, that radiation levels have returned to ambient levels~~equip each entrance to the teletherapy room with a light that indicates the beam condition~~.

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d) Except for low-dose remote afterloader units, a licensee shall construct or equip each treatment room with viewing and intercom systems to permit continuous observation of the patient or the human research subject from the treatment console during irradiation~~A licensee shall lock the control console in the off position if any door interlock malfunctions. The licensee shall not permit the unit to be used until the interlock system is repaired, unless specifically authorized by the Department~~.

~~AGENCY NOTE: The Department might issue such authorization if necessary to continue a treatment that was initiated prior to the malfunction, provided that the licensee takes measures to compensate for the failed interlock.~~

e) For licensed activities where sources are placed within the patient's or human research subject's body, a licensee shall only conduct treatments that allow for expeditious removal of a decoupled or jammed source.~~A licensee shall cease treatment of patients with any teletherapy unit if a safety related system of the teletherapy unit (e.g., source drive mechanisms, treatment timing systems, safety interlocks) is found inoperative. The licensee shall report to the Department any malfunction that requires the termination of patient treatment for more than 24 hours and shall submit to the Department, within 7 days, a written report of the incident and corrective actions taken.~~

f) In addition to the requirements specified in subsections (a) through (e) of this Section, a licensee shall:

1) For medium dose-rate and pulsed dose-rate remote afterloader units, require:

A) An authorized medical physicist and either an authorized user or a physician, under the supervision of an authorized user, who has been trained in the operation of, and emergency response for, the unit to be physically present during the initiation of all patient treatments involving the unit; and

B) An authorized medical physicist and either an authorized user or an individual, under the supervision of an authorized user, who has been trained to remove the source applicators in the event of an emergency involving the unit, to be immediately available during continuation of all patient treatments involving the unit.

2) For high dose-rate remote afterloader units, require:

A) An authorized user and an authorized medical physicist to be physically present during the initiation of all patient treatments involving the unit; and

B) An authorized medical physicist and either an authorized user or a physician, under the supervision of an authorized user, who has been trained in the operation and emergency response for the unit, to be physically present during continuation of all patient treatments involving the unit.

3) For gamma stereotactic radiosurgery units, require an authorized user and an authorized medical physicist to be physically present throughout all patient treatments involving the unit.

4) Notify the Radiation Safety Officer, or his/her designee, and an authorized user as soon as possible if the patient or human research subject has a medical emergency or dies.

g) A licensee shall have applicable emergency response equipment available near each treatment room to respond to a source:

1) Remaining in the unshielded position; or

2) Lodged within the patient following completion of the treatment.

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

Section 335.8060 Radiation Monitoring Device for Teletherapy Units and Gamma Stereotactic Radiosurgery Units

a) A licensee shall have in each teletherapy or gamma stereotactic radiosurgery room a permanent radiation monitor capable of continuously monitoring the status of the beam.

b) Each radiation monitor shall be capable of providing visible indication of a teletherapy or gamma stereotactic radiosurgery unit malfunction that results in an exposed or partially exposed source. The visible indicator of high radiation levels

shall be observable by an individual entering the teletherapy or gamma stereotactic radiosurgery room.

c) Each radiation monitor shall be equipped with an auxiliary power supply separate from the power supply to the teletherapy or gamma stereotactic radiosurgery unit. This auxiliary power supply may be a battery system.

d) The radiation monitor shall be checked with a dedicated check source for proper operation each day before the teletherapy or gamma stereotactic radiosurgery unit is used for treatment of patients.

AGENCY NOTE: Exposing the ~~teletherapy~~ source and remotely viewing the instrument response is an acceptable method for checking the monitor with a "dedicated check source~~.~~".

e) A licensee shall maintain a record of the check required by subsection (d) of this Section~~above~~ for 5 years. The record shall include the date of the check, a notation that the monitor indicated when the source was exposed and the identity of the individual who performed the check.

f) If the radiation monitor is inoperable, the licensee shall require any individual entering the teletherapy or gamma stereotactic radiosurgery room to use either a survey instrument or a personal dosimeter with an audible alarm to monitor for any malfunction of the source exposure mechanism that may result in an exposed or partially exposed source. The instrument or dosimeter shall be checked with a dedicated check source for proper operation at the beginning of each day of use. The licensee shall keep a record as described in subsection (e) of this Section~~above~~.

g) If the radiation monitor is inoperable, the licensee shall take action within 24 hours to repair or replace the radiation monitor. At a minimum, such action shall include the scheduling for the repair or replacement of the inoperable monitor.

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

Section 335.8070 Viewing System for Teletherapy (Repealed)

~~A licensee shall construct or equip each teletherapy room to permit continuous observation of the patient from the teletherapy unit console during irradiation.~~

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

Section 335.8080 ~~Teletherapy~~ Dosimetry Equipment

a) A licensee shall have a calibrated dosimetry~~dosimetery~~ system available for use. To satisfy this requirement, one of the following two conditions shall be met:

1) The system shall have been calibrated by the National Bureau of Standards, by the National Institute of Standards and Technology or by a calibration laboratory accredited by the American Association of Physicists in Medicine (AAPM). The calibration shall have been performed within the previous 2 years and after any servicing that may have affected system calibration; or

2) The system shall have been calibrated within the previous 4 years; 18 to 30 months after that calibration, the system shall have been compared with another dosimetry system that was calibrated within the past 24 months by the National Bureau of Standards, by the National Institute of Standards and Technology or by a calibration laboratory accredited by the AAPM. The dosimetry system shall be considered calibrated if a comparison is performed at a meeting sanctioned by a calibration laboratory or radiological physics center accredited by the AAPM and the results of the comparison indicate that the calibration factor of the licensee's system has not changed by more than two percent. The licensee shall not use the comparison result to change the calibration factor. When comparing dosimetry systems to be used for calibrating cobalt-60 teletherapy units, the licensee shall use a teletherapy unit with a cobalt-60 source. When intercomparing~~comparing~~ dosimetry systems to be used for calibrating sealed sources for therapeutic units, the licensee shall use a comparable unit with beam attenuators or collimators, as applicable, and sources of the same radionuclide as the source used at the licensee's facility.~~cesium-137 teletherapy units, the licensee shall use a teletherapy unit with a cesium-137 source.~~

b) The licensee shall have available for use a calibrated dosimetry system for spot-check measurements. To meet this requirement, the system may be compared with a system that has been calibrated in accordance with subsection (a) of this Section~~above~~. This comparison shall have been performed within the previous year and after each servicing that may have affected calibration of the calibrated

system. The spot-check system may be the same system used to meet the requirements in subsection (a) of this Section.

c) The licensee shall retain a record of each calibration and comparison for the duration of the license. For each calibration or comparison, the record shall include the date, the manufacturer, the model and serial number~~numbers~~ of the instruments that were calibrated or compared as required by subsections (a) and (b) of this Section~~above~~, the correction factors that were deduced, the names of the individuals who performed the calibration or comparison and evidence that the comparison meeting was sanctioned by a calibration laboratory or radiological physics center accredited by AAPM.

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

Section 335.8090 Full Calibration Measurements for Teletherapy

a) A licensee authorized to use a teletherapy unit for medical use shall perform full calibration measurements as described in subsection (b) of this Section~~below~~, on each teletherapy unit:

1) Before the first medical use of the unit; and

2) Before medical use under the following conditions:

A) Whenever spot-check measurements indicate that the output differs by more than five percent from the output obtained at the last full calibration, corrected mathematically for radioactive decay;

B) Following replacement of the source or following reinstallation of the teletherapy unit in a new location;

C) Following any repair of the teletherapy unit that includes removal of the source or major repair of the components associated with the source exposure assembly; and

3) At intervals not exceeding 1 year.

b) To satisfy the requirement of subsection (a) of this Section~~above~~, full calibration measurements shall include determination of:

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1) The output, within three percent, for the range of field sizes and for the distance or range of distances used for medical use;

2) The coincidence of the radiation field and the field indicated by the light beam localizing device;

3) The uniformity of the radiation field and its dependence on the orientation of the useful beam;

4) Timer constancy and linearity over the range of use;

5) On-off error; and

6) The accuracy of all distance measuring and localization devices in medical use.

c) A licensee shall use the dosimetry system described in Section 335.8080 of this Part to measure the output for one set of exposure conditions. The remaining radiation measurements required by subsection (b)(1) of this Section~~above~~ may then be made using a dosimetry system that indicates relative dose rates.

d) A licensee shall make full calibration measurements required by subsection (a) of this Section~~above~~ in accordance with published protocols accepted by nationally recognized bodies.~~either the procedures recommended by the Scientific Committee on Radiation Dosimetry of the American Association of Physicists in Medicine that are described in "Physics in Medicine and Biology" (Vol. 16, No. 3, 1971, pp. 379-396), exclusive of any subsequent amendments or editions, or by Task Group 21 of the Radiation Therapy Committee of the American Association of Physicists in Medicine that are described in "Medical Physics" (Vol. 10, No. 6, 1983, pp. 741-771 and Vol. 11, No. 2, 1984, p. 213), exclusive of any subsequent amendments or editions.~~

e) A licensee shall mathematically correct for physical decay the outputs determined in subsection (b)(1) of this Section~~above~~. These corrections shall be for intervals not exceeding 1 month for cobalt-60 and intervals not exceeding 6 months for cesium-137 or at intervals consistent with 1 percent decay for all other nuclides.

f) Full calibration measurements required by subsection (a) of this Section~~above~~ and physical decay corrections required by subsection (e) of this Section~~above~~ shall be performed by an authorized medical~~a teletherapy~~ physicist.

g) A licensee shall retain a record of each calibration for the duration of the license. The record shall include the date of the calibration, the manufacturer's name, model and serial numbers for both the teletherapy unit and the source, the model and serial numbers of the instruments used to calibrate the teletherapy unit, tables that describe the output of the unit over the range of field sizes and for the range of distance used in radiation therapy, a determination of the coincidence of the radiation field and the field indicated by the light beam localizing device, an assessment of timer constancy and linearity, the calculated on-off error, the determined accuracy of each distance measuring or localization device and the signature or initials of the authorized medical~~teletherapy~~ physicist.

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

Section 335.8100 Periodic Spot-Checks for Teletherapy

a) A licensee authorized to use teletherapy units for medical use shall perform spot-checks on each teletherapy unit at intervals not to exceed 1 month.

b) To satisfy the requirement of subsection (a) of this Section~~above~~, spot-checks shall include the taking of measurements that permit the determination of:

1) Timer constancy and linearity over the range of use;

2) On-off error;

3) The coincidence of the radiation field and the field indicated by the light beam localization device;

4) The accuracy of all distance measuring and localization devices used for medical use;

5) The output for one typical set of operating conditions; and

6) The difference between the measurement made in subsection (b)(5) of this Section~~above~~ and the anticipated output, expressed as a percentage of the anticipated value obtained at the last full calibration corrected mathematically for physical decay.

c) A licensee shall use the dosimetry system described in Section 335.8080 of this

Part to make the measurement required in subsection (b)(5) of this Section~~above~~.

d) A licensee shall perform measurements required by subsection (a) of this Section~~above~~ in accordance with written procedures established by the authorized medical~~teletherapy~~ physicist. The authorized medical~~teletherapy~~ physicist does not need to actually perform the spot-check measurements.

e) A licensee shall have the authorized medical~~teletherapy~~ physicist review the results of each spot-check within 15 days. The authorized medical~~teletherapy~~ physicist shall, within 15 days, notify the licensee in writing of the results of each spot-check. The licensee shall keep a copy of each written notification for 5 years.

f) A licensee authorized to use a teletherapy unit for medical use shall perform safety spot-checks of each teletherapy facility at intervals not to exceed 1 month. To satisfy this requirement, checks shall assure proper operation of:

1) Electrical interlocks at each teletherapy room entrance;

2) Electrical or mechanical stops installed for the purpose of limiting use of the primary beam of radiation (i.e., restriction of source housing angulation or elevation, carriage or stand travel, operation of the beam on-off mechanism);

3) Beam condition indicator lights on the teletherapy unit, on the control console and in the facility;

4) Viewing systems;

5) Treatment room doors from inside and outside the treatment room; and

6) Electrically assisted treatment room doors with the teletherapy unit electrical power turned off.

g) If the results of the checks required in subsection (f) of this Section indicate the malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as may be necessary to repair, replace or check the malfunctioning system.~~A licensee shall repair or replace any system identified in subsection (f) above that is not operating properly.~~

h) A licensee shall retain a record of each spot-check required by subsections (a) and

(f) of this Section~~above~~ for 5 years. The record shall include the date of the spot-check, the model and serial number for both the teletherapy unit and source, the model and serial number of the instrument used to measure the output of the teletherapy unit, a determination of the coincidence of the radiation field and the field indicated by the light beam localizing device, an assessment of timer constancy and linearity, the calculated on-off error, the determined accuracy of each distance measuring or localization device, the difference between the anticipated output and the measured output, notations indicating the operability of each entrance door electrical interlock, each electrical or mechanical stop, each beam condition indicator light, the viewing system and doors and the identity of the individual who performed the periodic spot-check and the signature of the authorized medical physicist who reviewed the record of the spot check.

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

Section 335.8110 Radiation Monitoring ~~of Teletherapy Facilities~~

a) In addition to the monitoring requirements in 32 Ill. Adm. Code 340.510, a person licensed under this Subpart shall monitor to ensure that the maximum radiation levels and average radiation levels from the surface of the main source safe with the sources in the shielded position do not exceed the levels stated in the Sealed Source and Device Registry. ~~Before medical use, after each installation of a teletherapy source and after making any change for which an amendment is required by Section 335.8030(a), (b), (c) or (d), the licensee shall monitor with an operable radiation measurement survey instrument calibrated in accordance with Section 335.2020 to verify that:~~

~~1) The maximum dose rate at 1 meter from the teletherapy source with the source in the off position and the collimators set for a normal treatment field does not exceed 100 microSv (10 mrem) per hour and the average dose rate for the same measurement conditions does not exceed 20 microSv (2 mrem) per hour; and~~

~~2) With the teletherapy source in the on position, with the largest clinically available treatment field and with a scattering phantom in the primary beam of radiation, that:~~

~~A) Dose rates in restricted areas will not cause occupational doses to exceed the limits specified in 32 Ill. Adm. Code 340.210, 340.270 and 340.280; and~~

~~B) Dose rates in unrestricted areas and total effective dose equivalent to individual members of the public will not exceed the limits specified in 32 Ill. Adm. Code 340.310.~~

b) The licensee shall monitor, as required by subsection (a) of this Section, at installations of a new source and following repairs to the source's shielding, the source's driving unit, or other electronic or mechanical component that could expose the source, reduce the shielding around the source, or compromise the radiation safety of the unit or the source. ~~If the results of the monitoring required by subsection (a) above indicate that any dose or dose rate will exceed the respective limit specified in that subsection, the licensee shall lock the control in the off position and not use the unit except as may be necessary to repair, replace or test the teletherapy unit, the teletherapy unit shielding or the treatment room shielding. The license may reinitiate medical use of the unit when measurements indicate that the requirements of subsection (a) above have been met.~~

c) A licensee shall maintain~~retain~~ a record of the radiation monitoring of treatment units made in accordance with this Section for the duration of use of the unit.~~measurements made following installation of a teletherapy source for the duration of the license.~~ The record must~~shall~~ include:

1) The~~the~~ date of the measurement;~~, the reason the monitoring was performed,~~

2) The~~the~~ manufacturer's name, model and serial number of the treatment unit, source and instrument used to measure radiation levels;~~teletherapy unit, the teletherapy source and the instrument used to measure dose rates, each dose rate measured around the teletherapy source while in the off position and the average of all measurements, a plan of the areas surrounding the treatment room that were monitored, the measured dose rate at several points in each area expressed in units, multiples or subunits of sieverts or rem per hour, the calculated maximum doses over a period of 1 year for each restricted and unrestricted area and the signature or initials of the Radiation Safety Officer or teletherapy physicist.~~

3) Each dose rate measured around the source while the unit is in the off position and the average of all measurements; and

4) The signature of the individual who performed the test.

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

Section 335.8120 Safety Checks for Teletherapy Facilities (Repealed)

~~a) A licensee shall check all systems specified in Section 335.8100 for proper function after each installation of a teletherapy source and after making any change for which an amendment is required by Section 335.8030(b), (c) or (d). Such check shall be completed before any patient is treated.~~

~~b) If the results of the checks required in subsection (a) above indicate the malfunction of any system specified in Section 335.8100, the licensee shall lock the control console in the off position and not use the unit except as may be necessary to repair, replace or check the malfunctioning system.~~

~~c) A licensee shall retain, for 5 years, a record of the facility checks following installation of a source. The record shall include notations indicating the operability of each entrance door interlock, each electrical or mechanical stop, each beam condition indicator light, the viewing system, doors and the signature or initials of the Radiation Safety Officer or teletherapy physicist.~~

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

Section 335.8130 Modification of Teletherapy Unit or Room Before Beginning a Treatment Program (Repealed)

~~If the monitoring required by Section 335.8110(a)(2)(B) indicates that dose rates in an unrestricted area or total effective dose equivalent to individual members of the public may exceed the limits of 32 Ill. Adm. Code 340.310, before beginning the treatment program the licensee shall either:~~

~~a) Undertake the following:~~

~~1) Equip the unit with stops or add additional radiation shielding to ensure compliance with 32 Ill. Adm. Code 340.310;~~

~~2) Perform the monitoring required by Section 335.8110 again; and~~

~~3) Include in the report required by Section 335.8140 the results of the initial monitoring, a description of the modification made to comply with~~

~~subsection (a)(1) above and the results of the second monitoring procedure; or~~

~~b)~~ ~~Request and receive a license amendment under 32 Ill. Adm. Code 340.310(b) that authorizes a total effective dose equivalent to individual members of the public that is greater than that permitted by 32 Ill. Adm. Code 340.310(a)(2)(B).~~

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

Section 335.8140 Reports of Teletherapy Monitoring, Checks, Tests and Measurements (Repealed)

~~A licensee shall submit a copy of the records required by Sections 335.8110, 335.8120, 335.8130 and the output from the teletherapy source within 30 days following completion of the action that caused a record to be required. The output shall be expressed as coulombs per kilogram, roentgens, grays or rad per hour, at either 1 meter or the usual treatment distance from the source and determined during the full calibration required by Section 335.8090. The record shall be sent to the Department of Nuclear Safety, Office of Radiation Safety, 1035 Outer Park Drive, Springfield, IL 62704.~~

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

Section 335.8150 5-Year ~~Teletherapy~~ Inspection for Teletherapy and Gamma Stereotactic Radiosurgery Units

a) A licensee shall have each teletherapy unit and gamma stereotactic radiosurgery unit fully inspected and serviced during ~~teletherapy~~ source replacement or at intervals not to exceed 5 years, whichever comes first, to assure proper functioning of the source exposure mechanism.

b) This inspection and servicing may~~shall~~ only be performed by persons specifically licensed to do so by the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, ~~or~~ an Agreement State or a Licensing State.

c) A licensee shall maintain~~keep~~ a record of the 5-year inspections for teletherapy and gamma stereotactic radiosurgery units required by this Section for the duration of use of the unit.~~inspection and servicing for the duration of the license. The record shall contain the inspector's name, the inspector's license number, the date of inspection, the manufacturer's name, model and serial number for both the teletherapy unit and source, a list of components inspected, a list of components~~

~~serviced and the type of service, a list of components replaced and the signature or initials of the inspector.~~

d) The record must contain:

1) The inspector's radioactive materials license number;

2) The date of the inspection;

3) The manufacturer's name and model and serial number of both the treatment unit and source;

4) A list of components inspected, services and the type of service; and

5) The signature of the inspector.

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

Section 355.8160 Full Calibration Measurements on Remote Afterloader Units

a) A licensee authorized to use a remote afterloader unit for medical use shall perform full calibration measurements on each unit:

1) Before the first medical use of the unit;

2) Before medical use under the following conditions:

A) Following replacement of the source or following reinstallation of the unit in a new location outside the facility;

B) Following any repair of the unit that includes removal of the source or major repair of the components associated with the source exposure assembly;

3) At intervals not exceeding 1 quarter for high dose-rate, medium dose-rate, and pulsed dose-rate remote afterloader units with sources whose half-life exceeds 75 days; and

4) At intervals not exceeding 1 year for low dose-rate remote afterloader units.

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b) To satisfy the requirement of subsection (a) of this Section, full calibration measurements must include, as applicable, determination of:

1) The output within ± 5 percent;

2) Source positioning accuracy to within ± 1 millimeter;

3) Source retraction with backup battery upon power failure;

4) Length of the source transfer tubes;

5) Timer accuracy and linearity over the typical range of use;

6) Length of the applicators; and

7) Function of the source transfer tubes, applicators and transfer tube-applicator interfaces.

c) A licensee shall use the dosimetry system described in Section 335.8080(a) of this Part to measure the output.

d) A licensee shall make full calibration measurements required by subsection (a) of this Section in accordance with published protocols accepted by nationally recognized bodies.

e) In addition to the requirements for full calibrations for low dose-rate remote afterloader units in subsection (b) of this Section, a licensee shall perform an autoradiograph of the sources to verify inventory and sources arrangement at intervals not exceeding 1 quarter.

f) For low dose-rate remote afterloader units, a licensee may use measurements provided by the source manufacturer that are made in accordance with subsections (a) through (e) of this Section.

g) A licensee shall mathematically correct the outputs determined in subsection (b)(1) of this Section for physical decay at intervals consistent with 1 percent physical decay.

h) Full calibration measurements required by subsection (a) of this Section and physical decay corrections required by subsection (g) of this Section must be performed by the authorized medical physicist.

i) A licensee shall maintain a record of the remote afterloader unit full calibrations required by this Section for 5 years.

j) The record must include:

1) The date of the calibration;

2) The manufacturer's name, model and serial number of the remote afterloader units, the sources and the instruments used to calibrate the units;

3) The results and an assessment of the full calibrations;

4) The results of the autoradiograph required for low dose-rate remote afterloader units; and

5) The signature of the authorized medical physicist who performed the full calibration.

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

Section 335.8170 Periodic Spot-Checks for Remote Afterloader Units

a) A licensee authorized to use a remote afterloader unit for medical use shall perform spot-checks of each remote afterloader facility and on each unit:

1) Before the first use of a high dose-rate, medium dose-rate or pulsed dose-rate remote afterloader unit on a given day;

2) Before each patient treatment with a low dose-rate remote afterloader unit; and

3) After each source installation.

b) A licensee shall perform the measurements required by subsection (a) of this Section in accordance with written procedures established by the authorized

medical physicist. That individual need not actually perform the spot-check measurements.

c) A licensee shall have the authorized medical physicist review the results of each spot-check within 15 days. The authorized medical physicist shall notify the licensee as soon as possible in writing of the results of each spot-check.

d) To satisfy the requirements of subsection (a) of this Section, spot-checks must, at a minimum, assure proper operation of:

1) Electrical interlocks at each remote afterloader unit room entrance;

2) Source exposure indicator lights on the remote afterloader unit, on the control console and in the facility;

3) Viewing and intercom systems in each high dose-rate, medium dose-rate and pulsed dose-rate remote afterloader facility;

4) Emergency response equipment;

5) Radiation monitors used to indicate the source position;

6) Timer accuracy;

7) Clock (date and time) in the unit's computer; and

8) Decayed sources activity in the unit's computer.

e) If the results of the checks required in subsection (d) of this Section indicate the malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as may be necessary to repair, replace or check the malfunctioning system.

f) A licensee shall retain a record of each spot-check for remote afterloader units required by this Section for 5 years.

g) The record must include, as applicable:

1) The date of the spot-check;

2) The manufacturer's name, model and serial number for the remote afterloader unit and source;

3) An assessment of timer accuracy;

4) Notations indicating the operability of each entrance door electrical interlock, radiation monitors, source exposure indicator lights, viewing and intercom systems and clock and decayed source activity in the unit's computer; and

5) The name of the individual who performed the periodic spot-check and the signature of the authorized medical physicist who reviewed the record of the spot-check.

h) A licensee shall retain a copy of the procedures required by subsection (b) of this Section until the licensee no longer possesses the remote afterloader unit.

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

Section 335.8180 Monitoring of Patients and Human Research Subjects Treated with a Remote Afterloader Unit or Intravascular Brachytherapy Unit

a) Before releasing a patient or a human research subject from licensee control, a licensee shall monitor the patient or the human research subject and the remote afterloader or intravascular brachytherapy unit with a portable radiation detection survey instrument to confirm that the sources have been removed from the patient or human research subject and returned to the safe shielded position.

b) A licensee shall maintain a record of the monitors required by this Section for 5 years. Each record must include the date and results of the monitoring, the manufacturer, model and serial numbers of the survey instrument used and the name of the individual who performed the monitoring.

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

Section 335.8190 Full Calibration Measurements on Gamma Stereotactic Radiosurgery Units

a) A licensee authorized to use a gamma stereotactic radiosurgery unit for medical use shall perform full calibration measurements on each unit:

1) Before the first medical use of the unit;

2) Before medical use under the following conditions:

A) Whenever spot-check measurements indicate that the output differs by more than 5 percent from the output obtained at the last full calibration corrected mathematically for radioactive decay;

B) Following replacement of the sources or following reinstallation of the gamma stereotactic radiosurgery unit in a new location; and

C) Following any repair of the gamma stereotactic radiosurgery unit that includes removal of the sources or major repair of the components associated with the source assembly; and

3) At intervals not exceeding 1 year, with the exception that relative helmet factors need only be determined before the first medical use of a helmet and following any damage to a helmet.

b) To satisfy the requirement of subsection (a) of this Section, full calibration measurements must include determination of:

1) The output within ± 3 percent;

2) Relative helmet factors;

3) Isocenter coincidence;

4) Timer accuracy and linearity over the range of use;

5) On-off error;

6) Trunnion centricity;

7) Treatment table retraction mechanism, using backup battery power or hydraulic backups with the unit off;

8) Helmet microswitches;

9) Emergency timing circuits; and

10) Stereotactic frames and localizing devices (trunnions).

c) A licensee shall use the dosimetry system described in Section 335.8080(a) of this Part to measure the output for one set of exposure conditions. The remaining radiation measurements required in subsection (b)(1) of this Section may be made using a dosimetry system that indicates relative dose rates.

d) A licensee shall make full calibration measurements required by subsection (a) of this Section in accordance with published protocols accepted by nationally recognized bodies.

e) A licensee shall mathematically correct the outputs determined in subsection (b)(1) of this Section at intervals not exceeding 1 month for cobalt-60 and at intervals consistent with 1 percent physical decay for all other radionuclides.

f) Full calibration measurements required by subsection (a) of this Section and physical decay corrections required by subsection (e) of this Section must be performed by the authorized medical physicist.

g) A licensee shall maintain a record of the gamma stereotactic radiosurgery unit full calibrations required by this Section for 5 years.

h) The record must include:

1) The date of the calibration;

2) The manufacturer's name, model and serial number of the gamma stereotactic radiosurgery units, the sources, and the instruments used to calibrate the units;

3) The results and an assessment of the full calibrations; and

4) The signature of the authorized medical physicist who performed the full calibration.

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

Section 335.8200 Periodic Spot-Checks for Gamma Stereotactic Radiosurgery Units

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a) A licensee authorized to use a gamma stereotactic radiosurgery unit for medical use shall perform spot-checks of each gamma stereotactic radiosurgery facility and on each unit:

1) Monthly;

2) Before the first use of the unit on a given day; and

3) After each source installation.

b) A licensee shall:

1) Perform the measurements required by subsection (a) of this Section in accordance with written procedures established by the authorized medical physicist. That individual need not actually perform the spot-check measurements.

2) Have the authorized medical physicist review the results of each spot-check within 15 days. The authorized medical physicist shall notify the licensee as soon as possible in writing of the results of each spot-check.

c) To satisfy the requirements of subsection (a)(1) of this Section, spot-checks must, at a minimum:

1) Assure proper operation of:

A) Treatment table retraction mechanism, using backup battery power or hydraulic backups with the unit off;

B) Helmet microswitches;

C) Emergency timing circuits; and

D) Stereotactic frames and localizing devices (trunnions).

2) Determine:

A) The output for one typical set of operating conditions measured with the dosimetry system described in Section 335.8080(b) of this Part;

B) The difference between the measurement made in subsection (c)(2)(A) of this Section and the anticipated output, expressed as a percentage of the anticipated output (i.e., the value obtained at last full calibration corrected mathematically for physical decay);

C) Source output against computer calculation;

D) Timer accuracy and linearity over the range of use;

E) On-off error; and

F) Trunnion centricity.

d) To satisfy the requirements of subsections (a)(2) and (a)(3) of this Section, spot-checks must assure proper operation of:

1) Electrical interlocks at each gamma stereotactic radiosurgery room entrance;

2) Source exposure indicator lights on the gamma stereotactic radiosurgery unit, on the control console and in the facility;

3) Viewing and intercom systems;

4) Timer termination;

5) Radiation monitors used to indicate room exposures; and

6) Emergency off buttons;

e) A licensee shall arrange for the repair of any system identified in subsection (c) of this Section that is not operating properly as soon as possible.

f) If the results of the checks required in subsection (d) of this Section indicate the malfunction of any system, a licensee shall lock the control console in the off

position and not use the unit except as may be necessary to repair, replace or check the malfunctioning system.

g) A licensee shall retain a record of each spot-check for gamma stereotactic radiosurgery units required by this Section for 5 years.

1) The record must include:

A) The date of the spot-check;

B) The manufacturer's name, model and serial number for the gamma stereotactic radiosurgery unit and the instrument used to measure the output of the unit;

C) An assessment of timer linearity and accuracy;

D) The calculated on-off error;

E) A determination of trunnion centricity;

F) The difference between the anticipated output and the measured output;

G) An assessment of source output against computer calculations;

H) Notations indicating the operability of radiation monitors, helmet microswitches, emergency timing circuits, emergency off buttons, electrical interlocks, source exposure indicator lights, viewing and intercom systems, timer termination, treatment table retraction mechanism, and stereotactic frames and localizing devices (trunnions); and

I) The name of the individual who performed the periodic spot-check and the signature of the authorized medical physicist who reviewed the record of the spot-check.

2) A licensee shall retain a copy of the procedures required by subsection (b) of this Section until the licensee no longer possesses the gamma stereotactic radiosurgery unit.

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

Section 335.8210 Additional Technical Requirements for Mobile Remote Afterloader Units

a) A licensee providing mobile remote afterloader service shall:

1) Check survey instruments before medical use at each address of use or on each day of use, whichever is more frequent; and

2) Account for all sources before departure from a client's address of use.

b) In addition to the periodic spot-checks required by Section 335.8170 of this Part, a licensee authorized to use mobile afterloaders for medical use shall perform checks on each remote afterloader unit before use at each address of use. At a minimum, checks must be made to verify the operation of:

1) Electrical interlocks on treatment area access points;

2) Source exposure indicator lights on the remote afterloader unit, on the control console and in the facility;

3) Viewing and intercom systems;

4) Applicators, source transfer tubes and transfer tube-applicator interfaces;

5) Radiation monitors used to indicate room exposures;

6) Source positioning (accuracy); and

7) Radiation monitors used to indicate whether the source has returned to a safe shielded position.

c) In addition to the requirements for checks in subsection (b) of this Section, a licensee shall ensure overall proper operation of the remote afterloader unit by conducting a simulated cycle of treatment before use at each address of use.

d) If the results of the checks required in subsections (b) and (c) of this Section indicate the malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as may be necessary to repair, replace or check the malfunctioning system.

e) A licensee shall retain a record of each check for mobile remote afterloader units required by this Section for 5 years.

f) The record must include:

1) The date of the check;

2) The manufacturer's name, model and serial number of the remote afterloader unit;

3) Notations accounting for all sources before the licensee departs from a facility;

4) Notations indicating the operability of each entrance door electrical interlock, radiation monitors, source exposure indicator lights, viewing and intercom system, applicators, source transfer tubes, transfer tube applicator interfaces, and source positioning accuracy; and

5) The signature of the individual who performed the check.

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

Section 335.8220 Additional Technical Requirements for Intravascular Brachytherapy Units

In addition to other provisions required by this Part, the licensee authorized to use an intravascular brachytherapy unit for medical use shall:

a) Have a treatment team consisting of, at a minimum, an interventional cardiologist, an authorized user and an authorized medical physicist and that, at a minimum, an interventional cardiologist and an authorized user will be physically present in the treatment suite during all radioactive procedures.

AGENCY NOTE: The requirements of 32 Ill. Adm. Code 401 regarding radiation therapists must also be met.

b) Independently verify source strength and uniformity. Dwell time at the treatment location must be monitored and recorded. Source uniformity or strength must not differ by more that 10 percent of the expected values.

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c) For devices requiring additional shielding, demonstrate compliance with 32 Ill. Adm. Code 340.210 and 340.310 requirements.

d) Inspect sealed sources, source trains or ribbons after each use and ensure sources are removed from service at intervals established by the manufacturer (i.e., confirm that source trains will not be used after the "use by" date, at intervals not to exceed 2 months from the date of shipment, or when evidence of degradation is observed, whichever comes first).

e) Inspect and service devices containing sealed sources at intervals established by the manufacturer, and ensure that maintenance and repair of the device is performed only by the manufacturer or persons specifically authorized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such service.

f) Prohibit cuts, alterations or splicing of the sealed sources, source trains or ribbons, except in situations involving an emergency where the source wire cannot be returned to its normal safe position. If such cuts, alterations or splicing is necessary, notification in accordance with Section 335.1080 of this Part or 32 Ill. Adm. Code 340.1220 must be made to the Agency.

g) Use only manufacturer provided inducer sheaths, catheters and accessories to ensure their demonstrated equivalents will be used with the devices.

h) Ensure the daily operational checks will be performed prior to patient treatment. At a minimum, they should include position verification, source uniformity, dwell time function, indicator lamps and other status/operational displays, and visual inspection for integrity of all applicators and catheters to be used for the treatment.

i) Perform tests following source or device exchange in accordance with the manufacturer's instruction manual for:

1) Timer accuracy/constancy, if appropriate;

2) Calibration of the source output following the manufacturer's instructions; and

3) Interlock/interrupt checks (i.e., interrupt test, cartridge lock test, emergency retraction test and catheter connection test), if appropriate.

j) The licensee shall retain a record of each item in subsections (b), (d), (e), (h) and (i) of this Section for intravascular brachytherapy units for 5 years. The records must include:

1) The date of the verification, inspection or check.

2) The manufacturer's name, model and serial number of the intravascular brachytherapy unit.

3) Results of the verification, inspection or check.

4) Notations indicating the operability of each component.

5) The signature of the individual who performed the check.

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

Section 335.8230 Therapy-related Computer Systems for Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Units

The licensee shall perform acceptance testing on the treatment planning system of therapy-related computer systems in accordance with published protocols accepted by nationally recognized bodies. At a minimum, the acceptance testing must include, as applicable, verification of:

a) The source-specific input parameters required by the dose calculation algorithm;

b) The accuracy of dose, dwell time and treatment time calculations at representative points;

c) The accuracy of isodose plots and graphic displays;

d) The accuracy of the software used to determine sealed source positions from radiographic images; and

e) The accuracy of electronic transfer of the treatment delivery parameters to the treatment delivery unit from the treatment planning system.

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

SUBPART J: TRAINING AND EXPERIENCE REQUIREMENTS

Section 335.9010 Radiation Safety Officer

Except as provided in Section 335.9160 of this Part, the licensee shall require an individual fulfilling the responsibilities of the Radiation Safety Officer as provided in Section 335.1040(b)~~1020~~ of this Part to be an individual who:

a) Is certified by a specialty board whose certification process includes all of the requirements in subsection (b) of this Section and whose certification has been recognized by the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

b) Has completed a structured educational program consisting of:

1) 200 hours of didactic training in the following areas:

A) Radiation physics and instrumentation;

B) Radiation protection;

C) Mathematics pertaining to the use and measurement of radioactivity;

D) Radiation biology;

E) Radiation dosimetry; and

2) 1 year of full-time radiation safety experience under the supervision of the individual identified as the Radiation Safety Officer on an Agency~~a Department~~, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State license or permit issued by the U.S. Nuclear Regulatory Commission master material licensee that authorizes similar types and uses of radioactive material involving the following:

A) Shipping, receiving and performing related radiation monitoring;

B) Using and performing checks for proper operation of instruments used to determine the activity of dosages, instruments used to measure radionuclides and survey meters;

C) Securing and controlling radioactive material;

D) Using administrative controls to avoid mistakes in the administration of radioactive material;

E) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;

F) Using emergency procedures to control radioactive material;

G) Disposing of radioactive material; and

3) Has obtained written certification, signed by a preceptor Radiation Safety Officer, that the individual has satisfactorily completed the requirements in subsections (c~~b~~)(1) and (2) of this Section and has achieved a level of radiation safety knowledge sufficient to function independently as a Radiation Safety Officer for a medical use licensee; or

c) Is an authorized user, authorized medical physicist or authorized nuclear pharmacist identified on the licensee's license and has experience with the radiation safety aspects of similar types of use of radioactive material for which the individual has Radiation Safety Officer responsibilities.

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

Section 335.9030 Training for Uptake, Dilution or Excretion Studies

Except as provided in Section 335.9160 of this Part, a licensee shall require the authorized user of unsealed radioactive material for the uses authorized under Section 335.3010 of this Part not requiring a written directive to be a physician who:

a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (c) of this Section and whose certification has been recognized by the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

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b) Is an authorized user under Section 335.9040 or 335.9050 of this Part or equivalent U.S. Nuclear Regulatory Commission, ~~or~~ Agreement State or Licensing State requirements; or

c) Has completed 60 hours of training and experience in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for uptake, dilution and excretion studies. The training and experience shall include, at a minimum:

1) Classroom and laboratory training in the following areas:

A) Radiation physics and instrumentation;

B) Radiation protection;

C) Mathematics pertaining to the use and measurement of radioactivity;

D) Chemistry of radioactive material for medical use;

E) Radiation biology; and

2) Work experience, under the supervision of an authorized user who meets the requirements in this Section, or Section 335.9040 or 335.9050 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, involving :

A) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation monitoring;

B) Calibrating instruments used to determine the activity of dosages and performing checks for proper operation of survey instruments;

C) Calculating, measuring and safely preparing patient or human research subject dosages;

D) Using administrative controls to prevent a reportable event involving the use of unsealed radioactive material;

E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;

F) Administering dosages of radioactive drugs to patients or human research subjects; and

3) Has obtained written certification, signed by a preceptor authorized user who meets the requirements in this Section, or Section 335.9040 or 335.9050 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, that the individual has satisfactorily completed the requirements in this subsection (c) ~~of this Section~~ and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.3010 of this Part for those procedures not requiring a written directive.

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

Section 335.9040 Training for Imaging and Localization Studies

Except as provided in Section 335.9160 of this Part, a licensee shall require the authorized user of unsealed radioactive material for the uses authorized under Section 335.4010 of this Part not requiring a written directive to be a physician who:

a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (c) of this Section and whose certification has been recognized by the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

b) Is an authorized user under Section 335.9050 of this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or

c) Has completed 700 hours of training and experience in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for imaging and localization studies. The training and experience shall include, at a minimum:

1) Classroom and laboratory training in the following areas:

A) Radiation physics and instrumentation;

B) Radiation protection;

C) Mathematics pertaining to the use and measurement of radioactivity;

D) Chemistry of radioactive material for medical use;

E) Radiation biology; and

2) Work experience, under the supervision of an authorized user who meets the requirements in this Section or Section 335.9050 of this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, involving:

A) Ordering, receiving and unpacking radioactive materials safely and performing the related radiation monitoring;

B) Calibrating instruments used to determine the activity of dosages and performing checks for proper operation of survey instruments;

C) Calculating, measuring and safely preparing patient or human research subject dosages;

D) Using administrative controls to prevent a reportable event involving the use of unsealed radioactive material;

E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;

F) Administering dosages of radioactive drugs to patients or human research subjects;

G) Eluting generator systems appropriate for preparation of radioactive drugs for imaging and localization studies, measuring, and testing the eluate for radionuclidic purity and processing the eluate with reagent kits to prepare labeled radioactive drugs; and

3) Has obtained written certification, signed by a preceptor authorized user

who meets the requirements in this Section or Section 335.9050 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, that the individual has satisfactorily completed the requirements in this subsection (c) ~~of this Section~~ and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.4010 of this Part for those procedures not requiring a written directive.

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

Section 335.9050 Training for Use of Unsealed Radioactive Material for Which a Written Directive is Required

Except as provided in Sections 335.9060, 335.9070 and 335.9160 of this Part, a licensee shall require the authorized user of unsealed radioactive material for the uses authorized under Section~~Sections~~ 335.3010, 335.4010, or 335.5010 of this Part requiring a written directive to be a physician who:

a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (b) of this Section and whose certification has been recognized by the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

b) Has completed 700 hours of training and experience in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material requiring a written directive. The training and experience shall include:

1) Classroom and laboratory training in the following areas:

A) Radiation physics and instrumentation;

B) Radiation protection;

C) Mathematics pertaining to the use and measurement of radioactivity;

D) Chemistry of radioactive material for medical use;

E) Radiation biology; and

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2) Work experience, under the supervision of an authorized user who meets the requirements in this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. A supervising authorized user, who meets the requirements in Section 335.9050(b) of this Part, shall have experience in administering dosages in the same dosage category or categories (i.e., Section 335.9050(b)(2)(G)(i), (ii), (iii), or (iv) of this Part) as the individual requesting authorized user status. The work experience shall involve:

A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation monitoring;

B) Calibrating instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;

C) Calculating, measuring and safely preparing patient or human research subject dosages;

D) Using administrative controls to prevent a reportable event involving the use of unsealed radioactive material;

E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;

F) Eluting generator systems, measuring and testing the eluate for radionuclidic purity, and processing the eluate with reagent kits to prepare labeled radioactive drugs;

G) Administering dosages of radioactive drugs to patients or human research subjects involving a minimum of three cases in each of the following categories for which the individual is requesting authorized user status:

i) Oral administration of less than or equal to 1.22 GBq (33 mCi) of sodium iodide I-131;

ii) Oral administration of greater than 1.22 GBq (33 mCi) of sodium iodide I-131;

AGENCY NOTE: Experience with at least 3 cases in subsection (b)(2)(G)(ii) also satisfies the requirement in subsection (b)(2)(G)(i).

iii) Parenteral administration of any beta emitter or a photon-emitting radionuclide with a photon energy less than 150 keV; and/or

iv) Parenteral administration of any other radionuclide; and

3) Has obtained written certification that the individual has satisfactorily completed the requirements in subsections (b)(1) and (2) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.5010 of this Part. The written certification shall be signed by a preceptor authorized user who meets the requirements in this Section, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. The preceptor authorized user who meets the requirements in Section 335.9050(b) of this Part must have experience in administering dosages in the same dosage category or categories (i.e., Section 335.9050(b)(2)(G)(i), (ii), (iii), or (iv) of this Part) as the individual requesting authorized user status.

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

Section 335.9060 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Less Than or Equal to 1.22 GBq (33 mCi)

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user for oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 GBq (33 mCi) to be a physician who:

a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (c) of this Section and whose certification has been recognized by the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

b) Is an authorized user under Section 335.9050 of this Part for uses listed in Section 335.9050(b)(2)(G)(i) or (ii), or Section 335.9070 of this Part, or equivalent U.S.

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Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or

c) Has:

1) Successfully completed 80 hours of classroom and laboratory training applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive. The training shall include :

A) Radiation physics and instrumentation;

B) Radiation protection;

C) Mathematics pertaining to the use and measurement of radioactivity;

D) Chemistry of radioactive material for medical use;

E) Radiation biology; and

2) Work experience under the supervision of an authorized user who meets the requirements in subsection (a) or (b) of this Section, Section 335.9050 or 335.9070 of this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. A supervising authorized user who meets the requirements of Section 335.9050(b) of this Part shall have experience in administering dosages as specified in Section 335.9050(b)(2)(G)(i) or (ii) of this Part. The work experience shall involve:

A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation monitoring;

B) Calibrating instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;

C) Calculating, measuring and safely preparing patient or human research subject dosages;

D) Using administrative controls to prevent a reportable event involving the use of radioactive material;

E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;

F) Administering dosages to patients or human research subjects and shall include at least 3 cases involving the oral administration of less than or equal to 1.22 GBq (33 mCi) of sodium iodide I-131; and

3) Obtained written certification that the individual has satisfactorily completed the requirements in subsections (c)(1) and (2) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.5010 of this Part. The written certification shall be signed by a preceptor authorized user who meets the requirements in this Section, or Section 335.9050 or 335.9070 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. A preceptor authorized user who meets the requirements in Section 335.9050(b) of this Part must have experience in administering dosages as specified in Section 335.9050(b)(2)(G)(i) or (ii) of this Part.

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

Section 335.9070 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Greater Than 1.22 GBq (33 mCi)

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 GBq (33 mCi) to be a physician who:

a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (c) of this Section and whose certification has been recognized by the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

b) Is an authorized user under Section 335.9050 of this Part for uses listed in Section 335.9050(b)(2)(G)(ii) of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or

c) Has:

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1) Successfully completed 80 hours of classroom and laboratory training applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive. The training shall include :

A) Radiation physics and instrumentation;

B) Radiation protection;

C) Mathematics pertaining to the use and measurement of radioactivity;

D) Chemistry of radioactive material for medical use;

E) Radiation biology; and

2) Work experience under the supervision of an authorized user who meets the requirements in subsection~~subsections~~ (a) or (b) of this Section, Section 335.9050 of this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. A supervising authorized user who meets the requirements of Section 335.9050(b) of this Part shall have experience in administering dosages as specified in Section 335.9050(b)(2)(G)(ii) of this Part. The work experience shall involve:

A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation monitoring;

B) Calibrating instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;

C) Calculating, measuring and safely preparing patient or human research subject dosages;

D) Using administrative controls to prevent a reportable event involving the use of radioactive material;

E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;

F) Administering dosages to patients or human research subjects and shall include at least 3 cases involving the oral administration of greater than 1.22 GBq (33 mCi) of sodium iodide I-131; and

3) Obtained written certification that the individual has satisfactorily completed the requirements in subsections (c)(1) and (2) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.5010 of this Part. The written certification shall be signed by a preceptor authorized user who meets the requirements in this Section or Section 335.9050 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. A preceptor authorized user who meets the requirements in Section 335.9050(b) of this Part must have experience in administering dosages as specified in Section 335.9050(b)(2)(G)(ii) of this Part.

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

Section 335.9100 Training for Use of Manual Brachytherapy Sources

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user of a manual brachytherapy source in accordance with Section 335.7010 of this Part to be a physician who:

a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (b) of this Section and whose certification has been recognized by the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

b) Has:

1) Completed a structured educational program in basic radionuclide handling techniques applicable to the use of manual brachytherapy sources that includes:

A) 200 hours of classroom and laboratory training in the following areas:

i) Radiation physics and instrumentation;

ii) Radiation protection;

iii) Mathematics pertaining to the use and measurement of radioactivity;

iv) Radiation biology; and

B) 500 hours of work experience under the supervision of an authorized user who meets the requirements in this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements at a medical institution involving:

i) Ordering, receiving and unpacking radioactive materials safely and performing the related radiation monitoring;

ii) Checking survey instruments for proper operation;

iii) Preparing, implanting and removing brachytherapy sources;

iv) Maintaining running inventories of material on hand;

v) Using administrative controls to prevent the misadministration of radioactive material;

vi) Using emergency procedures to control radioactive material;

2) Completed 3 years of supervised clinical experience in radiation oncology under an authorized user who meets the requirements in this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements as a part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education, or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by subsection (b)(2) of this Section; and

3) Obtained written certification, signed by a preceptor authorized user who meets the requirements in this Section or equivalent U.S. Nuclear

Regulatory Commission, Agreement State or Licensing State requirements, that the individual has satisfactorily completed the requirements in subsections (b)(1), (2) and (3) of this Section and has achieved a level of competency sufficient to function independently as an authorized user of manual brachytherapy sources for the medical uses authorized under Section 335.7010 of this Part.

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

Section 335.9130 Training for Use of Sealed Sources for Diagnosis

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user of a sealed source for diagnostic use in a device authorized in Section 335.6010 of this Part to be a physician, dentist or podiatrist who:

a) Is certified by a specialty board whose certification process includes all of the requirements in subsection (b) of this Section and whose certification has been recognized by the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

b) Has completed 8 hours of classroom and laboratory training in basic radionuclide handling techniques specifically applicable to the use of the device. The training shall include:

1) Radiation physics and instrumentation;

2) Radiation protection;

3) Mathematics pertaining to the use and measurement of radioactivity;

4) Radiation biology; and

5) Training in the use of the device for the uses requested.

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

Section 335.9140 Training for Use of Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user

of a sealed source for a use authorized under Section ~~335.7010 of this Part for remote afterloader brachytherapy or Section~~ 335.8010 of this Part to be a physician who:

a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (b) of this Section and whose certification has been recognized by the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

b) Has:

1) Completed a structured educational program in basic radionuclide techniques applicable to the use of a sealed source in a therapeutic medical unit that includes:

A) 200 hours of classroom and laboratory training in the following areas:

i) Radiation physics and instrumentation;

ii) Radiation protection;

iii) Mathematics pertaining to the use and measurement of radioactivity;

iv) Radiation biology; and

B) 500 hours of work experience under the supervision of an authorized user who meets the requirements in this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements at a medical institution that involves:

i) Reviewing full calibration measurements and periodic spot-checks;

ii) Preparing treatment plans and calculating treatment doses and times;

iii) Using administrative controls to prevent a reportable event involving the use of radioactive material;

iv) Implementing emergency procedures to be followed in the event of the abnormal operation of the medical unit or console;

v) Checking and using survey instruments;

vi) Selecting the proper dose and how it is to be administered; and

2) Completed 3 years of supervised clinical experience in radiation oncology under an authorized user who meets the requirements of this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements as a part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by subsection (b)(1) of this Section; and

3) Obtained written certification that the individual has satisfactorily completed the requirements in subsection (a) or~~subsections~~ (b)(1) and (2) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for each type of therapeutic medical unit for which the individual is requesting authorized user status. The written certification shall be signed by a preceptor authorized user who meets the requirements in this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements for each type of therapeutic medical unit for which the individual is requesting authorized user status.

4) Has received training in device operation, safety procedures and clinical use for the types of use for which authorization is sought. This training requirement may be met by satisfactory completion of a training program provided by the vendor for new users or by receiving training supervised by an authorized user or authorized medical physicist, as appropriate, who is authorized for the types of use for which the individual is seeking authorization.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

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

Section 335.9150 Training for Authorized Medical Physicist

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized medical physicist to be an individual who:

a) Is certified by a specialty board whose certification process includes all of the training and experience requirements in subsection (b) of this Section and whose certification has been recognized by the Agency~~Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

b) Holds a master's degree or doctorate in physics, biophysics, radiological physics, medical physics or health physics; and

1) Has completed 1 year of full-time training in therapeutic radiological physics and an additional year of full-time work experience under the supervision of an individual who meets the requirements for an authorized medical physicist at a medical institution that includes the tasks listed in Subparts H and I of this Part as applicable; and

2) Has obtained written certification that the individual has satisfactorily completed the requirements in subsection (a) or (b)(1) of this Section and has achieved a level of competency sufficient to function independently as an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status. The written certification must be signed by a preceptor authorized medical physicist who meets the requirements of this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements for an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status.

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

Section 335.9160 Training for Experienced Radiation Safety Officer, Authorized Medical Physicist or Authorized User

a) An individual identified as a Radiation Safety Officer, or an authorized medical physicist on an~~a~~ Agency~~Department~~, U.S. Nuclear Regulatory Commission,

Agreement State or a Licensing State license or a permit issued by an~~a~~ Agency~~Department~~, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope licensee or master material license permit or by a master material license permittee of broad scope on or before October 24, 2004~~,~~ need not comply with the training requirements of Sections 335.9010 and 335.9150 of this Part.

b) Physicians, dentists or podiatrists, identified as authorized users for the medical use of radioactive material on a license issued by the Agency~~Department~~, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State, a permit issued by a U.S. Nuclear Regulatory Commission master material licensee, a permit issued by an~~a~~ Agency~~Department~~, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope licensee, or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope permittee on or before October 24, 2004~~,~~ who perform only those medical uses for which they were authorized on that date need not comply with the training requirements of Sections 335.9030 through 335.9140~~Subpart J~~ of this Part.

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

Section 335.9190 Resolution of Conflicting Requirements During Transition Period

a) If ~~the rules in~~ this Part conflicts~~conflict~~ with the licensee's radiation safety program as identified in its license, this Part shall apply, unless the statements, representations, conditions and procedures in the license are more restrictive. However, if that licensee exercises its privilege to amend its license, the portion amended must comply with the requirements of this Part.

b) Until October 24, 2007~~2004~~, the Agency~~Department~~ will approve authorized users, Radiation Safety Officers and teletherapy physicists who have certifications~~Certifications~~ from the applicable Boards specified in Appendix A of this Part. The Agency~~Department~~ has the right to limit its~~their~~ authorizations to those uses specified in Appendix A of this Part.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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Section 335.APPENDIX A List of Specialty Board Certifications Recognized by the Agency~~Department~~ Until October 24, 2007~~2004~~

Until October 24, 2007~~2004~~, the Agency~~Department~~ will recognize board certification~~Board Certification~~ by the specialty boards for the uses of radioactive material as specified in this Appendix A. The Agency~~Department~~ will also accept boards recognized by the U.S Nuclear Regulatory Commission and listed on its website.

Section 335.9010 Training for Radiation Safety Officer

American Board of Health Physics in Comprehensive Health Physics

American Board of Radiology in Radiological Physics, Therapeutic Radiological Physics or Medical Nuclear Physics

American Board of Nuclear Medicine

American Board of Science in Nuclear Medicine

Board of Pharmaceutical Specialties in Nuclear Pharmacy or Science

American Board of Medical Physics in Radiation Oncology Physics

Royal College of Physicians and Surgeons of Canada in Nuclear Medicine

Section 335.9030 Training for Uptake, Dilution or Excretion Studies

Nuclear medicine by the American Board of Nuclear Medicine

Nuclear medicine by the American Board of Osteopathic Nuclear Medicine

Diagnostic radiology by the American Board of Radiology

Diagnostic radiology or radiology by the American Osteopathic Board of Radiology

Nuclear medicine by the Royal College of Physicians and Surgeons of Canada

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Section 335.9040 Training for Imaging and Localization Studies

Nuclear medicine by the American Board of Nuclear Medicine

Nuclear medicine by the American Board of Osteopathic Nuclear Medicine

Diagnostic radiology by the American Board of Radiology

Diagnostic radiology or radiology by the American Osteopathic Board of Radiology

Nuclear medicine by the Royal College of Physicians and Surgeons of Canada

Section 335.9050 Training for Therapeutic Use of Unsealed Radioactive Material for Which a Written Directive is Required

The American Board of Nuclear Medicine

The American Board of Radiology in radiology, therapeutic radiology or radiation oncology

Section 335.9100 Training for Use of Sources for Brachytherapy

Radiology, therapeutic radiology or radiation oncology by the American Board of Radiology

Radiation oncology by the American Osteopathic Board of Radiology

Radiology, with a specialization in radiation therapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology”

Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons

Training for Ophthalmic Use of Strontium-90

Radiology or therapeutic radiology by the American Board of Radiology

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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Section 335.9130 Training for Use of Sealed Sources for Diagnosis

Radiology, diagnostic radiology, therapeutic radiology or radiation oncology by the American Board of Radiology

Nuclear medicine by the American Board of Nuclear Medicine

Diagnostic radiology or radiology by the American Osteopathic Board of Radiology

Nuclear medicine by the Royal College of Physicians and Surgeons of Canada

Section 335.9140 Training for Teletherapy

Radiology, therapeutic radiology or radiation oncology by the American Board of Radiology

Radiation oncology by the American Osteopathic Board of Radiology

Radiology, with specialization in radiation therapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"

Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons

Section 335.9150 Training for Authorized Medical Physicist

American Board of Radiology in therapeutic radiological physics; roentgen ray and gamma ray physics; X-ray and radium physics; or radiological physics

American Board of Medical Physics in radiation oncology physics

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

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NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Radioactive Materials Transpiration

2) Code Citation: 32 Ill. Adm. Code 341

3)

Section Number:	Proposed Action:
341.10	Amendment
341.40	Amendment

4) Statutory Authority: Implementing and authorized by Section 34 the Radiation Protection Act of 1990 [420 ILCS 40/34], Section 20/9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/9], and by Section 3310/70 of the Nuclear Safety Law of 2004 [20 ILCS 3310/70].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 20 regulations. A recent revision of 10 CFR 71 caused a renumbering of certain sections that are referenced in 32 Ill. Adm. Code 341. This revision of Part 341 updates the references to the renumbered 10 CFR 71 sections. Also, references to three sections of 10 CFR 71 are being added to Part 341 in order to maintain compatibility as required by the Agreement between Illinois and the U.S. Nuclear Regulatory Commission.

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

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: The modifications in the proposed rulemaking are not expected to require medical providers or local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures.

11) Time, Place and Manner in which interested persons may comment on this rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Kevin T. McLain

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

(217) 524-0770 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that small businesses, small municipalities or not for profit corporations will not be affected by this amendment.

B) Reporting, bookkeeping or other procedures required for compliance: The Agency believes that this rulemaking will not increase reporting, bookkeeping or procedures from those currently practiced by medical providers or local governments.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Agency when the regulatory agendas were published.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 341
RADIOACTIVE MATERIALS TRANSPORTATION

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

AUTHORITY: Implementing and authorized by Section 45 of the Radiation Protection Act of 1990 [420 ILCS 40/45], and Section 9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/9], and by Section 70 of the Nuclear Safety Law of 2004 [20 ILCS 3310/70].

SOURCE: Adopted at 10 Ill. Reg. 17616, effective September 25, 1986; amended at 11 Ill. Reg. 5219, effective March 13, 1987; amended at 12 Ill. Reg. 2434, effective January 15, 1988; amended at 18 Ill. Reg. 4196, effective March 3, 1994; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; old Part repealed and new Part adopted at 29 Ill. Reg. 6911, effective May 2, 2005; amended at 30 Ill. Reg. _____, effective _____.

Section 341.10 Scope

a) This Part applies to each licensee who transports licensed material outside the site where the licensee is authorized to possess and use the material or who transports the material on public highways or who delivers the material to a carrier for transport. The licensee shall comply with the regulations in this Part, the applicable requirements of the U.S. Nuclear Regulatory Commission (NRC) in 10 CFR 71, published January 26, 2004 with corrections published February 10, 2004, exclusive of subsequent amendments or editions, and the applicable requirements of the U.S. Department of Transportation (USDOT~~U.S. DOT~~) regulations appropriate to the mode of transport in 49 CFR 170-189, published October 1, 2003 and updates published September 13, 2004 at 69 FR 55113, exclusive of subsequent amendments or editions.

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b) When the licensee is not in areas under the jurisdiction of USDOT~~U.S. DOT~~ or NRC, but is in an area of jurisdiction of the State of Illinois as described in subsection (a) of this Section, the licensee shall comply with the following portions of U.S. DOT and NRC regulations, as applicable:

1) Packaging, 49 CFR 173, subparts A, B and I;

2) Marking and labeling, 49 CFR 172, subpart D, paragraphs 172.400-172.407, 172.436-172.440 and subpart E;

3) Placarding, 49 CFR 172, subpart F, paragraphs 172.500-172.519 and 172.556; and appendices B and C;

4) Shipping papers and emergency information, 49 CFR 172, subparts C and G;

5) Accident reporting, 49 CFR 171.15 and 171.16;

6) Hazardous material shipper/carrier requirements, 49 CFR 107, subpart G;

7) Hazardous material employee training, 49 CFR 172, subpart H;

8) Definitions, 10 CFR 71.4;

9) Transportation of licensed material, 10 CFR 71.5;

10) Exemptions for low level material, 10 CFR 71.14(a)~~71.10(a)~~;

11) General license: NRC-approved package, 10 CFR 71.17~~71.12~~;

12) Previously approved package, 10 CFR 71.19~~71.13~~(a) and (b);

13) General license: USDOT~~DOT~~ specification container material, 10 CFR 71.20~~71.14~~;

14) General license: Use of foreign approved package, 10 CFR 71.21~~71.16~~;

15) General license: Fissile material, 10 CFR 71.22;

16) External radiation standards for all packages, 10 CFR 71.47;

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17~~16~~) Assumptions as to unknown properties, 10 CFR 71.83;

18~~17~~) Preliminary determinations, 10 CFR 71.85;

19~~18~~) Routine determinations, 10 CFR 71.87;

20~~19~~) Air transportation of plutonium, 10 CFR 71.88;

21~~20~~) Opening instructions, 10 CFR 71.89;

22~~21~~) Advance notification of shipment of irradiated reactor fuel and nuclear waste, 10 CFR 71.97; ~~and~~

23) Quality assurance requirements, 10 CFR 71.101(a), (b), (c), (f) and (g);

24) Quality assurance organization, 10 CFR 71.103;

25) Quality assurance program, 10 CFR 71.105; and

26~~22~~) Determination of A_1 and A_2, 10 CFR 71, appendix A.

c) The licensee shall also comply with USDOT~~U.S. DOT~~ regulations pertaining to the following modes of transportation:

1) Rail, 49 CFR 174, subparts A-D and K;

2) Air, 49 CFR 175;

3) Vessel, 49 CFR 176, subparts A-F and M; and

4) Public highway, 49 CFR 177 and 390-397.

d) If USDOT~~U.S. DOT~~ regulations are not applicable to a shipment of licensed material as described in subsection (a) of this Section, the licensee shall conform to the standards and requirements of USDOT~~U.S. DOT~~ specified in subsection (a) of this Section to the same extent as if the shipment or transportation were subject to USDOT~~U.S. DOT~~ regulations. A request for modification, waiver or exemption from those requirements, and any notification referred to in those

requirements, must be filed with, or made to, the Illinois Emergency Management Agency (Agency).

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

Section 341.40 Records

a) Each licensee shall maintain, for radioactive waste, a record of each shipment of radioactive material not exempt pursuant to USDOT~~U.S. DOT~~ regulations, such as the shipping paper copy, for three years after the material is accepted by the initial carrier. For all other radioactive materials not exempt pursuant to USDOT~~U.S. DOT~~ regulations, each licensee shall maintain a record of each shipment of radioactive material, such as the shipping paper copy, for 375 days after the material is accepted by the initial carrier. The record of each shipment shall show, where applicable:

1) Identification of the packaging by model and serial number;

2) Verification that there are no significant defects in the packaging as shipped;

3) Volume and identification of coolant;

4) Type and quantity of licensed material in each package and the total quantity of each shipment;

5) Date of the shipment;

6) Name and address of the transferee;

7) Address to which the shipment was made;

8) Results of the determinations required by Section 341.10(b)(19)~~(18)~~ of this Part and by the conditions of the package approval; and

9) In addition, for each item of irradiated fissile material:

A) Identification by model and serial number;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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B) Irradiation and decay history to the extent appropriate to demonstrate that its nuclear and thermal characteristics comply with license conditions; and

C) Any abnormal or unusual condition relevant to radiation safety.

b) The licensee shall make available to the Agency for inspection, at any time during shipment or upon 3 days notice after shipment, all records required by this Part. Records are only valid if stamped, initialed or signed and dated by authorized personnel or otherwise authenticated.

c) The licensee shall maintain sufficient written records to furnish evidence of the quality of packaging. The records to be maintained include results of the determinations required by Section 341.10(b)(19)~~(18)~~ of this Part; design, fabrication and assembly records; results of reviews, inspections, tests and audits; results of monitoring work performance and materials analyses; and results of maintenance, modification and repair activities. Inspection, test and audit records must identify the inspector or data recorder, the type of observation, the results, the acceptability and the action taken in connection with any deficiencies noted. The records must be retained for 3 years after the life of the packaging to which they apply.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Radiation Safety Requirements For Industrial Radiographic Operations

2) Code Citation: 32 Ill. Adm. Code 350

3)

Section Number:	Proposed Action:
350.25	Amendment
350.30	Amendment

4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 20 regulations. These amendments will update several definitions, Control Device Mechanism, Industrial Radiography and Radiographer. In addition, this rulemaking will grant authority to the general public for the copying of Agency records.

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: The modifications in the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Kevin T. McClain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Springfield, Illinois 62704

(217) 524-0770 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that small businesses, small municipalities or not for profit corporations will not be affected by this amendment.

B) Reporting, bookkeeping or other procedures required for compliance: The Agency believes that this rulemaking will not increase reporting, bookkeeping or procedures from those currently practiced by medical providers or local governments.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Agency when the regulatory agendas were published.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 350
RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

SUBPART A: GENERAL PROVISIONS

Section
350.10 Purpose
350.20 Scope
350.25 Incorporations by Reference
350.30 Definitions
350.40 Exemptions
350.50 Receipt, Transfer and Disposal of Sources of Radiation
350.60 Form and Location of Records

SUBPART B: EQUIPMENT CONTROL

Section
350.1000 Requirements for Radiography Equipment Using Radiographic Exposure Devices
350.1005 Requirements for Radiography Equipment Using Radiation Machines
350.1010 Limits on Levels of Radiation for Radiographic Exposure Devices, Source Changers and Transport Containers
350.1020 Locking of Sources of Radiation
350.1030 Storage Precautions
350.1040 Radiation Survey Instruments
350.1050 Testing for Leakage or Contamination, Repair, Tagging, Opening, Modification and Replacement of Sealed Sources
350.1060 Quarterly Inventory
350.1070 Utilization Logs
350.1080 Inspection and Maintenance
350.1090 Permanent Radiographic Installations

SUBPART C: PERSONAL RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHERS AND RADIOGRAPHER TRAINEES

Section

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350.2010 Training and Testing
350.2020 Operating and Emergency Procedures
350.2030 Personnel Monitoring Control
350.2040 Supervision of Radiographer Trainees

SUBPART D: PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

Section
350.3010 Access Control and Security
350.3020 Posting
350.3030 Radiation Surveys and Survey Records
350.3040 Records Required at Temporary Job Sites
350.3045 Operating Requirements
350.3048 Notification of Incidents
350.3050 Special Requirements and Exemptions for Enclosed Radiography Systems
350.3060 Special Requirements and Exemptions for Enclosed Radiography Systems, other than those Described in Section 350.3050 that are Designed to Allow Admittance of Individuals (Repealed)
350.3070 Special Requirements and Exemptions for Certified and Non-Certified Cabinet X-Ray Systems Designed to Exclude Individuals (Repealed)
350.3080 Special Requirements for Mobile or Portable Radiation Machines (Repealed)
350.3090 Special Requirements for Underwater and Lay-Barge Radiography
350.4000 Prohibitions
350.4010 Licensing and Registration Requirements for Industrial Radiographic Operations
350.4020 Radiation Safety Officer
350.4030 Reciprocity

350.APPENDIX A Subjects to be Covered During the Instruction of Radiographers (Repealed)
350.APPENDIX B General Requirements for Inspection of Industrial Radiographic Equipment
350.APPENDIX C Retention Requirements for Records

AUTHORITY: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10].

SOURCE: Filed and effective April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 14744; recodified at 10 Ill. Reg. 11265; amended at 10 Ill. Reg. 17287, effective September 25, 1986; amended at 13 Ill. Reg. 13592, effective August 11, 1989; amended at 18 Ill. Reg.

7263, effective May 2, 1994; expedited correction at 18 Ill. Reg. 10943, effective May 2, 1994; amended at 19 Ill. Reg. 8250, effective June 12, 1995; amended at 19 Ill. Reg. 16591, effective November 27, 1995; emergency amendment at 22 Ill. Reg. 21101, effective November 17, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2900, effective February 25, 1999; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 28 Ill. Reg. 12598, effective October 1, 2004; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 350.25 Incorporations by Reference

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

b) In addition, copies of ANSI standards may be obtained directly from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 and from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

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

Section 350.30 Definitions

As used in this Part, the following definitions apply:

"Agency" means the Illinois Emergency Management Agency.

"ALARA" means as low as is reasonably achievable as defined in 32 Ill. Adm. Code 310.20.

"Annual refresher safety training" means a review conducted or provided by the licensee or registrant for its employees on radiation safety aspects of industrial radiography.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Associated equipment" means equipment used in conjunction with a radiographic exposure device to make radiographic exposures where the equipment drives, guides, or comes into contact with the source (e.g., guide tube, control tube, control device cable, removable source stop, "J" tube and collimator when it is used as an exposure head).

"Cabinet radiography" means industrial radiography conducted in an enclosure or cabinet so shielded that doses to individual members of the public at every location on the exterior meet the limitations specified in 32 Ill. Adm. Code 340.310(a).

"Cabinet x-ray system" means an x-ray system with the x-ray tube installed in an enclosure which, independent of existing architectural structures except the floor on which it may be placed, is intended to contain at least that portion of a material being irradiated, provide radiation attenuation and exclude personnel from its interior during generation of x radiation. Included are all x-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad and bus terminals and in similar facilities. An x-ray tube used within a shielded part of a building or x-ray equipment which may temporarily or occasionally incorporate portable shielding is not considered a cabinet x-ray system.

"Certifying entity" means an independent certifying organization meeting the requirements in Appendix A of 10 CFR 34 or an Agreement State meeting the requirements in Appendix A, Parts II and III of 10 CFR 34.

"Collimator" means a radiation shield of lead or other heavy metal which is placed on the end of a guide tube or directly onto a radiographic exposure device to restrict the size and shape of the radiation beam when the sealed source is moved into position to make a radiographic exposure.

"Control cable" or "Drive cable" means the cable that is connected to the source assembly and used to drive the source to and from the exposure location.

"Control drive mechanism" means a device that enables the source assembly to be moved to and from the exposure device ~~(see "Crank-out device")~~.

"Control tube" means a protective sheath for guiding the control cable. The control tube connects the control drive mechanism to the radiographic exposure device.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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~~"Crank-out device" or "Control drive mechanism" means the cable (control or drive cable) used to move the sealed source from the shielded to the unshielded position to make an industrial radiographic exposure.~~

"Drive cable" (see "Control cable").

"Enclosed radiography" means industrial radiography conducted in an enclosed cabinet or room and includes cabinet radiography and shielded-room radiography.

"Exposure head" or "Source stop" means a device that locates the gamma radiography sealed source in the selected working position.

"Field examination" or "Practical examination" means a demonstration through practical application of the safety rules and principles of industrial radiography, including use of all appropriate equipment and procedures.

"GED" means general equivalency diploma.

"Guide tube" or "Projection sheath" means a flexible or rigid tube (i.e., "J" tube) for guiding the source assembly and the attached control cable from the exposure device to the exposure head. The guide tube may also include the connections necessary for attachment to the exposure device and to the exposure head.

"Hands-on experience" means experience in all of those areas considered to be directly involved in the radiography process, and includes taking radiographs, calibration of survey instruments, operational and performance testing of survey instruments and devices, film development, posting of radiation areas, transportation of radiography equipment, posting of records and radiation area surveillance, etc., as applicable. Excessive time spent in only one or two of these areas, such as film development or radiation area surveillance, should not be counted toward the 2 years of experience required for a radiation safety officer in Section 350.4020(b)(3) of this Part or the experience for a radiographer as required by 32 Ill. Adm. Code 405.80.

"Independent certifying organization" means an independent organization that meets all the criteria of Appendix A of 10 CFR 34.

"Industrial radiography" or "radiography" means an ~~the process used to perform the~~ examination of the ~~macroscopic~~ structure of materials by non-destructive methods, utilizing ionizing ~~using radioactive material or~~ radiation to make

radiographic images~~machines~~.

"Lay-barge radiography" means industrial radiography performed on any water vessel used for laying pipe.

"Lixiscope" means a portable light-intensified imaging device using a sealed source.

"Lock-out survey" means a radiation survey performed to determine that a sealed source is in its shielded position. The lock-out survey is performed before moving the radiographic exposure device or source changer to a new location. The lock-out survey is also performed when securing the radiographic exposure device or source changer against unauthorized removal.

"Permanent radiographic installation" means an installation or structure designed or intended for radiography and in which radiography is regularly performed.

"Permanent use or storage location" means a location listed on a radioactive material license or a certificate of registration where sources of radiation are used or stored.

"Personal supervision" means the provision of guidance and instruction to a radiographer trainee by a radiographer who is:

physically present at the site;

in visual contact with the radiographer trainee while the trainee is using sources of radiation; and

in such proximity that immediate assistance can be given if required.

"Pigtail" (see "Source assembly").

"Pill" (see "Sealed source").

"Projection sheath" (see "Guide tube").

"Radiation safety officer" means an individual who is both designated as a radiation safety officer in accordance with Section 350.4020 of this Part and who meets the requirements of Section 350.4020 of this Part and 32 Ill. Adm. Code

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

310.20.

"Radiographer" means any individual who performs or personally supervises industrial radiographic operations. Radiographers shall meet the requirements of Section 350.2010(a) of this Part and shall comply with the requirements of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, all license conditions, if any, and orders of the Agency.

"Radiographer certification" means written approval, received from the Agency in accordance with 32 Ill. Adm. Code 405, stating that an individual has satisfactorily met certain established radiation safety and experience criteria.

"Radiographer trainee" means any individual who uses sources of radiation and related handling tool or radiation survey instruments under the personal supervision of a radiographer. Radiographer trainees shall meet the requirements of Section 350.2010(b) of this Part and shall comply with the requirements of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, all license conditions, if any, and orders of the Agency.

"Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved or otherwise changed from a shielded to an unshielded position for purposes of making a radiographic exposure (i.e, camera).

"Radiographic operations" means all activities associated with the presence of radioactive sources in a radiographic exposure device during use of the device or transport (except when being transported by a common or contract transport) to include surveys to confirm the adequacy of boundaries, setting up equipment and any activity inside restricted area boundaries.

"Radiography" (see "Industrial radiography").

"S-tube" means a tube through which the radioactive source travels when inside a radiographic exposure device.

"Sealed source" or "Pill" means any capsule or matrix as defined in 32 Ill. Adm. Code 310.20.

"Shielded position" means the location within the radiographic exposure device or storage container which, by manufacturer's design, is the proper location for

storage of the sealed source.

"Shielded-room radiography" means industrial radiography conducted in a room so shielded that doses to individual members of the public at every location on the exterior meet the limitations as specified in 32 Ill. Adm. Code 340.310(a) (i.e., bay, bunker, cell).

"Source assembly" or "Pigtail" means an assembly that consists of the sealed source and a connector that attaches the source to the control cable. The source assembly may also include a stop ball used to secure the source in the shielded position.

"Source changer" means a device designed and used for replacement of sealed sources in radiographic exposure devices, including those source changers also used for transporting and storage of sealed sources.

"Storage container" means the structure in which sealed sources are secured and stored at a permanent storage location as described in Section 350.4010(c)(5) of this Part.

"Source stop" (see "Exposure head").

"Temporary job site" means any location that is not specifically listed on a radioactive material license or certificate of registration where industrial radiography is performed for 180 days or less during any consecutive 12 months.

"Transport container" means a package that is designed and constructed to provide radiation safety and security when sealed sources are transported and meets all applicable regulations of the U.S. Department of Transportation.

"Underwater radiography" means industrial radiography performed when the radiographic exposure device and related equipment are beneath the surface of water.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Sidings and Spur Tracks

2) Code Citation: 92 Ill. Adm. Code 1505

3) Section Number: 1505.10 — Adopted Action: Repeal

4) Statutory Authority: Implementing Section 18c-7203 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7203 and 18c-1202].

5) Effective Date of Repealer: December 1, 2005

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of this adopted repealer, including any material incorporated by reference, is on file in agency's principal office and available for public inspection at:

Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
Springfield, Illinois 62701

9) Notice of proposal published in *Illinois Register*: 29 Ill. Reg. 20; January 3, 2005

10) Has JCAR issued a Statement of Objection to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

13) Will this repealer replace an emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

15) Summary and Purpose of Repealer: This Part is being repealed because federal law preempts State jurisdiction over the subject matter.

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

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

(217) 782-6447
smatrisc@icc.illinois.gov

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Removal or Discontinuance of Station or Agency

2) Code Citation: 92 Ill. Adm. Code 1520

3)

Section Numbers:	Adopted Action:
1520.10	Repeal
1520.20	Repeal
1520.30	Repeal
1520.40	Repeal

4) Statutory Authority: Implementing Section 18c-7203 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7203 and 18c-1202].

5) Effective Date of Repealer: December 1, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of this adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and available for public inspection at:

Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
Springfield, Illinois 62701

9) Notice of proposal published in *Illinois Register*: 29 Ill. Reg. 28; January 3, 2005

10) Has JCAR issued a Statement of Objection to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

13) Will this repealer replace any emergency repealer currently in effect? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

14) Are there any amendments pending on this Part? No

15) Summary and purpose of repealer: This Part is being repealed because federal law preempts State jurisdiction over the subject matter.

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

Steven L. Matrisch
Office of Transportation Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217) 782-6447
smatrisc@icc.illinois.gov

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Staggers Act

2) Code Citation: 92 Ill. Adm. Code 1565

3) Section Number: 1565.10 — Adopted Action: Repeal

4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 18c-1202].

5) Effective Date of Repealer: December 1, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of this adopted repealer, including any material incorporated by reference, is on file in agency's principal office and available for public inspection at:

Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
Springfield, Illinois 62701

9) Notice of proposal published in *Illinois Register*: 29 Ill. Reg. 68; January 3, 2005

10) Has JCAR issued a Statement of Objection to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

13) Will this repealer replace any emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

15) Summary and purpose of repealer: This Part is being repealed because federal law preempts State jurisdiction over the subject matter.

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

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

(217) 782-6447
smatrisc@icc.illinois.gov

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Rail Carrier Rates

2) Code Citation: 92 Ill. Adm. Code 1570

3)

Section Numbers:	Adopted Action:
1570.10	Repeal
1570.20	Repeal

4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 18c-1202].

5) Effective Date of Repealer: December 1, 2005

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of this adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and available for public inspection at:

Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
Springfield, Illinois 62701

9) Notice of proposal published in *Illinois Register*: 29 Ill. Reg. 71; January 3, 2005

10) Has JCAR issued a Statement of Objection to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

13) Will this repealer replace any emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

15) Summary and purpose of Repealer: This Part is being repealed because federal law preempts State jurisdiction over the subject matter.

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

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

(217) 782-6447
smatrisc@icc.illinois.gov

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Filing Rail Carrier Rates

2) Code Citation: 92 Ill. Adm. Code 1575

3)

Section Numbers:	Adopted Action:
1575.10	Repeal
1575.20	Repeal
1575.30	Repeal
1575.40	Repeal

4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 18c-1202].

5) Effective Date of Repealer: December 1, 2005

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of this adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and available for public inspection at:

Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
Springfield, Illinois 62701

9) Notice of proposal published in *Illinois Register*: 29 Ill. Reg. 77; January 3, 2005

10) Has JCAR issued a Statement of Objection to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

13) Will this repealer replace any emergency repealer currently in effect? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

14) Are there any amendments pending on this Part? No

15) Summary and purpose of Repealer: This Part is being repealed because federal law preempts State jurisdiction over the subject matter.

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

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

(217) 782-6447
smatrisc@icc.illinois.gov

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Investigation and Suspension of Rail Carrier Rates

2) Code Citation: 92 Ill. Adm. Code 1580

3)

Section Numbers:	Adopted Action:
1580.10	Repeal
1580.20	Repeal
1580.30	Repeal
1580.40	Repeal
1580.50	Repeal
1580.60	Repeal
1580.70	Repeal
1580.80	Repeal
1580.90	Repeal
1580.100	Repeal
1580.APPENDIX A	Repeal

4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 18c-1202].

5) Effective Date of Repealer: December 1, 2005

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of this adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and available for public inspection at:

Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
Springfield, Illinois 62701

9) Notice of proposal published in *Illinois Register*: 29 Ill. Reg. 81; January 3, 2005

10) Has JCAR issued a Statement of Objection to this repealer? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

13) Will this repealer replace any emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of Repealer: This Part is being repealed because federal law preempts State jurisdiction over the subject matter.

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

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

(217) 782-6447
smatrisc@icc.illinois.gov

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Market Dominance by Rail Carriers

2) Code Citation: 92 Ill. Adm. Code 1585

3)

Section Numbers:	Adopted Action:
1585.10	Repeal
1585.20	Repeal
1585.30	Repeal
1585.40	Repeal

4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 18c-1202].

5) Effective Date of Repealer: December 1, 2005

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of this adopted repealer, including any material incorporated by reference is on file in the agency's principal and is available for public inspection at:

Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
Springfield, Illinois 62701

9) Notice of proposal published in *Illinois Register*: 29 Ill. Reg. 101; January 3, 2005

10) Has JCAR issued a Statement of Objection to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

13) Will this repealer replace any emergency repealer currently in effect? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

14) Are there any amendments pending on this Part? No

15) Summary and purpose of Repealer: This Part is being repealed because federal law preempts State jurisdiction over the subject matter.

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

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

(217) 782-6447
smatrisc@icc.illinois.gov

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Complaints Against Rail Carrier Rates

2) Code Citation: 92 Ill. Adm. Code 1590

3)

Section Numbers:	Adopted Action:
1590.10	Repeal
1590.20	Repeal
1590.30	Repeal
1590.40	Repeal
1590.50	Repeal
1590.60	Repeal
1590.70	Repeal
1590.80	Repeal
1590.90	Repeal
1590.100	Repeal
1590.110	Repeal
1590.120	Repeal
1590.130	Repeal
1590.140	Repeal
1590.150	Repeal
1590.160	Repeal
1590.APPENDIX A	Repeal

4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 18c-1202].

5) Effective Date of Repealer: December 1, 2005

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of this adopted repealer, including all material incorporated by reference, is on file in the agency's principal office and available for public inspection at:

Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
Springfield, Illinois 62701

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

9) Notice of proposal published in *Illinois Register*: 29 Ill. Reg. 108; January 3, 2005

10) Has JCAR issued a Statement of Objection to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

13) Will this repealer replace any emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of Repealer: This Part is being repealed because federal law preempts State jurisdiction over the subject matter.

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

Steven L. Matrisch
Office of Transportation Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217) 782-6447
smatrisc@icc.illinois.gov

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Rail Carrier Contract Rates

2) Code Citation: 92 Ill. Adm. Code 1595

3)

Section Numbers:	Adopted Action:
1595.1	Repeal
1595.2	Repeal
1595.7	Repeal
1595.8	Repeal

4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 18c-1202].

5) Effective Date of Repealer: December 1, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of this adopted repealer, including all material incorporated by reference, is on file in the agency's principal office and available for public inspection at:

Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
Springfield, Illinois 62701

9) Notice of proposal published in *Illinois Register*: 29 Ill. Reg. 120; January 3, 2005

10) Has JCAR issued a Statement of Objection to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

13) Will this repealer replace any emergency repealer currently in effect? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

14) Are there any amendments pending on this Part? No

15) Summary and purpose of repealer: This Part is being repealed because federal law preempts State jurisdiction over the subject matter.

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

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

(217) 782-6447
smatrisc@icc.illinois.gov

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Exemption of Rail Carrier Transportation

2) Code Citation: 92 Ill. Adm. Code 1600

3)

Section Numbers:	Adopted Action:
1600.10	Repeal
1600.20	Repeal

4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 18c-1202].

5) Effective Date of Repealer: December 1, 2005

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of this adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection at:

Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
Springfield, Illinois 62701

9) Notice of proposal published in *Illinois Register*: 29 Ill. Reg. 124; January 3, 2005

10) Has JCAR issued a Statement of Objections to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

13) Will this repealer replace any emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

15) Summary and purpose of Repealer: This Part is being repealed because federal law preempts State jurisdiction over the subject matter.

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

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

(217) 782-6447
smatrisc@icc.illinois.gov

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Campaign Financing Act

2) Code Citation: 26 Ill. Adm. Code 100

3)

Section Numbers:	Adopted Action:
100.50	Amend
100.60	Amend
100.70	Amend
100.140	Amend
100.170	Amend

4) Statutory Authority: Implements Sections 9-3, 9-10 and 9-15 of the Illinois Election Code [10 ILCS 5/9-3, 9-10 and 9-15] and authorized by Article 1A, Section 8(9) and Section 9-15 of the Illinois Election Code [10 ILCS 5/1A-8(9) and 9-15].

5) Effective Date of Rulemaking: November 7, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register: 28 Ill. Reg. 14891; November 19, 2004

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: In addition to non-substantive, technical changes, the following changes were made in agreement between the proposal and final version:

In the Table of Contents, "Repealed" was changed to "- State Property".

In Section 100.50(b), new language was added after "D-1," and "D-2 reports".

In Section 100.60(d), "Public Law 104-79" was changed to "2 USC 439".

In Section 100.70(d)(1), new language was added after "reports".

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

In Section 100.70(d)(1)(B), new language was added after "expenditures".

In Section 100.70(d)(2), new language was added after "election".

In Section 100.140, "(Repealed)" was changed to "- State Property" in the section heading.

In Section 100.140, new language was added to replace the stricken language.

In Section 100.170, subsections (a) and (b) were combined and revised and existing subsection (c) was relabeled as (b).

In Section 100.170, new subsections (c) and (d) were added.

In Section 100.170, existing language for subsection (d) was relabeled to (e) and each subsequent subsection was relabeled accordingly through subsection (g).

In Section 100.170, new subsection (h) was added and the remaining subsequent subsections were relabeled accordingly.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rulemaking: Section 100.50 exempts political committees that electronically file their campaign disclosure reports with the State Board of Elections from filing copies of the reports with the county clerk if the county clerk is participating in the electronic filing waiver program. County clerks are eligible to participate in this program if they have a system that can access and duplicate the reports that are on file with the State Board of Elections. Committees are still required to file a copy of their D-1 Statement of Organization with the county clerk.

Section 100.60 exempts federal political committees that also qualify as State and/or local political committees under the Illinois Campaign Finance Act and that file their campaign disclosure reports with the Federal Election Commission (FEC) from having to file copies of their FEC reports with the State Board of Elections. Committees must indicate on their Statement of Organization that they will file campaign disclosure reports

pursuant to Section 100.60 of the campaign finance regulations promulgated in this Part 100 by the State Board of Elections. A federal political committee that also qualifies as a local political committee must continue to file its campaign disclosure reports with the county clerk.

Subsection 100.70(a) raises the minimum contribution amount required to be reported on a Schedule A-1 form from $500 or more to more than $500, reflecting the amendment of Section 9-10(b-5) of the Illinois Election Code. Subsection 100.70(d) clarifies when a political committee may file a Statement of Non-Participation in an election in lieu of a Pre-Election Report. Specifically, a committee that is not organized to support a candidate or question of public policy appearing on the ballot at that election and that is not making expenditures to a candidate or question of public policy appearing on the ballot may file the Statement of Non-Participation. All other committees must file a Pre-Election Report in connection with the election. Subsection 100.70(e) requires political committees that initially file a Statement of Non-Participation, but subsequently make an expenditure or a contribution to a candidate or question of public policy appearing on the ballot at that election, to file a Pre-Election Report and any necessary Schedule A-1 reports within 5 days after the expenditure or contribution. Also, in 100.70(e), the SBE inadvertently omitted the amendatory language regarding making expenditures in excess of $500. The SBE plans to amend this subsection (e) in a subsequent rulemaking within the near future.

Section 100.140 provides a process by which the State Board of Elections may impose a civil penalty on political committees that receives and retains contributions in violation of Section 5-40 of the State Officials and Employees Ethics Act.

Subsection 100.170(c) defines total funding for the purposes of determining whether a contributor to a political committee is also a sponsoring entity. Total funding means the balance of funds available to the committee at the beginning of the semi-annual reporting period and any contributions received by that committee during the semi-annual reporting period. A sponsoring entity is any person who contributes at least 33% of the political committee's total funding during any given semi-annual reporting period.

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

Steven S. Sandvoss
General Counsel
State Board of Elections
1020 S. Spring St.
Springfield IL 62708

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

217/557-9939
ssandvoss@elections.state.il.us

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

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 100
THE CAMPAIGN FINANCING ACT

Section
100.10 Definitions
100.20 Official Forms
100.30 Forwarding of Documents (Repealed)
100.40 Vacancies in Office – Custody of Records
100.50 Multiple Filings by State and Local Committees
100.60 Filing Option for a Federal Political Committee
100.70 Reports of Contributions and Expenditures
100.80 Report Forms
100.90 Provision Circumvention
100.100 Proof of Identification; Application for Inspection and Copying
100.110 Loans by One Political Committee to Another
100.120 Receipt of Campaign Contributions
100.130 Reporting by Certain Not-for-Profit Organizations
100.140 Prohibited Contributions – State Property
100.150 Electronic Filing of Reports
100.160 Good Faith
100.170 Sponsoring Entity

AUTHORITY: Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)].

SOURCE: Amended at 5 Ill. Reg. 1337, effective January 30, 1981; amended at 5 Ill. Reg. 12115, effective October 26, 1981; codified at 6 Ill. Reg. 7211; amended at 7 Ill. Reg. 225, effective December 16, 1982; amended at 14 Ill. Reg. 10824, effective June 22, 1990; amended at 16 Ill. Reg. 6982, effective April 21, 1992; amended at 18 Ill. Reg. 14707, effective September 9, 1994; amended at 21 Ill. Reg. 10044, effective July 21, 1997; emergency amendment at 23 Ill. Reg. 719, effective January 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6796, effective May 24, 1999; emergency amendment at 24 Ill. Reg. 13039, effective August 9, 2000, for a maximum of 150 days; emergency expired January 5, 2001; amended at 24 Ill. Reg. 14214, effective September 11, 2000; amended at 29 Ill. Reg. 18785, effective November 7, 2005.

Section 100.50 Multiple Filings by State and Local Committees

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

a) Reference: This Section interprets or applies Sections 9-3 and 9-10 of the Election Code.

b) A political committee that acts as both a State political committee and local political committee shall file each original Statement of Organization, Form D-1, as required by Sections 9-3 and 9-4 of the Election Code, and any other appropriate reports with the State Board of Elections, and shall file a copy of each and any other appropriate reports with the county clerk~~.~~, except that political committees that file their reports electronically need not file copies of their D-2 reports, as required by Sections 9-11, 9-12, 9-13 and 9-14 of the Election Code, with the county clerk if the county clerk is participating in the electronic filing waiver program. A county clerk is eligible to participate in this program if he or she has a system that can access electronically and duplicate the reports that are on file with the State Board of Elections. Political committees, however, must continue to file copies of their D-1 Statement of Organization forms and any written correspondence with the county clerk.

c) When determining their filing obligations, it is the responsibility of political committees to verify whether the county clerk is participating in the electronic filing waiver program.

d~~e~~) Any State committee that elects to support or oppose any local candidate or a question of public policy and exceeds an aggregate amount of $3000 for local candidates or a question of public policy shall file an amended Statement of Organization, Form D-1, indicating that it is~~they are~~ now a State and local committee and shall comply with all local filing requirements. In the event the State and local committee ceases to support local candidates, it~~they~~ shall file an amended D-1 indicating that it is~~they are~~ now a State~~state~~ political committee and shall submit a letter informing~~to~~ the county clerk ~~informing him~~ that it~~they~~ will no longer be active in that county.

e~~d~~) Any local committee that elects to support or oppose any State candidate or a question of public policy and exceeds an aggregate amount of $3000 for State candidates or $3000 for a question of public policy shall file an amended Statement of Organization, Form D-1, indicating that it is~~they are~~ now a State and local committee and shall comply with all State filing requirements. In the event the State and local committee ceases to support State candidates, it~~they~~ shall file an amended D-1 indicating that it is~~they are~~ now a local political committee and shall submit a letter to the State Board of Elections informing the Board~~them~~ that it~~they~~ will no longer be active statewide.

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NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 28 Ill. Reg. 18785, effective November 7, 2005)

Section 100.60 Filing Option for a Federal Political Committee

a) Reference: This Section interprets or applies Section 9-15 of the Election Code.

b) Any "person" or "whoever" as defined by Section 9-1.6 of the Election Code~~the Illinois Campaign Financing Act~~, qualifying as a political committee under Article 9 of the Election Code~~such Act~~, and filing Federal Election Commission reports may choose to comply with the provisions of Article 9 of the Election Code~~the Illinois Campaign Financing Act~~ by so indicating on a Statement of Organization (Form D-1)~~simultaneously filing all Federal Election Commission reports~~ filed with ~~either~~ the State Board of Elections, county clerk~~County Clerk~~, or both, as the case may be.

c) A political committee may choose to file reports pursuant to this Section~~regulation~~, either by amendment or for the first time, by stating on Part 5 of the Statement of Organization (Form D-1) the following:~~,~~ "Campaign financing reports will be filed pursuant to Section 100.60, Campaign Financing Regulations, State Board of Elections~~.~~".

~~d) A political committee filing reports pursuant to this regulation for the first time shall additionally file a copy of its last regular report on file with the Federal Election Commission.~~

d~~e~~) Pursuant to the state filing waiver program (2 USC 439), a~~A~~ federal political committee~~,~~ also qualifying as a State~~state~~ political committee under Article 9 of the Election Code~~the Illinois Campaign Financing Act,~~ shall not~~simultaneously~~ file a copy of all Federal Election Commission reports with the State Board of Elections.

e~~f~~) A federal political committee~~,~~ also qualifying as a local political committee under Article 9 of the Election Code~~the Illinois Campaign Financing Act,~~ shall simultaneously file a copy of all Federal Election Commission reports with the local county clerk~~ and the State Board of Elections~~.

f~~g~~) This Section~~regulation~~ shall not authorize any person to receive or expend in Illinois an anonymous contribution on behalf of or in opposition to a candidate covered by Article 9~~the Illinois Campaign Financing Act~~, or in support of or in

opposition to a question of public policy.

(Source: Amended at 29 Ill. Reg. 18785, effective November 7, 2005)

Section 100.70 Reports of Contributions and Expenditures

a) Reference: This Section interprets or applies Sections 9-10, 9-13, and 9-14 of the Election Code.

b) For purposes of determining the amount of contributions in excess of $500 ~~or more~~ under Section 9-10(b-5) of the Election Code~~Act~~, all contributions received between the last date of the period covered by the last report filed prior to the election and the election from a single person, as defined in Section 9-1.6, shall be aggregated and treated as one.

c) An expenditure to a payee who is in whole or in part only a conduit for payment to another, such as a political consultant or a credit card issuer, must include by way of detail or separate entry the amount of funds passing to each vendor, business entity or person to receive funds from the payment, together with the reason for each ~~such~~ disbursement and the beneficiary of the disbursement. Nothing in this Section shall be construed to impose a reporting obligation on any person not otherwise required to report under Article 9 of the Election Code~~,~~ or to require the itemization of expenditures not otherwise required to be itemized under Article 9 of the Election Code.

d) Pre-Election and A-1 Reports

1) Every active political committee must file a pre-election report and A-1 reports, as required by Sections 9-10(b) and 9-10(b)(5) of the Election Code, in conjunction with every next election unless:

A) the political committee is not, by the terms of its D-1 Statement of Organization, organized to support or oppose a candidate or public question on the ballot at the next election; and

B) the political committee does not make expenditures in excess of $500, including in-kind contributions, on behalf of or in opposition to any candidate or public question on the ballot at an election.

2) An active political committee that meets the requirements of subsections (d)(1)(A) and (B) shall be deemed a nonparticipating political committee and may file, in lieu of a pre-election report, a Statement of Non-Participation for the next election (see Section 9-10 of the Election Code).

e) A committee that~~which~~, having filed a Statement of Non-Participation, makes a subsequent contribution to a candidate or on behalf of a question of public policy that~~who~~ will appear on the ballot at the next election shall file a pre-election report~~Pre-Election Report~~ within five days after making the contribution, or if the contribution is made during the five days immediately prior to the election, within 24 hours after making the contribution. In addition to filing a pre-election report, the committee shall timely file a Schedule A-1 for each contribution exceeding $500, beginning with the date the contribution that triggered the obligation to file a pre-election report was made.

(Source: Amended at 29 Ill. Reg. 18785, effective November 7, 2005)

Section 100.140 Prohibited Contributions – State Property

a) Upon receipt of a notice of violation of Section 5-35 of the State Officials and Employees Ethics Act [5 ILCS 430/5-35], the State Board of Elections may assess a penalty not to exceed 100% of the value of the contribution giving rise to the violation. In determining whether to assess a penalty and the amount of a penalty, the Board shall consider any mitigating or aggravating factors contained in the notice, including but not limited to the number of past violations of the Act, the amount of the contribution and whether, in the Board's view, the violation was unintentional or willful.

b) Persons against whom a penalty has been assessed by the Board may appeal the penalty. The provisions of 26 Ill. Adm. Code 125.425 governing the appeal procedures for violations of Article 9 of the Election Code [10 ILCS 5/9] shall apply to appeals of penalties assessed under this Section.

~~a) For purposes of Article 9 of the Election Code, "State property" of which the State of Illinois is the lessee, or shall include all real property in which the State of Illinois owns the fee, exclusive of highways and roads and other property, to the extent consistent with subsection (b) of this Section. State property includes, but is not limited to, the buildings, facilities and grounds of the Illinois State Capitol Building; the Old State Capitol Complex; the Michael J. Howlett Building; the Attorney General's Office; the William G. Stratton Office Building; the Supreme Court Building; the State Library; the Department of Transportation~~

~~Administration Building; all in Springfield; the James R. Thompson Center and the State of Illinois Building, both in Chicago; and all State universities.~~

~~b)~~ ~~Any portion of real property that would otherwise be included in the definition of State property but for the fact of its being leased or rented for the purpose of conducting a fundraising event shall not be considered State property during the time such fundraising event takes place.~~

~~c)~~ ~~For purposes of Article 9 of the Election Code, "in or within 50 miles of Springfield" shall include the territory in a circle whose radius is 50 miles measured from directly beneath the center of the dome of the Illinois State Capitol Building.~~

(Source: Amended at 29 Ill. Reg. 18785, effective November 7, 2005)

Section 100.170 Sponsoring Entity

a) A sponsoring entity is a person that contributes not less than 33% of the total funding of any political committee~~. b)A person contributes not less than 33% of the total funding of a committee if~~ at any time during a semi-annual reporting period following the 30th day after the committee has filed its statement of organization~~ 33% of the committee's gross receipts, including in-kind contributions, come from the person~~.

b~~c~~) Person includes natural persons, corporations, partnerships, political committees and unincorporated associations.

c) Total funding means the sum of the funds available at the beginning of the reporting period and the total receipts for the semi-annual reporting period.

d) Total receipts means any contributions as defined in Section 9-1.4 of the Election Code that are received by the committee.

e) Each political committee shall include in its name the name of any~~its~~ sponsoring entity.

f~~e~~) If, at any time during a semi-annual reporting period, a committee that has not previously identified a sponsoring entity receives 33% of~~if~~ its total funding ~~gross receipts~~ during that semi-annual reporting period from a single person, the committee must amend its Statement of Organization to identify the sponsoring

entity.

g~~f~~) A political committee~~Political committees~~, the name~~names~~ of which includes~~include~~ the name of the candidate supported by the committee, the name of an established political party as that term is used in ~~10 ILCS 5/Art. 7~~Article 7 of Election Code, or the name of a new political party as that term is used in Article 10 of the Election Code~~10 ILCS 5/Art. 10~~ satisfies the requirements of this Section without the need for further statement of sponsoring entity in the name of the committee.

h) A political committee is not a sponsoring entity if it is organized by an established political party as that term is used in Section 10-2 of the Election Code, a partisan caucus of either house of the General Assembly, the Speaker or Minority Leader of the House of Representatives or the President or Minority Leader of the Senate in their official capacities (see Section 9-3 of the Election Code).

i~~g~~) The name of the sponsoring entity shall be the full name of the person, and not an acronym.

j~~h~~) A committee is required to identify its sponsoring entity so long as it receives not less than 33% of its total funding~~gross receipts~~ from a single person. A committee may amend its Statement of Organization to delete the name of its sponsoring entity from its name if, for two consecutive semi-annual reporting periods, it fails to receive not less than 33% of its total funding~~gross receipts~~ from a single person.

k~~i~~) If, at any time during a semi-annual reporting period, a committee that has identified a sponsoring entity receives not less than 33% of its total funding ~~gross receipts~~ from a different single person than the person identified as its sponsoring entity, it shall amend its Statement of Organization to include in its name the name of the new sponsoring entity.

l~~j~~) If a committee receives support from two or more persons, each one of which would independently of the other meet the definition of a sponsoring entity, the name of the committee shall include all such persons.

(Source: Amended at 29 Ill. Reg. 18785, effective November 7, 2005)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Practice and Procedure

2) Code Citation: 26 Ill. Adm. Code 125

3)

Section Numbers:	Adopted Action:
125.240	Amend
125.425	Amend

4) Statutory Authority: Implements Articles 9-3 and 9-10 of the Illinois Election Code [10 ILCS 5/9-3 and 9-10] and authorized by Article 1A, Section 8(9) and Article 9-15 of the Illinois Election Code [10 ILCS 5/1A-8(9) and 9-15].

5) Effective Date of Rulemaking: November 7, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register: 28 Ill. Reg. 14901; November 19, 2004

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: No substantive differences.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rulemaking: A change in Section 125.240 updates a statutory citation.

Subsection 125.425(e) stops the per-business-day penalty accumulation for delinquently filed Pre-Election Reports on the day of the election. This subsection also changes the way civil penalties are assessed for delinquently filed Schedule A-1 Reports. (Political

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Committees must file A-1 Reports within 2 business days of receipt of a contribution of more than $500.) The State Board of Elections was given discretion as to whether a civil penalty should be assessed for delinquently filed A-1 Reports and, if a penalty is assessed, the amount the penalty should be. If a penalty is assessed, the amount cannot be less than 10% nor more than 100% of the delinquently reported contribution. The State Board of Elections must take into account all relevant factors when deciding the appropriate penalty, including, but not limited to, the following: (1) whether the delinquency was intentional, knowing, negligent or inadvertent; (2) the number of days between the due date and either the date the A-1 Report was filed or the date of the election (at which point the calculation of the penalty ceases); and (3) the number of times the committee has previously filed delinquent campaign disclosure reports. The State Board of Elections must now assess civil penalties for delinquently filed D-1 Statement of Organization Reports. (These reports are the initial documents filed by nascent political committees giving essential information such as the name of the committee, the committee address, the principal officers, the purpose of the committee, etc.) The Board will assess a $25 penalty (or $50 if the committee is formed to support a candidate or question of public policy appearing on the ballot statewide) for each business day past the due date that the Report remains unfiled. The penalty cannot exceed $5,000 (or $10,000 for a statewide committee). Subsection 125.425(f) adds clean-up language to the provision authorizing the Board to assess penalties for violations of the Campaign Finance Act other than delinquently filed Reports. This subsection is further amended to allow 30 days for a committee to appeal a civil penalty. Previously it was given 10 days to appeal. Subsection 125.425(j) was added to allow political committees, both active and those that filed a final report, who only had one violation on their record to be treated as if they had no violations if, within a two year period following the first violation, they had no further violations. Subsection 125.425(k) was added to provide for a pre-hearing conference between the Board-appointed hearing examiner and a committee that was assessed a civil penalty. The purpose of this pre-hearing would be to simplify the issues, enter into stipulations, and discuss settlements, etc.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Steven S. Sandvoss
General Counsel
State Board of Elections
1020 S. Spring St.
Springfield IL 62708

217/557-9939

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ssandvoss@elections.state.il.us

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

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 125
PRACTICE AND PROCEDURE

SUBPART A: DEFINITION AND GENERAL PROVISIONS

Section
125.5 Applicability
125.10 Definitions
125.15 Board Offices and Business Hours
125.20 Documents Pertaining to Hearings
125.30 Form of Documents
125.40 Service of Documents
125.50 Computation of Time
125.55 Time of Notices
125.60 Appearances
125.70 Non-Legal Assistance
125.75 Parties
125.80 Answer
125.90 Qualifications of Hearing Examiner
125.95 Authority of Hearing Examiner
125.100 Disqualification of Hearing Examiner
125.110 Motions
125.115 Consolidation and Severance of Claims: Additional Parties
125.120 Amendments
125.130 Intervention
125.135 Pre-hearing Conferences
125.140 Settlement Pursuant to Conference
125.150 Record of Conferences
125.160 Continuances
125.170 Order of Proceedings
125.175 Failure of Party to Appear
125.180 Evidence
125.185 Official Notice
125.190 Examination of Adverse Party or Agent
125.192 Participation by Board Members and Staff
125.195 Hostile Witnesses
125.197 Admission of Business Records in Evidence

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125.199 Compelling Appearance at Hearing

SUBPART B: CLOSED PRELIMINARY HEARINGS

Section
125.210 Applicability
125.220 Commencement of Proceeding
125.230 Form of Complaint
125.235 Board Members as Complainants
125.240 Service of Complaint
125.245 Appointment of Examiner - Order of Closed Preliminary Hearing
125.250 Time of Preliminary Hearing (Repealed)
125.252 Scope of Preliminary Hearing - Procedures - Evidence
125.253 Responsibilities of the General Counsel
125.254 Stipulated Settlement
125.255 Transcript of Preliminary Hearing (Repealed)
125.260 Report of Hearing Examiner (Repealed)
125.262 Board Determination
125.265 Judicial Review
125.270 Record of Preliminary Hearing on Appeal Administrative Review
125.272 Order of Public Hearing
125.275 Time and Conduct of Public Hearing (Repealed)

SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

Section
125.310 Applicability
125.320 Initiation of Hearing
125.330 Appointment of Hearing Examiner
125.340 Notice of Hearing
125.350 Discovery Procedures
125.360 Subpoenas
125.370 Transcript of Proceedings
125.380 Official Record
125.390 Briefs and Oral Argument

SUBPART D: FINAL ORDERS

Section
125.410 Hearing Examiners Report

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

125.420 Order of the Board; Civil Penalties
125.425 Civil Penalty Assessments
125.430 Enforcement Actions in the Circuit Court
125.440 Reconsideration

SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS PURSUANT TO SECTION 9-18

Section
125.510 Applicability (Repealed)
125.520 Staff Review and Enforcement of Reporting Requirements
125.530 Compliance Conference
125.540 Staff Initiated Complaint (Repealed)
125.550 Investigations, Inquiries or Hearings

SUBPART F: RULEMAKING AND NON-ADJUDICATIVE HEARINGS

Section
125.610 Applicability
125.620 Adoption of Rules
125.630 Non-Adjudicative Hearings
125.640 Notice of Hearing
125.650 Conduct of the Hearing
125.660 Examination of Witness
125.670 Record
125.680 Report of Hearing

SUBPART G: ADVISORY OPINIONS

Section
125.710 Advisory Opinions
125.720 Reconsideration of Advisory Opinions
125.730 Public Availability of Advisory Opinion
125.740 Conflict Between this Part and the APA

SUBPART H: MISCELLANEOUS PROVISIONS

Section
125.810 Ex Parte Communications
125.820 Effective Date

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

125.830 Interpretation
125.840 Severability

AUTHORITY: Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the Election Code [10 ILCS 5/1A-8(9), 9-15(3), 9-21 and 9-23].

SOURCE: Adopted at 5 Ill. Reg. 12115, effective October 26, 1981; amended at 7 Ill. Reg. 230, effective December 16, 1982; amended at 7 Ill. Reg. 239, effective December 16, 1982; amended at 7 Ill. Reg. 15803 and 15810, effective November 9, 1983; codified at 8 Ill. Reg. 3278; amended at 9 Ill. Reg. 4050, effective March 14, 1985; amended at 14 Ill. Reg. 10832, effective June 22, 1990; amended at 16 Ill. Reg. 6986, effective April 21, 1992; amended at 19 Ill. Reg. 6546, effective May 1, 1995; emergency amendment at 23 Ill. Reg. 1122, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6807, effective May 24, 1999; amended at 24 Ill. Reg. 14203, effective September 11, 2000; emergency amendment at 28 Ill. Reg. 1408, effective January 5, 2004, for a maximum of 150 days; emergency expired June 2, 2004; amended at 29 Ill. Reg. 18796, effective November 7, 2005.

SUBPART B: CLOSED PRELIMINARY HEARINGS

Section 125.240 Service of Complaint

a) If a complaint is filed within 60 days prior to the date of an election in reference to which the complaint is filed, the complainant shall serve a copy of the complaint upon all respondents prior to the time of filing, and the complaint filed with the office of the General Counsel shall have attached to it~~thereto~~ proof of service, consisting of any one of the following:

1) a written acknowledgment signed by the person served;

2) in case of service by personal delivery, an affidavit of the person who made delivery; or

3) abode service in accordance with the Civil Practice Law~~.~~ [735 ILCS 5/Art. II].~~(Ill. Rev. Stat. 1981, ch. 110, par. 2-101 et seq.)~~

b) In all other cases, service shall conform to Section 125.40.

c) When a complainant has attempted to serve a respondent who is no longer residing at his or her last known address, proof of service shall be complete when the complainant has filed an affidavit indicating that a diligent effort has been

made to locate the respondent but that~~such~~ effort has been unsuccessful and the respondent's whereabouts are unknown.

(Source: Amended at 29 Ill. Reg. 18796, effective November 7, 2005)

SUBPART D: FINAL ORDERS

Section 125.425 Civil Penalty Assessments

a) As used in this Section, "authorizing candidate" means any candidate who has at any time during the reporting period for the report in question or prior to that reporting period~~thereto~~ filed with the committee an authorization in accordance with Section 9-8 of the Election Code [10 ILCS 5/9-8].

b) A report required to be filed within a specified time pursuant to Section 9-10 of the Election Code is delinquent if not received by the Board on or before the due date. Documents~~Document(s)~~ are deemed received by the Board as of the date date-stamped by Board staff on the documents~~document(s)~~ submitted.

c) If a report is or continues to be delinquent, it is subject to a ~~an increasing~~ civil penalty as set out in subsection (e) of this Section~~, until received by the Board~~.

d) When a report required by Section 9-10 of the Election Code is delinquent, the Board will send notice of delinquency to the chairman and the treasurer of each delinquent State, State and local, and local political committee, together with an Order assessing a civil penalty calculated in accord with subsection (e). The notice of delinquency and Order shall also be sent to any candidate listed by name on that committee's Statement of Organization. The notice of delinquency shall state that the Board has issued a civil penalty that will be final unless the committee shows cause in accord with subsection (f) why the penalty should not be assessed.

e) The Board will calculate the civil penalty ~~for each day of delinquency~~ as follows:

1) If the committee's~~its~~ total receipts, total expenditures, and the balance remaining at the end of the reporting period for which the delinquent report was due are each $5000 or less, and if the delinquent report is a semi-annual report, the political committee shall be assessed a fine of $25 per business day for the first violation, $50 per business day for the second violation, and $75 per business day for the third and each subsequent

violation to a maximum of $5000, except that, if the committee is formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be $10,000, provided that the civil penalty for any committee shall not exceed $500 for a first time offense involving a filing that is less than 10 days late.~~;~~

2) If the committee's ~~its~~ total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds $5000, and if the delinquent report is a semi-annual report, the political committee shall be assessed a fine of $50 per business day for the first violation, $100 per business day for the second violation, and $200 per business day for the third and each subsequent violation to a maximum of $5000, except that, if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be $10,000, provided that the civil penalty for any committee shall not exceed $500 for a first time offense involving a filing that is less than 10 days late.~~;~~

3) If the committee's~~its~~ total receipts, total expenditures, and balance remaining at the end of the reporting period for which the delinquent report was due are each $5000 or less and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of $100 per business day for the first violation, $200 per business day for the second violation, and $300 per business day for the third and each subsequent violation to a maximum of $5000, except that, if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be $10,000, provided that the civil penalty for any committee shall not exceed $500 for a first time offense involving a filing that is less than 10 days late.~~;~~ The per business day penalty calculation will no longer accrue after the date of the election for which the report has been filed.

4) If the committee's~~its~~ total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds $5000, and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of $200 per business day for the first violation, $400 per business day for the second violation, and $600 per business day for the third and each subsequent violation to a maximum of $5000, except that, if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of

the Election Code, the maximum shall be $10,000, provided that the civil penalty shall not exceed $500 for a first time offense involving a filing that is less than 10 days late. The per business day penalty calculation will no longer accrue after the date of the election for which the report has been filed.;

5) If the delinquently filed report is a Schedule A-1 (report of contributions exceeding $500 received during the 30-day period prior to an election), in the final disposition of any appeal of a penalty assessed by the Board for such delinquency on or after November 19, 2003 (the effective date of Public Act 93-0615), the Board will consider assessing a civil penalty as follows:

A) The Board may:

i) grant the appeal (no civil penalty assessment);

ii) determine that a violation occurred and impose a penalty of no less than 10% nor more than 100% of the total amount of the contributions that were delinquently reported; or

iii) determine that a violation occurred, but decline to assess a penalty.

B) When considering the amount of the civil penalty to be imposed, the Board shall consider all relevant factors, including, but not limited to, the following factors:

i) whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly, or intentionally;

ii) the number of days the contribution was reported late; and

iii) past violations of Sections 9-3 and 9-10 of the Election Code by the committee (filing requirement for the Statement of Organization, Pre-Election Reports, Schedule A-1s and Semi-Annual Reports).

6) If the delinquently filed report is a Statement of Organization (form D-1), the Board shall assess a civil penalty of $25 for each business day that the

report remains unfiled after its due date, except that, if the committee is supporting a candidate running for statewide office or supporting a statewide referendum or a State Constitutional Amendment, the civil penalty will be $50 per business day. Such penalties shall not exceed $5,000 ($10,000 for statewide candidates, referenda or State Constitutional Amendment).

~~5) If its total receipts, total expenditures, and balance remaining at the end of the most recent semi-annual report are each $5000 or less, and if the delinquent report is an A-1 report required by Section 9-10(b)(5) of the Election Code, the political committee shall be assessed a fine of $100 per business day for the first violation, $200 per business day for the second violation, and $300 per business day for the third and each subsequent violation to a maximum of $5000, except that if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be $10,000;~~

~~6) If its total receipts, total expenditures, or balance remaining at the end of the most recent semi-annual report exceeds $5000, and if the delinquent report is an A-1 report, the political committee shall be assessed a fine of $200 per business day for the first violation, $400 per business day for the second violation, and $600 per business day for the third and each subsequent violation to a maximum of $5000, except that if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be $10,000.~~

~~7) If the political committee was created subsequent to the last semi-annual reporting period, and if the delinquent report is an A-1 report, the political committee shall be assessed a fine of $100 per business day for the first violation, $200 per business day for the second violation, and $300 per business day for the third and subsequent violation to a maximum of $5000, except that if the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be $10,000.~~

f) In addition to the civil penalties provided for in Section 9-10(b) and (b-5) of the Election Code, a committee or organization required to report under the Election Code may, for violations of provisions of Article 9 of the Election Code other than delinquent filing, be assessed a civil penalty under the provisions of Section 9-23 of the Election Code and this subsection. The Board will calculate civil

penalties in accord with subsection (e). A committee that violates both Section 9-10 of the Election Code and an Order of the Board may be liable for separate penalties for each violation. In cases of alleged violation of an Order of the Board brought under the provisions of Section 9-23 of the Election Code, the Board will mail to each committee or organization alleged to be in violation of a Board order notice of a proposed civil penalty calculated in accord with the terms of this Part, which proposed penalty shall become effective without further proceedings unless the committee or organization receiving the notice contests the proposed civil penalty. A political committee assessed a civil penalty under Section 9-10(b) or (b-5) for being delinquent in filing a required report or that has received notice of a proposed civil penalty for violation of a Board order under Section 9-23 may:

1) submit, within 30 calendar~~10~~ days after the mailing of the assessment notice, a request for waiver of appearance and appeal affidavit in the form provided by the Board stating the reasons for requested waiver of appearance and the reasons for the late filing or violation of the Board order, as the case may be, to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths or be made pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109]; or

2) submit, within 30 calendar~~10~~ days after the mailing of the assessment notice, a request for hearing and appeal affidavit in the form provided by the Board stating the reasons for the late filing or violation of the Board Order, as the case may be, to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths or be made pursuant to Section 1-109 of the Illinois Code of Civil Procedure [735 ILCS 5/1-109]; or

3) pay, within 30 days after the mailing of the assessment notice, the civil penalty assessed. If an appeal affidavit is filed, with or without waiver of appearance, the civil penalty shall not be due until the appeal is determined by the Board.

g) If a political committee or organization required to report under the provisions of Article 9 of the Election Code subject to a civil penalty fails, within the time required, to make payment in full of the assessed civil penalty, then the Board shall proceed with efforts at collection pursuant to the Illinois State Collection Act

of 1986 [30 ILCS 210]. The Board shall not hear an appeal of a civil penalty imposed for delinquent filing or the violation of a Board Order~~order~~ if neither a request for waiver of appearance and appeal affidavit nor a request for hearing and appeal affidavit is filed within the time required.

h) Notwithstanding any provision of this Section~~herein~~ to the contrary, the Board shall stay the enforcement of any civil penalty in cases of first time violation of a filing deadline and shall stay the enforcement of a civil penalty for the violation of a Board Order~~order~~ where the committee organization has voluntarily entered into a stipulation admitting the violation and agreeing to the civil penalty. The~~Such~~ stay shall continue only so long as no subsequent violations of Article 9 of the Election Code or of Board Orders~~orders~~ occur. Violation of Article 9 of the Election Code or a Board Order~~order~~ will cause the civil penalty otherwise stayed to become immediately due and may expose the committee or organization to further liability in accord with this Section.

i) For the purpose of this Section, second and subsequent violations are deemed to occur with reference to the time the first offense event occurs, not when a hearing, if any is required, concerning such first offense event is held. The Board may consider two or more allegations of violations at the same hearing, treating the first as an initial violation and the remaining as subsequent violations, imposing appropriate civil penalties for each.

j) Notwithstanding any other provision of this Section:

1) if an active political committee is assessed no more than one civil penalty under Section 9-10 during a two year period, it shall, after two years have lapsed following the assessment, be considered as never having violated Section 9-10. For a single violation, the two year period begins to run with the mailing of the assessment letter. If an active political committee is assessed more than one civil penalty and has paid all assessed civil penalties, it shall be considered for assessment purposes as not having violated that Section if it is assessed no other civil penalty during a two year period following receipt of payment by the Board;

2) if a committee is assessed a single penalty under Section 9-10 and subsequently files a final report or has filed a final report prior to the assessment, during the two year period beginning with the date of the assessment letter, or the final Board Order if the assessment is appealed and the appeal is denied, any successor committee shall be considered, for

assessment purposes, as not having violated Section 9-10 if it is assessed no other penalty;

3) if a committee is assessed more than one penalty under Section 9-10 and subsequently files a final report or has filed a final report prior to the assessment, and the political committee has not paid the civil penalties, any successor committee that subsequently pays all civil penalties due shall be considered as never having violated Section 9-10 if, for two years from the date of receipt of payment by the Board, the successor committee is assessed no other civil penalty.

k) Upon notice by the Hearing Examiner or upon request by any party, the Hearing Examiner may direct parties or their attorneys to appear at a specified time and place for a conference, either during or prior to any hearing, for purposes including, but not limited to:

1) the formulation and simplification of issues;

2) the necessity or desirability of amending the assessment notice for the purpose of clarification or correction;

3) the possibility of stipulations concerning material facts;

4) the limitations of the number of witnesses;

5) such other matters as may aid in the simplification of evidence and the disposition of the proceeding.

(Source: Amended at 29 Ill. Reg. 18796, effective November 7, 2005)

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Raffles Conducted by Political Committees

2) Code Citation: 26 Ill. Adm. Code 210

3) Section Number: 210.10 Adopted Action: Amend

4) Statutory Authority: Implementing the Raffles Act [230 ILCS 15] and authorized by Article 1A, Section 8(9) of the Illinois Election Code [10 ILCS 5/1A-8(9)].

5) Effective Date of Amendment: November 7, 2005

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register: 28 Ill. Reg. 14915; November 19, 2004

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: No substantive differences

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of amendment: Subsection 2.10.10(f) was stricken to reflect a statutory amendment that removed the requiring political committees to be in existence for at least one year prior to applying for and receiving a raffle license by the State Board of Elections.

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

Steven S. Sandvoss

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

General Counsel
State Board of Elections
1020 S. Spring St.
Springfield IL 62708

217/557-9939
ssandvoss@elections.state.il.us

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

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 210
RAFFLES CONDUCTED BY POLITICAL COMMITTEES

Section
210.10 Licensing of Raffles Conducted by Political Committees
210.APPENDIX A Application Form

AUTHORITY: Implementing and authorized by the Raffles Act [230 ILCS 15].

SOURCE: Emergency rules adopted at 14 Ill. Reg. 6907, effective May 1, 1990, for a maximum of 150 days; emergency expired September 28, 1990; adopted at 15 Ill. Reg. 4450, effective March 16, 1991; amended at 29 Ill. Reg. 18810, effective November 7, 2005.

Section 210.10 Licensing of Raffles Conducted by Political Committees

a) No raffle or other game of chance defined in and authorized by Section 8.1 of the Raffles Act [230 ILCS 15/8.1] (the Act)~~"AN ACT to provide for licensing and regulating certain games of chance and amending certain Acts herein named" as amended (hereafter "raffle")~~ shall be conducted unless a license has first been issued for such a purpose by the State Board of Elections (~~hereafter "the~~ Board~~"~~).

b) "Political committee~~Committee~~" as used in this Part shall mean a political committee as defined by Section 9-1.9 of the Election Code [10 ILCS 5/9-1.9]~~(Ill. Rev. Stat. 1989, ch. 46, par. 9-1.9)~~.

c) No political committee, group, association, or other entity shall receive a license to conduct a raffle unless it is a political committee as defined by this Part and Section 9-1.9 of the Election Code, and unless it meets all requirements of Section 8.1 of the Act.

d) Application for a license to conduct a raffle shall be made on forms provided by the Board and shall supply, over the oath of the applicant, all information requested by the application form. The form of the application is set out in Appendix A~~ hereto and is made a part hereof~~.

e) Only the chairman or treasurer of a political committee whose name is~~names are~~ listed on the committee's D-1 statement at the time the application is filed shall

sign the application for a license to conduct a raffle.

~~f)~~ ~~A political committee shall be deemed to have been in existence for one year and to have had a bonafide membership engaged in carrying out its objects if, on the day the application is received at the office of the Board in Springfield, Illinois, one year has elapsed between the date the committee was established, as shown on its current D-1 forms, and the date the application is received.~~

f)~~g)~~ An officer of a political committee or an employee or person not otherwise disqualified by the Act itself shall be deemed to be of good moral character if he or she has never been convicted of an offense identified in Article 29 of the Election Code~~, except for Section 29-14, of the Election Code or Section 3 of the Election Interference Prohibition Act (Ill. Rev. Stat. 1989, ch. 46, par. 103)~~; provided that if an officer, employee or person has been convicted of such an offense he or she may nonetheless be deemed of good moral character if at least one ~~(1)~~ year has elapsed between the completion of any sentence, including a sentence of probation, imposed upon such conviction and the date the application is sent to the Board as noted upon the application itself.

g)~~h)~~ The information supplied by the applicant, over his or her oath, if it is complete as to each and every item of the application for which an answer is required, shall be deemed to be presumptively correct and sufficient for the Board to issue a license to the applicant to conduct a raffle.

h)~~i)~~ Any person who has grounds to believe a committee has violated the terms of the Act or of its license may file a complaint before the State Board of Elections to determine whether a license holder remains in compliance with the terms of its license. The Board shall hear such a complaint under the provisions of 26 Ill. Adm. Code 125.Subpart C. The complainant shall prove its case before the Board. Nothing in this Part prohibits the Board from filing a complaint, but unless it does so, the Board shall not act as an advocate for the complainant~~Complainant~~. Failure of a committee to abide by the Act and its license voids the license whether or not a complaint is filed.

i)~~j)~~ All receipts and/or expenditures for raffles conducted under this Section and the Act shall be reported on the report next required to be submitted by the committee after each separate raffle under Article 9 of the ~~Illinois~~ Election Code ~~(Ill. Rev. Stat. 1989, ch. 46, Art. 9)~~ and on such other reports as may be required ~~thereafter~~ by that Article~~same article~~.

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 29 Ill. Reg. 18810, effective November 7, 2005)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Electrologist Licensing Act

2) Code Citation: 68 Ill. Adm. Code 1246

3)

Section Numbers:	Adopted Action:
1246.10	Amendment
1246.30	Amendment
1246.50	Amendment
1246.70	Amendment
1246.80	Amendment

4) Statutory Authority: Electrologist Licensing Act [225 ILCS 412]

5) Effective Date of Amendments: November 4, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal published in Illinois Register: July 29, 2005; 29 Ill. Reg. 11721

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Due to statutory restrictions, the extended date for applying under the grandfather provisions in Section 1246.10 has been shortened from July 1, 2006 to February 22, 2006, which is one year after adoption of this Part on 2/22/05.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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

14) Are there any amendments pending on this Part? No

15) Summary and purpose of amendments: Section 1246.10 extends the date by which an individual can apply for licensure under the grandfather provision. Section 1246.70

changes the date when individuals shall comply with the continuing education requirement. This Section also explains under what circumstances an individual may request a waiver of CE. Other clean-up and non-substantive changes were made to this Part.

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

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1246
ELECTROLOGIST LICENSING ACT

Section
1246.10 Qualifications for Licensure
1246.20 Examination
1246.30 Application for Licensure by~~By~~ Acceptance of Examination
1246.40 Fees
1246.50 Endorsement
1246.60 Standards of Sterilization and Sanitation
1245.70 Continuing Education
1246.80 Renewals
1246.90 Restoration
1246.100 Inactive Status
1246.105 Granting Variances
1246.110 Dishonorable, Unethical or Unprofessional Conduct

AUTHORITY: Implementing the Electrologist Licensing Act [225 ILCS 412] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 29 Ill. Reg. 3873, effective February 22, 2005; amended at 29 Ill. Reg. 18815, effective November 4, 2005.

Section 1246.10 Qualification for Licensure

a) An applicant may apply for licensure as an electrologist by filing an application on forms provided by the Department of Financial and Professional Regulation-Division of Professional Regulation (Division). For individuals who wish to apply under the grandfather provision, the application shall be postmarked no later than February 22~~January 1~~, 2006 and shall include:

1) A complete work history documenting employment as an electrologist;

2) Verification that the applicant has received compensation for practicing electrology for a period of 3 years. This may be in the form of affidavits

from at least 3 clients or business owners who can attest to applicant's practicing electrology for compensation;

3) Proof of one of the following:

A) Current board certification by the American Electrology Association as a Certified Professional Electrologist (CPE) or Clinical Certified Electrologist (CCE) or certification from any other organization approved by the Division; or

B) Completion of 30 hours of continuing education in electrology as set forth in Section 1246.70; and

4) the required fee set forth in Section 1246.30.

b) Individuals applying for licensure as an electrologist, except for those qualified under the grandfather provision, shall file an application with the Division, on forms provided by the Division, that the applicant has:

1) Completed 600 hours in the study of electrology over a period of not less than 16 weeks nor more than 2 consecutive years at a program approved by the Division. If an applicant completed a program before December 31, 2003, the program may be less than 600 hours if it is approved by the Division; and

2) Successfully completed the IBEC (International Board of Electrology Certification) examination.

(Source: Amended at 29 Ill. Reg. 18815, effective November 4, 2005)

Section 1246.30 Application for Licensure by Acceptance of Examination

Applicants for licensure based on examination shall submit to the Division a properly completed application on forms provided by the Division, along with the following:

a) Proof of successful completion of the examination approved by the Division specified in Section 1246.20 of this Part; and

b) The required fee set forth in Section 1246.40.

(Source: Amended at 29 Ill. Reg. 18815, effective November 4, 2005)

Section 1246.50 Endorsement

a) An applicant for licensure as an electrologist who is licensed under the laws of another state shall file an application with the Division that shall include:

1) Documentation certifying that applicant meets the education requirements set forth in Section 1246.10(b);

2) Documentation from the jurisdiction of original licensure and the state by which the applicant is currently licensed, stating~~all jurisdictions in which the applicant has been licensed, certifying the time during which the applicant was licensed in that jurisdiction,~~ whether the file on the applicant contains any disciplinary actions taken or pending, and the applicant's license number;

3) Proof of successful completion of the examination~~A report of the applicant's examination record forwarded directly from the test reporting service~~;

4) Complete work history; and

5) The required fee.

b) The Division shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination then in force in this State and whether the applicant has otherwise complied with the Act.

c) The Division shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

(Source: Amended at 29 Ill. Reg. 18815, effective November 4, 2005)

Section 1246.70 Continuing Education

For the April 2010~~2009~~ renewal and every renewal thereafter, in order to renew a license, the licensee shall be required to complete 30 hours of continuing education. One Continuing

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Education Unit (CEU) is defined as 10 contact hours of participation in an organized continuing education experience.

a) Qualifying continuing education activities are the following:

1) courses offered or approved by the American Electrology Association or its affiliates;

2) hospital or medical school sponsored educational offerings, provided the coursework is related to health issues of practitioners; and

3) credit-bearing college courses and other post-graduate classes for continuing education credit offered at a regionally accredited academic institution, provided the coursework is clearly related to electrology theory, technical and clinical aspects of electrolysis, electrology research, ethical or legal aspects of practicing electrolysis or health issues of electrologists.~~;~~

~~4) any other courses approved by the Division.~~

b) Continuing education activities shall meet the following requirements:

1) the activity involves face-to-face instruction or a home study program;

2) the provider implements a mechanism to monitor and document physical attendance at such instruction or to verify licensee completion in the case of a home study program;

3) the provider retains written records for a period of 3 years from the participant's actual successful completion of the activity, including but not limited to: content description; instructor; date of activity; location of activity; list of participants; participant's evaluation of instruction presented; and number of contact hours; and

4) the provider issues a certificate of completion after the participant's successful completion of the activity. The certificate shall include the participant's name, provider's name, title or subject area of the activity, date and location of attendance, and number of contact hours completed.

c) Certification of CE Requirements

1) Each renewal applicant shall certify on the renewal application full compliance with CE requirements as stated above.

2) The Division may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance (e.g., certificate of attendance or completion). Evidence shall be required in the context of the Department's random audit in accordance with Section 60 of the Act.

d) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division a renewal application along with the required fee, a statement setting forth the facts concerning non-compliance and a request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division finds, from such affidavit or any other evidence submitted, that extreme good cause has been shown for granting a waiver, the Division shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

2) Extreme hardship shall be determined on an individual basis and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;

B) An incapacitating illness documented by a statement from a currently licensed physician;

C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; and

D) Any other similar extenuating circumstance.

3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the

provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Division.

(Source: Amended at 29 Ill. Reg. 18815, effective November 4, 2005)

Section 1246.80 Renewals

a) The first renewal date for licensure under the Electrologist Licensing Act [225 ILCS 412] (Act) shall be April 30, 2008~~2007~~. Thereafter, every license issued under the Act shall expire on April 30 of even~~odd~~ numbered years. The holder of the license may renew the license during the month preceding the expiration date by paying the required fee and proof of 30 hours of continuing education in accordance with Section 1245.70.

b) It is the responsibility of each license holder to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee.

c) Practice on an expired license shall be considered the unlicensed practice of electrology and subject to discipline or other penalties set forth in Section 75 of the Act.

(Source: Amended at 29 Ill. Reg. 18815, effective November 4, 2005)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Medical Practice Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1285

3)

Section Numbers:	Adopted Action:
1285.20	Amendment
1285.30	Amendment
1285.40	Amendment
1285.50	Amendment
1285.60	Amendment
1285.70	Amendment
1285.80	Amendment
1285.90	Amendment
1285.91	Amendment
1285.95	Amendment
1285.100	Amendment
1285.101	Amendment
1285.110	Amendment
1285.120	Amendment
1285.130	Amendment
1285.140	Amendment
1285.200	Amendment
1285.205	Amendment
1285.210	Amendment
1285.215	Amendment
1285.220	Amendment
1285.225	Amendment
1285.230	Amendment
1285.235	Amendment
1285.240	Amendment
1285.245	Amendment
1285.250	Amendment
1285.255	Amendment
1285.260	Amendment
1285.265	Amendment
1285.270	Amendment
1285.275	Amendment
1285.310	Amendment
1285.320	Amendment
1285.330	Amendment

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1285.335	Amendment
1285.340	Amendment

4) Statutory Authority: Medical Practice Act of 1987 [225 ILCS 60]

5) Effective Date of Amendments: November 4, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal published in Illinois Register: June 24, 2005; 29 Ill. Reg. 8679

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Non-substantive changes were made to the entire Part, including changing references from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of amendments: Amends Section 1285.100 relating to the requirements for renewing a Visiting Professor Permit. The Special Purpose Examination (SPEX) will no longer be accepted. The reason for change is the USMLE (United States Medical Licensing Examination) Step II examination has been changed to include both a clinical skills and a clinical knowledge portion and the SPEX examination tests only clinical knowledge. The two examinations were considered more equivalent prior to the change in the USMLE examination. Non-substantive technical changes were made to the entire Part including changing references from “Department” to “Division” to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

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

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1285
MEDICAL PRACTICE ACT OF 1987

SUBPART A: MEDICAL LICENSING, RENEWAL
AND RESTORATION PROCEDURE

Section
1285.20 Six ~~(6)~~ Year Post-Secondary Programs of Medical Education
1285.30 Programs of Chiropractic Education
1285.40 Approved Postgraduate Clinical Training Programs
1285.50 Application for Examination
1285.60 Examinations
1285.70 Application for a License on the Basis of Examination
1285.80 Licensure by Endorsement
1285.90 Temporary Licenses
1285.91 Visiting Resident Permits
1285.95 Professional Capacity Standards for Applicants Having Graduated More Than 2 Years Prior to Application
1285.100 Visiting Professor Permits
1285.101 Visiting Physician Permits
1285.105 Chiropractic Physician Preceptorship (Repealed)
1285.110 Continuing Medical Education (CME)
1285.120 Renewals
1285.130 Restoration and Inactive Status
1285.140 Granting Variances

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section
1285.200 Medical Disciplinary Board
1285.205 Complaint Committee
1285.210 The Medical Coordinator
1285.215 Complaint Handling Procedure
1285.220 Informal Conferences
1285.225 Consent Orders
1285.230 Summary Suspension

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1285.235 Mandatory Reporting of Impaired Physicians by Health Care Institutions
1285.240 Standards
1285.245 Advertising
1285.250 Monitoring of Probation and Other Discipline and Notification
1285.255 Rehabilitation
1285.260 Fines
1285.265 Subpoena Process of Medical and Hospital Records
1285.270 Inspection of Physical Premises
1285.275 Failing to Furnish Information

SUBPART C: GENERAL INFORMATION

Section
1285.310 Public Access to Records and Meetings
1285.320 Response to Hospital Inquiries
1285.330 Rules of Evidence
1285.335 Physician Delegation of Authority
1285.340 Anesthesia Services in an Office Setting

AUTHORITY: Implementing the Medical Practice Act of 1987 [225 ILCS 60] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at 15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective November 26, 1991; amended at 17 Ill. Reg. 17191, effective September 27, 1993; expedited correction at 18 Ill. Reg. 312, effective September 27, 1993; amended at 20 Ill. Reg. 7888, effective May 30, 1996; amended at 22 Ill. Reg. 6985, effective April 6, 1998; amended at 22 Ill. Reg. 10580, effective June 1, 1998; amended at 24 Ill. Reg. 3620, effective February 15, 2000; amended at 24 Ill. Reg. 8348, effective June 5, 2000; amended at 26 Ill. Reg. 7243, effective April 26, 2002; amended at 28 Ill. Reg. 5857, effective March 29, 2004; amended at 29 Ill. Reg. 18823, effective November 4, 2005.

SUBPART A: MEDICAL LICENSING, RENEWAL AND RESTORATION PROCEDURE

Section 1285.20 Six Year Post-Secondary Programs of Medical Education

The standards for the 6 year post-secondary program of medical or osteopathic education

described in Section 11(A)(2)(a)(i) of the Medical Practice Act of 1987 [225 ILCS 60] (the Act) are:

a) At least 2 academic years of a course of instruction in a college, university or other institution.

b) At least 2 academic years of study in the basic medical sciences, which shall include formal instruction in at least the following subjects:

1) anatomy;

2) biochemistry;

3) physiology;

4) microbiology and immunology;

5) pathology;

6) pharmacology and therapeutics; and

7) preventive medicine.

c) The required basic science courses stated in subsection (b) must be taken and completed as part of a program of medical education taught at a medical school and shall not be accepted or co-validated from courses completed as a student in a secondary school, community college, or college of liberal arts and sciences at which degrees are earned prior to the commencement of the medical education program.

d) At least 2 academic years of study in the clinical sciences, while enrolled in the medical college that ~~which~~ conferred the degree, which shall include at least the following required core clerkship rotations:

1) internal medicine;

2) obstetrics and gynecology;

3) pediatrics;

4) psychiatry; and

5) surgery.

e) The core clerkship rotations must have been taken and completed in clinical teaching facilities owned, operated or formally affiliated with the medical college that ~~which~~ conferred the degree or under contract in teaching facilities owned, operated or formally affiliated with another medical college that ~~which~~ is officially recognized by the jurisdiction in which the medical school that ~~which~~ conferred the degree is located.

f) Each applicant for licensure who completed rotations in an affiliated teaching facility must submit a copy of each affiliation agreement between the medical college that ~~which~~ conferred the degree and each clinical teaching facility in which a core clerkship rotation was completed. The affiliation agreements ~~agreement(s)~~ to be considered valid pursuant to Section 11(A)(2)(a)(i) of the Act must:

1) be in writing;

2) be dated;

3) be fully executed by the administrator of the clinical teaching facility and the Dean of medical college;

4) clearly define the rights and responsibilities of each party, including agreements on the role and authority of the governing bodies of both the clinical teaching facility and the medical college; and

5) be substantiated by submission of an evaluation form completed by the supervising physician for each core clerkship rotation.

g) Affidavit in Lieu of Affiliation Agreement

1) If a written affiliation agreement does not exist, the Department of Financial and Professional Regulation-Division of Professional Regulation (the Division~~Department~~) shall accept, in lieu of the ~~such~~ agreement, an affidavit signed by the current Dean of the medical college and an affidavit signed by the current medical director of the facility or director of medical education or program director of the clinical teaching facility

that ~~which~~ verifies the following:

A~~1~~) that a verbal affiliation agreement existed between the clinical teaching facility and the medical college at the time the core clerkship rotation was completed;

B~~2~~) that the applicant was authorized to complete the ~~such~~ core clerkship rotation;

C~~3~~) that the core clerkship rotation was completed satisfactorily.

2) The affidavits shall be substantiated by submission of the evaluation form completed by the supervising physician for each core clerkship rotation.

h) For the purposes of this Section, "academic year" shall be defined as a minimum period of 9 months that ~~which~~ includes no less than 25 clock hours per week of basic sciences as set forth in subsection (b) ~~above~~ and no less than 40 clock hours per week of clinical sciences as set forth in subsection (d) ~~above~~.

i) Each clerkship shall be at least 4 weeks in length, shall consist of hands-on experience with patients that ~~which~~ is planned, managed and supervised by faculty of the medical school conferring the degree, and shall be performed in accordance with all requirements of the jurisdiction in which it is completed. The 4 week psychiatry core clerkship rotation may be completed as follows: 2 weeks must be obtained formally and distinctly in psychiatry and the other 2 ~~two~~ week requirement may be included in other clinical rotations as verified by the applicant's affidavit.

j) Clinical teaching facilities are defined as those that ~~which~~ meet or exceed the requirements of Section 1285.40 or that ~~which~~ are part of a residency program accredited by the Accreditation Council for Graduate Medical Education (ACGME), the American Osteopathic Association (AOA), the College of Family Physicians of Canada, the Royal College of Physicians and Surgeons of Canada or the Federation of Medical Licensing Authorities of Canada.

k) In addition, if the applicant is a graduate of a medical college outside of the United States or Canada, he/she must hold a current certification, at the time of application for licensure/examination, from the Educational Commission for Foreign Medical Graduates (ECFMG).

l) When the accuracy of any submitted documentation, or the relevance or sufficiency of the coursework or core clerkship rotations is questioned by the Division ~~Department~~ because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant shall be requested to:

1) provide the ~~such~~ information as may be necessary; and/or

2) appear for an oral interview before the Medical Licensing Board (the Board) to explain the ~~such~~ relevance or sufficiency or otherwise clear up any discrepancies or conflicts in information.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.30 Programs of Chiropractic Education

a) A program of chiropractic education shall be deemed approved in the judgment of the Division ~~Department~~ if it meets the following requirements:

1) a Dean or other Executive Officer, employed on a full-time basis supervises the students and curriculum.

2) the faculty is comprised of graduates in their specialty from legally recognized and authorized professional colleges or institutions by the jurisdiction in which the college ~~it~~ is located.

3) the faculty is organized and each department has a director and professors, each responsible to the director for ~~his~~ instruction in the particular subjects he or she teaches.

4) annually, a catalogue or brochure is published setting forth the requisites for admission to the college, tuition, rates, courses offered, dates of sessions, schedule of classes, requirements for graduation, a roster of the undergraduate students and a roster of the last graduating class. The catalogue or brochure shall contain a list of the departments of the school, the titles of the personnel and a brief summary of each person's qualifications. The curriculum shall include, but not be limited to, 4 academic years' instruction in the following subjects:

A) Anatomy

i) Embryology

ii) Histology

iii) Neuro-anatomy

B) Physiology and Chemistry

C) Pathology and Bacteriology

D) Diagnosis

i) Physical

ii) Differential

iii) Laboratory

5) buildings provided with laboratories equipped for instruction in anatomy, chemistry, physiology, bacteriology and other areas of learning necessary to the due course of study prescribed by this Part; and that a laboratory equipped with supplies, models, mannequins, charts, stereopticon, roentgen-ray and other special apparatus used in teaching the system to treat human ailments without the use of medicine and operative surgery, be provided.

6) a library, accessible to students is maintained, with a librarian in constant attendance. The library shall contain a standard medical dictionary, texts and reference books, and the files of professional periodicals.

7) the college or institution requires all students to furnish, before matriculation, satisfactory proof of the preliminary education required by the Act.

8) full and complete records are kept showing the credentials for admission, attendance, grades and financial accounts of each student.

9) admission of transfer students will be limited to honorably dismissed students from another approved college or institution teaching the same

system. The transcript of record obtained directly from the transferring school shall be kept on file. It shall be the duty of a college or institution to furnish such a transcript for the benefit of each student subject to honorable dismissal. No credit shall be given a transferred student for final or "senior year" work or for any courses taken by correspondence.

10) students shall start class attendance within one week after ~~of~~ the start of each session. Credit ~~That credit~~ for completion of a course will not be granted a student who failed to attend 80% of the complete session of the course.

b) Applicants seeking licensure who have received a chiropractic degree from a college that is not fully accredited in accordance with Section 11(B) of the Act and who are seeking licensure based on a second, duplicate or similar degree must pay the required fee and provide an official transcript specified in Section 21 of the Act to the Division ~~Department~~ showing:

1) completion of a least 2 additional academic years of study in the clinical sciences of not less than 960 clock hours per academic year in a fully accredited college during the time of additional study; and

2) the hours of clinical practice retaken to fulfill the chiropractic degree requirements. No credit will be given for prior credits in clinical practice.

c) All chiropractic colleges fully accredited by the Commission on Accreditation of the Council of Chiropractic Education or its successor at the time of graduation shall be deemed to have met the minimum standards.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.40 Approved Postgraduate Clinical Training Programs

a) A hospital shall, in the judgment of the Division~~Department~~, be deemed approved for the post-graduate clinical training (~~"~~clinical training~~"~~) required for licensure if it meets the following standards:

1) Contains at least the departments of internal medicine, surgery, obstetrics and pediatrics; and has an organized departmentalized staff, holding meetings monthly for case reviews and study.

2) Has a laboratory ~~Laboratory~~ employing a full-time technician and at least a part-time pathologist, legally empowered to perform laboratory services, visiting the laboratory at least 2 days per week.

3) Has a radiological ~~Radiological~~ department employing an X-ray technician and at least a part-time roentgenologist, legally empowered to perform radiology services, visiting the department at least 2 days per week.

4) Maintains ~~Maintenance of~~ an up-to-date medical library available to residents.

b) The hospital shall, upon request, provide the Division ~~Department~~ with the names of staff members of the various departments of the hospital.

c) The hospital shall certify, on forms provided by the Division~~Department~~, to the satisfactory completion of not less than 12 months of clinical training as required by Section 11(A)(1) of the Act or 24 months of clinical training as required by Section 11(A)(2) and (3). The ~~Such~~ certification shall identify the commencement date and the concluding date of the training.

d) The Division~~Department~~, upon the recommendation of the Medical Licensing Board, has determined that all clinical training programs accredited by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, the College of Family Physicians of Canada, the Royal College of Physicians and Surgeons of Canada and the Federation of Medical Licensing Authorities of Canada as of January 1, 1999~~,~~ meet the minimum criteria set forth in this Section and are, therefore, approved, except as provided in subsection (e).

e) In the event of a decision by any of the ~~above~~ accrediting bodies listed in subsection (d) to suspend, withdraw or revoke accreditation of any clinical training, the Board shall proceed to evaluate the program and either approve or disapprove the program pursuant to the minimum criteria set out in subsection (a).

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.50 Application for Examination

a) An applicant for licensure to practice medicine in all of its branches must make application to the Division ~~Department~~ or its designated testing service on forms

furnished by the Division~~Department~~.

b) Each applicant to take the examination for a license to practice medicine in all of its branches shall submit to the Division~~Department~~:

1) A fully completed application, signed by the applicant, on which all questions have been answered and all programs of medical education attended by the applicant have been identified;

2) Proof that the applicant is of good moral character. Proof shall be an indication on the application that the applicant has not engaged in any conduct or activity that ~~which~~ would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history ~~Personal History~~ portion of the application or who have engaged in activities that ~~which~~ would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation ~~Department~~ for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;

3) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;

4) An official transcript and diploma or official transcript and certification of graduation from the medical education program granting the degree;

5) Individuals applying under Section 11(A)(2)(a)(i) shall also submit certification, on forms provided by the Division~~Department~~, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part and proof of current ECFMG certification set forth in Section 1285.20(k);

6) Proof of successful completion of the United States Medical Licensing Examination (USMLE) Step 1 and 2 in accordance with Section 1285.60 or combination of examinations set forth in Section 1285.60(a)(4). Examination scores shall be submitted directly to the Division ~~Department~~ from the testing entity;

7) A complete work history since graduation from medical school;

8) Fees as required by Section 21 of the Act;

9) Proof of satisfactory completion of an approved clinical training program in accordance with Section 1285.40;

10) Documentation of professional capacity, as set forth in Section 1285.95 of this Part, for applicants who have not been engaged in the active practice of medicine or have not been enrolled in a medical program for 2 years prior to application;

11) A certification from the jurisdiction of original licensure and current licensure stating:

A) The date of issuance and status of the license; and

B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending.

c) If an applicant for examination has a Physician Information Profile (Profile) from the Federation Credentials Verification Service of the Federation of State Medical Boards of the United States, Inc., the applicant will be required to submit the following:

1) A Physician Information Profile that includes, but is not limited to, verification of medical education, ECFMG Certification (if applicable), clinical training and complete examination information. The information contained in the applicant's Profile shall be reviewed by the Division ~~Department~~ in order to determine if the applicant meets the requirements for licensure as set forth in the Act and this Part;

2) A fully completed Illinois medical application, on forms provided by the Division~~Department~~, signed by the applicant, on which all questions have been answered;

3) Proof that the applicant is of good moral character. Proof shall be an indication on the Illinois application that the applicant has not engaged in any conduct or activity that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities that would constitute

grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation ~~Department~~ for further investigation and action by the Medical Licensing Board as set out in Section 9(B)(4) of the Act;

4) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;

5) Individuals applying under Section 11(A)(2)(a)(i) of the Act shall also submit certification, on forms provided by the Division~~Department~~, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part;

6) Documentation of professional capacity, as set forth in Section 1285.95 of this Part, for applicants who have not been engaged in the active practice of medicine or have not been enrolled in a medical program for 2 years prior to application;

7) A complete work history since graduation from medical school;

8) A certification from the jurisdiction of original licensure and current licensure stating:

A) The date of issuance and status of the license; and

B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;

9) Fees as required by Section 21 of the Act.

d) Examination Prior ~~prior~~ to Completion of Clinical Training

1) A candidate may apply for the examination and take the examination given prior to completion of the clinical training required by the Act, provided the applicant:

A) satisfies all of the requirements to take the examination for licensure to practice medicine in all of its branches, except completion of an approved program of clinical training; and

B) furnishes a statement from hospital authorities certifying that the applicant who is applying to sit for the USMLE Step III has completed at least 12 calendar months of the approved program of clinical training, and performance in the training is satisfactory to date.

2) The results of the examination shall be made available to the applicant but no license shall be issued until the Division ~~Department~~ receives proof of the applicant's satisfactory completion of the required approved clinical training program.

e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or training is questioned by the Division ~~Department~~ or the Medical Licensing Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:

1) Provide ~~such~~ information as may be necessary; and/or

2) Appear for an interview before the Medical Licensing Board to explain the ~~such~~ relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.60 Examinations

a) Examinations for Licensure ~~licensure~~ to Practice Medicine ~~practice medicine~~ in All ~~all~~ of Its Branches~~its branches~~:

1) Examinations conducted by the Division ~~Department~~ or its designated testing service for licensure to practice medicine in all of its branches shall be conducted in the English language and shall, prior to December 31, 1993, consist of:

A) The Federation Licensing Examination − FLEX Component 1 – an examination placing emphasis on basic and clinical science principles and mechanisms underlying high-impact diseases and problems encountered in an in-patient, supervised setting, during the delivery of health care; and

B) The Federation Licensing Examination − FLEX Component 2 − emphasis on issues related to the general delivery of health care to patients in an ambulatory setting encountered in an independent practice.

2) For those applicants who have passed FLEX Component 2 but have not successfully completed FLEX Component 1 prior to 1994, the Division ~~Department~~ shall administer FLEX Component 1 twice in 1994. Any applicant who does not successfully complete FLEX Component 1 during 1994 shall be required to successfully complete USMLE Step 1 and Step 2 in accordance with this Section.

3) Beginning January 1, 1994, the examinations for licensure to practice medicine in all of its branches shall be Steps 1, 2 and 3 of the United State Medical Licensing Examination (USMLE) − a joint program of the Federation of State Medical Boards of the United States Inc. and the National Board of Medical Examiners.

A) USMLE Step 1 and Step 2 will be administered by the National Board of Medical Examiners and the Education Commission for Foreign Medical Graduates (ECFMG).

B) USMLE Step 3 will be administered by the Division ~~Department~~ or its designated testing service. Examinees shall successfully complete Step 1 and Step 2 before applying to the Division ~~Department~~ to take Step 3 of the examination.

4) The Division ~~Department~~ will accept the following combinations of examinations completed prior to January 1, 2000:

A) FLEX Component 1 taken prior to January 1, 1995, and FLEX Component 2 taken prior to January 1, 1994;

B) FLEX Component 1 plus USMLE Step 3;

C) National Board of Medical Examiners (NBME) Part 1 or USMLE Step 1 plus NBME Part II or USMLE Step 2 plus FLEX Component 2; or

D) NBME Part I or USMLE Step 1 plus NBME Part II or USMLE Step 2 plus NBME Part III or USMLE Step 3.

5) The passing score on all components, parts or steps ~~Components, Parts or Steps~~ of the examinations set forth in subsections (a)(2), (3) and (4) shall be a minimum of 75 or the passing score set by the authorized testing entity.

6) In the case of failure on the examination, examinees shall be required to retake only that component, part or step ~~Component, Part or Step~~ of the examination on which they did not achieve a passing score.

7) In the event all USMLE Steps are not successfully completed within 7 years after passing the first step taken, either Step 1 or Step 2, credit for any step ~~Step~~ passed shall be forfeited.

8) Any applicant for licensure to practice medicine in all of its branches who has been unsuccessful in 5 examinations (any component, part or step ~~Component, Part or Step~~ of the examinations accepted by the Division ~~Department~~ as set forth in subsection (a)(4)), conducted in this State or any other jurisdiction, shall be deemed ineligible for further examination and/or licensure until the Division ~~Department~~ is in receipt of proof that the applicant has completed, subsequent to his/her fifth failure:

A) a course of clinical training of not less than 12 months in an accredited clinical training program in the United States or Canada in accordance with Section 1285.40; or

B) a course of study of 9 months in length (one academic year) that ~~which~~ includes no less than 25 clock hours per week of basic sciences as set forth in Section 1285.20(b) of this Part and no less than 40 clock hours per week of clinical sciences as set forth in Section 1285.20(d) of this Part; or

C) any other formal professional study or training in an accredited medical college or hospital, deemed by the Division ~~Department~~ to meet the requirements of subsection (a)(8)(A) or (B).

9) Failure to appear for any component, part or step ~~Component, Part or Step~~ of the examination for which the applicant has been scheduled shall be

considered a failure of the examination.

b) Examinations for Licensure ~~licensure~~ to Practice Chiropractic ~~practice chiropractic.~~

1) Examinations for licensure to practice chiropractic shall be conducted in the English language and shall consist of the examination administered by the National Board of Chiropractic Examiners and shall consist of Part I, Part II and Part III.

2) To be successful, examinees must receive a score of at least 375 on all 3 parts of the examination.

3) Any applicant for licensure as a chiropractic physician who has been unsuccessful in 5 examinations conducted in this State or any other jurisdiction shall be deemed ineligible for further examination or licensure until the Division ~~Department~~ is in receipt of proof (i.e., certificate of completion of training, transcript) that the applicant has completed, subsequent to his/her fifth failure, a course of study of 960 classroom hours (one academic year) in an accredited chiropractic program or any other equivalent formal professional study or training in an accredited chiropractic program as approved by the Division~~Department~~.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.70 Application for a License on the Basis of Examination

a) Each applicant for a license to practice medicine in all of its branches on the basis of examination must submit to the Division~~Department~~:

1) A fully completed application signed by the applicant, on which all questions have been answered and all programs of medical education attended by the applicant have been identified, including dates of attendance;

2) Proof that the applicant is of good moral character. Proof shall be an indication on the application that the applicant has not engaged in any conduct or activities that ~~which~~ would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history ~~Personal History~~

portion of the application or who have engaged in activities that ~~which~~ would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation ~~Department~~ for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;

3) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;

4) A complete work history since graduation from medical school;

5) Fee as required by Section 21 of the Act;

6) An official transcript and diploma or an official transcript and certification of graduation from the medical education program granting the degree that ~~which~~ shall be evidence that the applicant has met the minimum medical education requirements of the Act;

7) Certification on forms provided by the Division ~~Department~~ that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part and proof of current ECFMG certification as set forth in Section 1285.20(k) for those applicants who are applying under Section 11(A)(2)(a) of the Act;

8) Proof of satisfactory completion of an approved program of clinical training in accordance with Section 1285.40;

9) Proof of the successful completion of the examination set forth in Section 1285.60. Scores shall be submitted to the Division ~~Department~~ directly from the testing entity;

10) A certification from the jurisdiction of original licensure and current licensure stating:

A) The date of issuance of the license; and

B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;

11) Documentation of professional capacity, as set forth in Section 1285.95 of

this Part, for applicants who have not been engaged in the active practice of medicine or have not been enrolled in a medical program for 2 years prior to application.

b) If an applicant for licensure as a physician to practice medicine in all of its branches has a Profile from the Federation Credentials Verification Service of the Federation of State Medical Boards of the United States, Inc., the applicant will be required to submit the following:

1) A Physician Information Profile that includes, but is not limited to, verification of medical education, ECFMG Certification (if applicable), clinical training and complete examination information. The information contained in the applicant's Profile shall be reviewed by the Division ~~Department~~ in order to determine if the applicant meets the requirements for licensure as set forth in the Act and this Part;

2) A fully completed Illinois medical application, on forms provided by the Division~~Department~~, signed by the applicant, on which all questions have been answered;

3) Proof that the applicant is of good moral character. Proof shall be an indication on the Illinois application that the applicant has not engaged in any conduct or activity that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities that would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation ~~Department~~ for further investigation and action by the Medical Licensing Board as set out in Section 9(B)(4) of the Act;

4) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;

5) Individuals applying under Section 11(A)(2)(a)(i) of the Act shall also submit certification, on forms provided by the Division~~Department~~, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part;

6) Documentation of professional capacity, as set forth in Section 1285.95 of

this Part, for applicants who have not been engaged in the active practice of medicine or have not been enrolled in a medical program for 2 years prior to application;

7) A complete work history since graduation from medical school;

8) A certification from the jurisdiction of original licensure and current licensure stating:

A) The date of issuance and status of the license; and

B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;

9) Fees as required by Section 21 of the Act.

c) Proof of Waiver~~waiver.~~

1) The provisions of subsection (a)(9) shall be waived for a candidate for licensure to practice medicine in all of its branches who makes application satisfactory to the Division ~~Department~~ under Section 9 of the Act who submits proof of the successful completion of:

A) the National Board of Medical Examiners examination subsequent to January 1, 1964; or

B) the National Board of Examiners for Osteopathic Physicians and Surgeons examination subsequent to June 1, 1973; or

C) the Federation Licensing Examination (FLEX) in another state obtaining a FLEX weighted average of 75 or more subsequent to June 1, 1968; or

D) the Licentiate of the Medical Council of Canada examination (LMCC) subsequent to May 1, 1970; or

E) The Federation Licensing Examination (FLEX) in another state obtaining a score of 75 or more in each Component in accordance with Section 1285.60 of this Part.

2) Verification of the successful completion of the examinations ~~above~~ described in subsection (c)(1) ~~examinations~~ shall show the scores achieved by the applicant on the examination. Scores shall be submitted to the Division ~~Department~~ directly from the testing entity.

d) Each applicant for a license to practice as a chiropractic physician must submit to the Division~~Department~~:

1) A fully completed application signed by the applicant, on which all questions have been answered and all programs of chiropractic education attended by the applicant have been identified, including dates of attendance;

2) An official transcript of a course of instruction, prerequisite to professional training in a college, university or other institution for those applying pursuant to Section 11(B)(2) of the Act;

3) An official transcript and copy of diploma or official transcript and certification of graduation from the education program granting the professional degree; the transcript shall indicate that the applicant has met the minimum chiropractic education requirements of Section 11 of the Act;

4) Proof that the applicant is of good moral character and has not engaged in any conduct or activities that ~~which~~ would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history ~~Personal History~~ portion of the application or who have engaged in activities that ~~which~~ would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation ~~Department~~ for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;

5) A complete work history since graduation from chiropractic school;

6) Fee as required by Section 21 of the Act;

7) Proof of successful completion of Part I, Part II and Part III of the examination pursuant to Section 1285.60(b) forwarded directly to the Division ~~Department~~ from the National Board of Chiropractic Examiners;

8) Documentation of professional capacity, as set forth in Section 1285.95 of this Part, for applicants who have not been engaged in the active practice of medicine or have not been enrolled in a medical program for 2 years prior to application;

9) Certification from the jurisdiction of original licensure and current licensure stating:

A) The date of issuance of the license; and

B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending.

e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or training is questioned by the Division ~~Department~~ or the Medical Licensing Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:

1) Provide ~~such~~ information as may be necessary; and/or

2) Appear for an interview before the Licensing Board to explain the ~~such~~ relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.80 Licensure by Endorsement

a) Each applicant currently licensed in another jurisdiction who applies to the Division ~~Department~~ for a license to practice medicine in all of its branches on the basis of endorsement must cause to be submitted to the Division~~Department~~:

1) A signed application, on which all questions have been answered and all programs of medical education attended by the applicant have been identified, including dates of attendance;

2) Proof that the applicant is of good moral character. Proof shall be an indication on the application that the applicant has not engaged in any

conduct or activities that ~~which~~ would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history ~~Personal History~~ portion of the application or who have engaged in activities that ~~which~~ would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation ~~Department~~ for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;

3) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;

4) An official transcript and diploma or official transcript and certification of graduation from the medical education program granting the degree that ~~which~~ shall be evidence that the applicant has met the minimum medical education requirements of the Act;

5) Certification on forms provided by the Division~~Department~~, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part and proof of current ECFMG certification as set forth in Section 1285.20(k) for those applicants who are applying under Section 11(A)(2)(a)(i) of the Act;

6) An original, notarized English translation for any document submitted to the Division ~~Department~~ in a foreign language;

7) Certification of postgraduate clinical training in the United States or Canada;

8) Certification from the jurisdiction of original and current licensure stating:

A) The date of issuance of the license; and

B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;

9) A complete work history since graduation from medical school;

10) The fee required by Section 21 of the Act.

b) If an applicant for licensure as a physician to practice medicine in all of its branches has a Profile from the Federation Credentials Verification Service of the Federation of State Medical Boards of the United States, Inc., the applicant will be required to submit the following:

1) A Profile that includes, but is not limited to, verification of medical education, ECFMG Certification (if applicable), clinical training and complete examination information. The information contained in the applicant's Profile shall be reviewed by the Division ~~Department~~ in order to determine if the applicant meets the requirements for licensure as set forth in the Act and this Part;

2) A fully completed Illinois medical application, on forms provided by the Division~~Department~~, signed by the applicant, on which all questions have been answered;

3) Proof that the applicant is of good moral character. Proof shall be an indication on the Illinois application that the applicant has not engaged in any conduct or activity that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities that would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation ~~Department~~ for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;

4) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;

5) Individuals applying under Section 11(A)(2)(a)(i) of the Act shall also submit certification, on forms provided by the Division~~Department~~, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part;

6) A complete work history since graduation from medical school;

7) A certification from the jurisdiction of original licensure and current licensure stating:

A) The date of issuance and status of the license; and

B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;

8) Fees as required by Section 21 of the Act.

c) In addition to submitting the application required in subsections (a) and (b), each applicant for licensure to practice medicine in all of its branches pursuant to the provisions of Section 19 upon the basis of having passed a National Board of Medical Examiners Examination prior to January 1, 1964, or having passed a National Board of Examiners for Osteopathic Physicians and Surgeons Examination before June 1, 1973, or having passed the Licentiate of the Medical Council of Canada (LMCC) before May 1, 1970, or having passed the Federation Licensing Examination (FLEX) prior to June 1, 1968, or a State Constructed Examination, shall, subject as hereinafter provided, pass an examination conducted by the Division ~~Department~~ or its designated testing service to test the clinical competence of the applicant (clinical test). The Division ~~Department~~ upon recommendation of the Medical Licensing Board has determined that the examination conducted under this Section shall be Component 2 of the FLEX prior to December 31, 1993, USMLE Step 3 after January 1, 1994 or the Special Purpose Examination (SPEX) or the Comprehensive Osteopathic Medical Special Purpose Examination for the United States of America (COMSPEX-USA) as determined by the Board.

1) To be successful in the Component 2 examination of the FLEX, USMLE Step 3, SPEX or COMSPEX-USA, applicants must receive a minimum score of 75 or the passing score set by the authorized testing entity. In the case of failure on 3 attempts of the Component 2 examination, USMLE Step 3, SPEX or COMSPEX-USA, or any combination thereof, the application for licensure on the basis of endorsement shall be denied. The ~~Such~~ individuals may thereafter submit an application for licensure on the basis of examination and, if qualified, take the entire examination referenced in Section 1285.60(a)(1), (2) and (3) of this Part in accordance with the manner described in that Section ~~therein~~.

2) The Medical Licensing Board may, in its discretion and in individual cases where the applicable conditions of Section 19 of the Act have been satisfied, make a recommendation to the Director of the Division ~~Department of Professional Regulation~~ (Director) for the waiver of the

clinical examination requirement herein provided with respect to any such applicant for a license to practice medicine in all of its branches after full consideration of the quality of his/her medical education and clinical training or practical experience, including, but not limited to, whether the applicant is Board Certified in a specialty, has achieved special honors or awards, has had articles published in recognized and reputable journals, has written or participated in the writing of textbooks in medicine and any other circumstance or attribute that ~~which~~ the Medical Licensing Board accepts as evidence that the applicant has outstanding and proven ability in any branch of medicine.

d) Each applicant currently licensed in another jurisdiction who applies to the Division ~~Department~~ for a license in Illinois as a chiropractic physician by endorsement must cause to be sent to the Division~~Department~~:

1) A signed application on which all questions have been answered and all programs of chiropractic education attended by the applicant have been identified, including dates of attendance;

2) An official transcript of the courses of instruction prerequisite to professional training in a college, university or other institution for those applying pursuant to Section 11(B)(2) of the Act;

3) An official transcript and copy of diploma or official transcript and certification of graduation from the medical education program granting the degree; the transcript shall indicate that the applicant has met the minimum chiropractic education requirements of the Act;

4) Proof that the applicant is of good moral character and has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history ~~Personal History~~ portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation ~~Department~~ for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;

5) Successful completion of Part I, Part II and Part III of the examination administered by the National Board of Chiropractic Examiners.

A) The Medical Licensing Board may, in its discretion and in individual cases where the applicable conditions of Section 19 of the Act have not been satisfied, make a recommendation to the Director to require an applicant to successfully complete the Special Purposes Exam for Chiropractors (SPEC) or Part III of the examination administered by the National Board of Chiropractic Examiners;

B) The Medical Licensing Board may recommend a waiver of Part III of the examination or the SPEC requirement. In making the recommendation, the Licensing Board shall consider the quality of the chiropractic education and practical experience, including, but not limited to, whether he/she is Board Certified in a specialty, has achieved special honors or awards, has had articles published in recognized and reputable journals, has written or participated in the writing of textbooks in chiropractic and any other circumstance or attribute which the Medical Licensing Board accepts as evidence that the applicant has outstanding and proven ability in chiropractic;

6) Certification from the jurisdiction of original and current licensure stating:

A) The date of issuance of the license; and

B) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending;

7) A complete work history since graduation from chiropractic school;

8) The fee required by Section 21 of the Act.

e) Pursuant to Section 9.7 of the Act, the Division ~~Department~~ shall check the criminal background of each endorsement applicant through the Federation of State Medical Boards or Chiropractic Information Network – Board Action Database (CIN-BAD).

f) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or training is questioned by the Division ~~Department~~ or the Medical Licensing Board because of lack of information,

discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:

1) Provide ~~such~~ information as may be necessary; and/or

2) Appear for an interview before the Licensing Board to explain the ~~such~~ relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.90 Temporary Licenses

a) To allow for timely processing, an application for a Temporary License to pursue specialty/residency training shall be filed, on forms provided by the Division~~Department~~, at least 60 days prior to the commencement date of the training.

b) No application shall be considered complete unless it is signed by the applicant, all questions have been answered and it contains or is accompanied by:

1) Proof that the applicant is of good moral character and has not engaged in any conduct or activities that ~~which~~ would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history ~~Personal History~~ portion of the application or who have engaged in activities that ~~which~~ would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation ~~Department~~ for further investigation and action by the Medical Licensing Board;

2) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;

3) An official transcript and diploma or official transcript and certification of graduation from the medical education program granting the degree that ~~which~~ shall be evidence that the applicant has met the minimum education requirements of the Act;

4) Certification on forms provided by the Division ~~Department~~ that the core

clerkship rotations were completed in accordance with Section 1285.20 of this Part and current ECFMG certification as set forth in Section 1285.20(k) for those applicants applying under Section 11(A)(2)(a)(i) of the Act;

5) Proof that the applicant will be accepted or appointed to a position in a specialty/residency program that ~~which~~ is approved by the Division~~Department~~, pursuant to the provisions of Section 1285.40 and the number of postgraduate years for which the applicant ~~he~~ has been accepted or appointed;

6) A statement identifying all medical education programs attended, including dates of attendance;

7) An original notarized English translation for any document submitted to the Division ~~Department~~ in a foreign language;

8) A complete work history since graduation from medical school;

9) The fee required by Section 21 of the Act;

10) Certification from the jurisdictions of original licensure and current licensure stating:

A) The date of issuance of the license; and

B) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending;

11) Documentation of professional capacity, as set forth in Section 1285.95 of this Part, for applicants who have not been engaged in the active practice of medicine or have not been enrolled in a medical program for 2 years prior to application.

c) If an applicant for temporary licensure has a Profile from the Federation Credentials Verification Service of the Federation of State Medical Boards of the United States, Inc., the applicant will be required to submit the following:

1) A Profile that includes, but is not limited to, verification of medical education, ECFMG Certification (if applicable), postgraduate medical

education (clinical training) and complete examination information. The information contained in the applicant's Profile shall be reviewed by the Division ~~Department~~ in order to determine if the applicant meets the requirements for licensure as set forth in the Act and this Part;

2) A fully completed Illinois medical application, on forms provided by the Division~~Department~~, signed by the applicant, on which all questions have been answered;

3) Proof that the applicant is of good moral character. Proof shall be an indication on the Illinois application that the applicant has not engaged in any conduct or activity that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities that would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation ~~Department~~ for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;

4) Individuals applying under Section 11(A)(2)(a)(i) shall also submit certification, on forms provided by the Division~~Department~~, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part;

5) Documentation of professional capacity, as set forth in Section 1285.95 of this Part, for applicants who have not been engaged in the active practice of medicine or have not been enrolled in a medical program for 2 years prior to application;

6) Proof that the applicant will be accepted or appointed to a position in a specialty/residency program that is approved by the Division~~Department~~, pursuant to the provisions of Section 1285.40, and the number of postgraduate years for which he/she has been accepted or appointed;

7) A complete work history since graduation from medical school;

8) A certification from the jurisdiction of original licensure and current licensure stating:

A) The date of issuance and status of the license; and

B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;

9) Fees as required by Section 21 of the Act.

d) Written notice of the Division's ~~Department's~~ final action on every application for a temporary license shall be given to the applicant and hospital designated in the application~~therein~~. If the ~~such~~ application is approved pursuant to Section 17 of the Act and this Section, the temporary license shall be delivered or mailed to the hospital and shall be kept in the care and custody of the ~~such~~ hospital. Any person not licensed to practice medicine in all of its branches in the State of Illinois who is enrolled in a clinical training program shall have had a Temporary License issued on his/her behalf to an approved program of training prior to the commencement of the training.

e) Commencement of the specialty/residency training program prior to the issuance of a temporary license shall be construed as the unlicensed practice of medicine.

f) A Temporary License shall be issued for a maximum of three years as provided in this Section. In no event shall a Temporary License be issued for less than one year except as provided in subsection (j) or for any purpose other than a post-graduate specialty/residency program required for licensure under the Act.

g) No more than one Temporary License shall be issued to any person for the same period of time.

h) When a resident is dismissed or otherwise terminates the specialty ~~specialy~~/residency program, it shall be the responsibility of the staff of the program to notify the Division ~~Department~~ immediately, return the Temporary License to the Division ~~Department~~ and submit a written explanation to the Division ~~Department~~ indicating why the resident was dismissed or terminated. If the Temporary License has been lost or destroyed, the staff of the program shall submit a written explanation to the Division~~Department~~.

i) A Temporary License may be transferred from one program to another only upon the return of the Temporary License and receipt by the Division ~~Department~~ of a new application that ~~which~~ contains a work history and a certificate of acceptance that the resident will be accepted or appointed to a specialty/residency position in

an approved program. Requests for transfers shall be filed with the Division ~~Department~~ at least 60 days prior to the commencement date of the new program.

j) The Division ~~Department~~ shall allow a 14-day extension of the temporary license beyond the 3-year period without filing an extension application. In order to extend beyond the 14-day period, a new application shall be filed with the Division that ~~Department which~~ contains:

1) a certificate of acceptance indicating that the resident has been accepted or appointed to a specialty/residency position in an approved program;

2) a work history;

3) a letter from the residency program director advising why an extension is being requested; and

4) the fee set forth in Section 21 of the Act.

k) Temporary licenses may be extended only when the applicant:

1) is serving full-time in the Armed Forces;

2) has an incapacitating illness as documented by a currently licensed physician;

3) provides proof of continuance of a residency training program in order to meet the remedial requirements for licensure set forth in Section 1285.60(a)(8); or

4) provides proof of continuance of a residency training program.

l) The Division ~~Department~~ shall issue Limited Temporary Licenses for no more than 6 months on behalf of individuals who apply, on forms provided by the Division~~Department~~, and submit evidence that:

1) The applicant is enrolled in a postgraduate clinical training program that ~~which~~ meets the requirements of Section 1285.40 outside of the State of Illinois;

2) The applicant has been accepted for a specific period of time to perform,

under supervision, a portion of the clinical training at a clinical training program approved pursuant to the provisions of Section 1285.40 in the State of Illinois due to the absence of adequate facilities in another State;

3) The approved clinical training program in Illinois has assumed supervisory responsibility for the individual during the period specified on his/her application;

4) the fee set forth in Section 21 of the Act.

m) A Limited Temporary License may be extended only when the applicant:

1~~A~~) is serving full-time in the Armed Forces;

2~~B~~) has an incapacitating illness as documented by a currently licensed physician; or

3~~C~~) provides proof of continuance of a residency training program as documented by the residency training program director.

n) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division ~~Department~~ or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

1) Provide information as may be necessary; and/or

2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

o) Any individual who participates in any portion of a specialty/residency program without a Temporary license issued by the Division ~~Department~~ shall be considered to be involved in the unlicensed practice of medicine.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.91 Visiting Resident Permits

a) An individual who has been invited or appointed to perform a portion of a post graduate clinical training program in an Illinois patient care clinic or facility pursuant to Section 18(C) of the Act shall file an application, on forms provided by the Division~~Department~~, at least 60 days prior to the commencement date of the training.

b) No application shall be considered complete unless it is signed by the applicant, all questions have been answered and it contains or is accompanied by:

1) Proof that the applicant has been invited or appointed to perform a portion of the post graduate clinical training program in Illinois;

2) Name and address of the patient care clinics ~~clinic(s)~~ or facilities ~~facility(ies)~~ and the date the training is to begin and the length of time of the invitation or appointment;

3) Name and license number of the Illinois physicians~~physician(s)~~ who will be responsible for supervising the applicant;

4) Certification from the post-graduate ~~post graduate~~ training program that the applicant is approved and enrolled in an out-of-state post-graduate ~~out of state post graduate~~ training program approved by the Division~~Department~~;

5) Either:

A) Proof that the applicant maintains an equivalent authorization to practice medicine in all of its branches or to practice the treatment of human ailments without the use of drugs and without operative surgery in the applicant's native jurisdiction; or

B) Certification of licensure from the jurisdiction in which the applicant's clinical training program is located stating:

i) the date of issuance of the license;

ii) whether the records of the licensing authority contain any record of any disciplinary action taken or pending; and

6) A fee of $100.

c) A visiting resident permit will be issued for 180 days.

d) No more than one visiting resident permit shall be issued to any person for the same period of time.

e) Written notice of the Division's ~~Department's~~ final action on every application for a visiting resident permit shall be given to the applicant and the patient care clinics ~~clinic(s)~~ or facilities~~facility(ies)~~. If the application is approved pursuant to Section 18(C) of the Act and this Section, the visiting resident permit shall be delivered or mailed to the patient care clinic or facility.

f) Commencement of the post-graduate ~~post graduate~~ training program prior to the issuance of the visiting resident permit shall be construed as unlicensed practice.

g) When a visiting resident is dismissed or otherwise terminates the specialty/residency program, it shall be the responsibility of the staff of the patient care clinic or facility to notify the Division ~~Department~~ immediately, return the Visiting Resident Permit to the Division ~~Department~~ and submit a written explanation to the Division ~~Department~~ indicating why the visiting resident was dismissed or terminated. If the visiting resident permit has been lost or destroyed, the staff of the program shall submit a written explanation to the Division~~Department~~.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.95 Professional Capacity Standards for Applicants Having Graduated More Than 2 Years Prior to Application

Pursuant to Section 9(B)(4) of the Act, in determining professional capacity for individuals who have not been actively engaged in the practice of medicine or as a medical, osteopathic, or chiropractic student or who have not been engaged in a formal program of medical education during the 2 years immediately preceding application, the individual may be required to complete such additional testing, training, or remedial education as the Licensing Board may deem necessary to establish the applicant's present capacity to practice medicine with reasonable judgment, skill and safety. In determining professional capacity, the Board shall consider, but not be limited to, the following activities:

a) Medical research that is human clinical research consistent with the requirements of the Federal Food and Drug Administration (21 CFR 50) (2001, no further

amendments or additions included) and the Consumer Product Safety Commission (16 CFR 1028) (2001, no further amendments or additions included) or other equivalent medical research.

b) Specialized training or education that is clinical training or clinical education such as, or equivalent to, the following:

1) Clinical training that takes place in a residency training program in accordance with the requirements set forth in Section 1285.40 of this Part or the equivalent ~~thereof~~ (e.g., residency training in another state or jurisdiction).

2) Clinical medical practice in the National Health Service or its equivalent.

3) Continuing medical education (CME) recognized by the Accreditation Council on Continuing Medical Education (ACCME), the American Osteopathic Association (AOA), American Chiropractic Association (ACA), or continuing medical education in accordance with Section 1285.110 of this Part.

4) Post-graduate education in basic or related medical sciences in any state or jurisdiction.

c) Publication of original work in clinical medicine published in medical or scientific journals that are listed by the Cumulative Index Medicas (CIM).

d) Clinical research or professional clinical medical practice in public health organizations (e.g., World Health Organization (WHO), Malaria Prevention programs, United Nations International Children's Emergency Fund (UNICEF) programs, both national and international).

e) Having been engaged in clinical research or clinical medical practice at a veterans, military, or other medical institution operated by the federal government.

f) Other professional or clinical medical activities or chiropractic activities, such as, or equivalent to, the following:

1) Presentation of papers or participation on panels as a faculty member at a program approved or recognized by the American Medical Association

(AMA) or its affiliates, the American Osteopathic Association (AOA) or its affiliates, the American Chiropractic Association (ACA) or its affiliates, or a recognized specialty society or equivalent recognized by the medical community~~Medical Community~~; or

2) Experience obtained as a Visiting Professor in accordance with Section 18(A) of the Act.

g) Clinical medical practice obtained in violation of the Act shall not be considered by the Board in determining professional capacity for the purposes of this Section.

h) Each applicant for temporary licensure, in accordance with this Section, shall submit a certificate of acceptance form signed by the program director of an approved residency training program, in accordance with Section 1285.40 of this Part, attesting that the ~~such~~ applicant will be accepted for specialty/residency training, if, upon the evaluation of medical education and clinical skills by the Division~~Department~~, the applicant is found to be eligible for temporary licensure.

i) In determining eligibility, the Board will consider any and all documentation of activities submitted by the applicant.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.100 Visiting Professor Permits

a) Any person not licensed in this State to practice medicine in all of its branches or as a chiropractic physician who has been appointed as a visiting professor at a medical, osteopathic or chiropractic program (program of medicine) in this State must be the holder of a Visiting Professor Permit issued by the Division ~~Department~~ pursuant to the provisions of Section 18 of the Act.

b) An application for a Visiting Professor Permit shall be made on forms provided by the Division~~Department~~. The application shall include:

1) The name and location of the applicant's program of medicine, dates of attendance, date and type of degree conferred;

2) Certification from the jurisdiction of original licensure indicating:

A) The date of issuance and status of the license; and

B) Whether the records of the licensing authority contain any record of any disciplinary action or pending action;

3) Verification, signed by a dean of a program of medicine located in another jurisdiction, that the applicant was qualified and has and maintains professor status in the program;

4) Certification from the Dean of the program of medicine indicating:

A) That the entity has contracted with the applicant and the applicant has received a faculty appointment to teach in the program;

B) Name and address of the patient care clinics or facilities affiliated with the medical program at which the applicant will be providing instruction and/or providing clinical care and a justification for any clinical activities that will be provided at the facilities;

C) The nature of the educational services to be provided by the applicant and the qualifications of the applicant to provide these services;

D) The term of the contract;

5) A copy of the applicant's current curriculum vitae; and

6) The fee of $300.

c) In determining the need for the issuance of a Visiting Professor Permit, the Division~~Department~~, upon the recommendation of the Medical Licensing Board, shall consider the availability to the program of medicine of the services for which the Visiting Professor Permit is sought.

d) Written notice of the Division's~~Department's~~ final action on every application for a Visiting Professor Permit shall be given to the applicant and the program of medicine designated. When the application is approved, the Visiting Professor Permit shall be delivered or mailed to the program of medicine. The applicant shall not commence the faculty appointment before the program receives written notification of the approval of the application.

e) The initial Visiting Professor Permit shall be valid for 2 years or for the term of the faculty appointment, if less than 2 years. The Visiting Professor Permit may be renewed. Renewed Visiting Professor Permits shall be issued to expire on July 31 in the year of the physician license renewal. Individuals holding a valid Visiting Professor Permit on the effective date of this Section are eligible for renewal of that permit pursuant to subsection (f).

f) Permit Renewal

1) Effective July 31, 2006 for~~For~~ the first renewal of the Visiting Professor Permit, the permit holder shall file an application with the Division~~Department~~, on forms provided by the Division~~Department~~, that includes:

A~~1~~) Certification from the Dean of the program of medicine indicating the term of the renewal contract and a list of the affiliated patient care clinics and facilities where the permit holder will be providing instruction and the justification for any clinical activities that will be provided at the facilities;

B~~2~~) Certification from the jurisdiction of original licensure indicating the current status of the license;

C~~3~~) Proof of successful completion of:

i~~A~~) the United States Medical Licensing Examination (USMLE) Step 2 Clinical Skills and Clinical Knowledge~~or the Special Purpose Examination (SPEX)~~ in accordance with Section 1285.60 for a visiting professor to practice medicine in all of its branches; or

ii~~B~~) the National Board of Chiropractic Examiners (NBCE) Part II or SPEC in accordance with Section 1285.60 for a visiting professor to practice chiropractic; and

D~~4~~) The renewal fee of $300.

2) After the first renewal,~~Renewal of~~ a Visiting Professor Permit shall be renewed ~~after the first initial renewal~~ in accordance with subsection (g).

g) For renewals not made pursuant to subsection (f), the application for renewal of a Visiting Professor Permit shall be made on forms supplied by the Division~~Department~~ at least 60 days prior to expiration of the permit. The Visiting Professor Permit renewal application shall include:

1) Certification from the Dean of the program of medicine indicating a valid contract between the visiting professor and the school and a list of the affiliated patient care clinics and facilities where the permit holder will be providing instruction and the justification for any clinical activities that will be provided at the facilities;

2) Certification from the jurisdiction of original licensure indicating the current status of the license;

3) Completion of the 150 hours continuing medical education in accordance with Section 1285.110; and

4) The renewal fee of $300.

h) When any person on whose behalf a Visiting Professor Permit has been issued shall be discharged or shall terminate his/her faculty appointment, any permit issued in the name of such person shall be null and void as of the date of discharge or termination. The program of medicine shall immediately deliver or mail by registered mail to the Division~~Department~~ the Visiting Professor Permit and written notice of the reason for the return of the permit.

i) Only one Visiting Professor Permit shall be issued to an applicant. If the faculty appointment for which the permit was issued is terminated and the holder of the permit desires to remain in the State and practice or teach his/her profession, he/she must apply for, meet all the requirements of this State for, and receive a license to practice that profession.

j) Whenever a program of medicine is required to deliver or return a Visiting Professor Permit to the Division~~Department~~ and that permit has been lost or destroyed or is for any other reason unavailable for return to the Division~~Department~~, the program of medicine shall immediately mail or deliver to the Division~~Department~~ a written explanation concerning the inability to return the permit.

k) When there has been a change in or addition to privileges of a visiting professor

or a change in a facility where instruction or clinical care is being provided, the program shall notify the Division~~Department~~ in writing of the changes and a justification for the changes. The Division~~Department~~, upon recommendation of the Licensing Board, shall review the information and determine if a new permit needs to be issued.

l) Nothing in this Section shall prohibit the holder of a Visiting Professor Permit from applying for and receiving a license to practice his/her profession in this State during the term of his/her faculty appointment. In the event the holder of a permit is issued a license to practice his/her profession in this State, upon receipt of the license, the permit shall become null and void and shall be returned to the Division~~Department~~ pursuant to the provisions of subsection (h).

m) *Persons holding a permit under this Section shall only practice medicine in all of its branches or practice the treatment of human ailments without the use of drugs and without operative surgery in the State of Illinois in their official capacity under their contract within the medical school itself and any affiliated institution in which the permit holder is providing instruction as part of the medical school's educational program and for which the medical school has assumed direct responsibility.* (Section 18 of the Act)

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.101 Visiting Physician Permits

a) Any person not licensed in this State to practice medicine in all of its branches or as a chiropractic physician who has received an invitation or appointment to study a specific medical, osteopathic, chiropractic or clinical subject or technique in a medical, osteopathic, or chiropractic school or hospital in this State must be the holder of a Visiting Physician Permit issued by the Division ~~Department~~ pursuant to the provisions of Section 18(B) of the Act.

b) An application for a Visiting Physician Permit shall be made on forms provided by the Division~~Department~~. The application shall include:

1) Certification from the jurisdiction of current licensure indicating the date of licensure and current status of the license;

2) Certification from the dean or program director of the school or hospital indicating:

A) That the person has received an invitation or appointment to study a specific clinical subject or technique;

B) The nature of the educational services to be provided to the applicant;

C) The term of the contact;

3) A copy of the applicant's current curriculum vitae; and

4) The fee of $100.

c) In determining the need for the issuance of a Visiting Physician Permit, the Division~~Department~~, upon the recommendation of the Medical Licensing Board, shall consider the availability to the program of medicine of the services for which the Visiting Physician Permit is sought.

d) Written notice of the Division's ~~Department's~~ final action on every application for a Visiting Physician Permit shall be given to the applicant and/or the school or hospital designated. When the application is approved, the Visiting Physician Permit shall be delivered or mailed to the program of medicine. The applicant shall not commence the appointment before the program receives written notification from the Division ~~Department~~ of the approval of the application.

e) A Visiting Physician Permit shall be valid for 180 days or until such time as the clinical studies or techniques are completed, whichever occurs first.

f) When the holder of a Visiting Physician Permit has been discharged or terminated from an appointment, any certificate issued in the name of the person shall be null and void as of the date of the discharge or termination. The school or hospital shall immediately deliver or mail by registered mail to the Division ~~Department~~ the Visiting Physician Permit and written notice of the reason for the return of the permit.

g) Only one Visiting Physician Permit shall be issued to an applicant. If, at the conclusion of the term of the appointment for which the permit was issued, the holder of the permit desires to remain in the State and practice or teach his/her profession, he/she must apply for and receive a license to practice medicine in all of its branches or as a chiropractic physician.

h) Whenever a program of medicine is required to deliver or return a Visiting Physician Permit to the Division ~~Department~~ and that permit has been lost or destroyed or is for any other reason unavailable for return to the Division~~Department~~, the program of medicine shall immediately mail or deliver to the Division ~~Department~~ a written explanation concerning the inability to return the permit.

i) Nothing shall prohibit the holder of a Visiting Physician Permit from applying for and receiving a license to practice his/her profession in this State during the term of the appointment. In the event the holder of a permit is issued a license to practice in this State, upon receipt of the license, the permit shall become null and void and shall be returned to the Division ~~Department~~ pursuant to the provisions of subsection (f)~~ above~~.

j) A Limited Visiting Physician Permit will be issued by the Division ~~Department~~ to an out-of-state ~~out of state~~ physician who has been requested to perform an emergency procedure in Illinois.

1) An individual seeking a Limited Visiting Physician Permit shall apply to the Division~~Department~~, on forms provided by the Division~~Department~~, and submit the following:

A) Verification of licensure in another jurisdiction;

B) A description of the emergency procedure to be performed;

C) The exact date and location of the procedure;

D) The name and license number of the sponsoring physician who will be responsible for the applicant;

E) Proof from the hospital that the applicant has approval from the facility to perform the procedure signed by the administrator of the hospital;

F) A copy of an up to date curriculum vitae; and

G) A fee of $25.

2) The permit will be issued for no more than 5 days. However, in extenuating circumstances, upon review by the Chairman of the Licensing Board or his/her designee, the permit may be extended.

3) The Division ~~Department~~ shall notify the Medical Licensing Board of the issuance of all Limited Visiting Physician Permits.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.110 Continuing Medical Education (CME)

The Division ~~Department~~ shall promulgate rules of continuing education for persons licensed under the Act that require 150 hours of continuing education per license renewal cycle. This Part ~~These rules~~ shall be consistent with requirements of relevant professional associations, specialty societies, or boards. This Part will ~~The rules shall~~ also address variances for illness or hardship. In establishing this Part ~~these rules~~, the Division ~~Department~~ shall consider educational requirements for medical staffs, requirements for specialty society board certification or for continuing education requirements as a condition of membership in societies representing the 2 categories of licensee (physicians licensed to practice medicine in all of its branches and chiropractic physicians) *under the Act. This Part ~~These rules~~ shall assure, but not be limited to, that licensees are given the opportunity to participate in those programs sponsored by or through their professional associations or hospitals that ~~which~~ are relevant to their practice. Each licensee is responsible for maintaining records of completion of continuing education and shall be prepared to produce the records when requested by the Division~~Department~~.* (Section 20 of the Act)

a) Continuing Medical Education Hours Requirements

1) For the July 31, 1999 renewal, a licensee will be required to complete 50 hours of continuing medical education (CME). The Division ~~Department~~ will accept CME taken on or after July 1, 1997. Beginning with the July 31, 2002 renewal and every renewal thereafter, in order to renew a license, a licensee shall be required to complete 150 hours of continuing medical education per prerenewal period.

2) A prerenewal period is the 36 months preceding July 31 in the year of the renewal.

3) One CME hour shall equal one clock hour. After completion of the initial CME hour, credit may be given in one-half hour increments.

4) A renewal applicant shall not be required to comply with CME requirements for the first renewal of an Illinois license.

5) Individuals licensed in Illinois but residing and practicing in other states shall comply with the CME requirements set forth in this Section.

6) Continuing medical education credit hours used to satisfy the CME requirements of another jurisdiction may be applied to fulfill the CME requirements of the State of Illinois if the CME required by the other jurisdiction is consistent with the CME requirements set forth in this Section.

7) The Division~~Department~~, upon recommendation of the Medical Licensing Board, will accept the American Medical Association Physician Recognition Award (AMA PRA) certificate awarded to physicians licensed to practice medicine in all of its branches as documentation of compliance with the 150 CME hours set forth in this Part. The hours shall be earned consistently with the prerenewal period set forth in subsection (a)(2).

8) CME used to satisfy the requirements for renewal of a license may not be used to satisfy the CME requirements for another renewal period.

9) The CME requirements set forth in this Section apply to both physicians licensed to practice medicine in all of its branches and chiropractic physicians licensed in Illinois.

b) Continuing Medical Education (CME) hours for both physicians licensed to practice medicine in all of its branches and chiropractic physicians licensed to treat human ailments without the use of drugs and without operative surgery in Illinois shall be earned by, but not limited to, verified attendance at (e.g., certificate of attendance or certificate of completion) or participation in a program or course (program) as follows:

1) CME hours shall be earned as follows:

A) A minimum of 60 hours of required CME shall be obtained in formal CME programs set forth in subsection (b)(2);

B) A maximum of 90 hours of the required CME shall be obtained in informal CME programs or activities as set forth in subsection (b)(3).

2) Formal CME Programs:

A) Formal programs conducted or endorsed by hospitals, specialty societies, facilities or other organizations approved to offer CME credit as set forth in subsection (c).

B) Formal CME programs conducted by medical, chiropractic or osteopathic colleges, schools or education programs, including the Accreditation Council for Graduate Medical Education, the Council on Continuing Medical Education of the American Osteopathic Association or the Commission on Accreditation of the Council of Chiropractic Education schools, either to prepare individuals for licensure pursuant to the provisions of the Act or for post-graduate ~~postgraduate~~ training.

C) CME programs required for certification or recertification by specialty boards and professional associations.

D) Activities conducted ~~which are given~~ by sponsors approved in accordance with this Section:

i) CME utilizing materials such as CD-ROMs, printed educational materials, audiotapes, video cassettes, films, slides and computer assisted instruction that provide a clear, concise statement of the educational objectives and indicate the intended audience. These programs shall also have a method of verifying physicians' participation;

ii) Journal club activities;

iii) Self-assessment activities;

iv) Journal-based CME.

3) Informal CME programs or activities shall consist of, but not be limited to, any of the following activities that the licensee must document, including

the dates and a brief description of the activity:

A) Consultation with peers and experts concerning patients;

B) Use of electronic databases in patient care;

C) Small group discussions;

D) Teaching health professionals;

E) Medical writing;

F) Teleconferences;

G) Preceptorships;

H) Participating in formal peer review and quality assurance activities;

I) Preparation of educational exhibits;

J) Journal reading.

c) CME Sponsors and Formal Programs

1) Sponsor, as used in this Section, shall mean:

A) For physicians licensed to practice medicine in all of its branches:

i) Accreditation Council on Continuing Medical Education and organizations accredited by ACCME as sponsors of CME;

ii) Illinois State Medical Society, or its affiliates;

iii) Council on Continuing Medical Education for the American Osteopathic Association and the Illinois Osteopathic Medical Society or its affiliates;

iv) Any other accredited school, college or university, State agency, or any other person, firm, or association that has

been approved and authorized by the Division ~~Department~~ pursuant to subsection (c)(2) to coordinate and present continuing medical education courses and programs in conjunction with this Section.

B) For chiropractic physicians:

i) Illinois Chiropractic Society, or its affiliates;

ii) Illinois Prairie State Chiropractic Association, or its affiliates;

iii) International Chiropractic Association, or its affiliates;

iv) American Chiropractic Association, or its affiliates; or

v) Any other accredited school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Division ~~Department~~ pursuant to subsection (c)(2) to coordinate and present continuing medical education courses and programs in conjunction with this Section.

C) Physicians licensed to practice medicine in all of its branches or chiropractic physicians may earn CME hours from the sponsors set forth in subsections (c)(1)(A) and (B).

2) An entity, not listed in subsections (c)(1)(A) and (B), seeking approval as a CME sponsor for formal programs shall submit an application, on forms supplied by the Division~~Department~~, along with a $2000 nonrefundable application fee. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application shall include:

A) Certification:

i) That all programs offered by the sponsor for CME credit shall comply with the criteria in subsection (c)(3) and all other criteria in this Section;

ii) That the sponsor shall be responsible for verifying completion of each program and provide a certificate of attendance as set forth in subsection (c)(9);

iii) That, upon request by the Division~~Department~~, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Division ~~Department~~ has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;

iv) That each sponsor shall submit to the Division ~~Department~~ written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered.

B) A copy of a sample program including course materials, syllabi and a list of faculty.

3) All formal programs shall:

A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee;

B) Foster the enhancement of general or specialized practice and values;

C) Be developed and presented by persons with education and/or experience in the subject matter of the program;

D) Specify the course objectives, course content and teaching methods to be used;

E) Specify the number of CME hours that may be applied to fulfilling the Illinois CME requirements for license renewal.

4) Each CME formal program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be

completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.

5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.

6) To maintain approval as a sponsor, each shall submit to the Division ~~Department~~ by July 31 in the year of renewal a renewal application, a $2000 fee and a list of courses and programs offered within the last 36 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.

7) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

A) The name, address and license number of the sponsor;

B) The name and address of the participant;

C) A brief statement of the subject matter;

D) The number of hours attended in each program;

E) The date and place of the program;

F) The signature of the sponsor.

8) The sponsor shall maintain attendance records for not less than 5 years.

9) The sponsor shall be responsible for assuring that no renewal applicant shall receive CME credit for nonparticipation in a program.

10) Upon the failure of a sponsor to comply with any of the preceding requirements of this Section, the Division~~Department~~, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CME credit attendance at or participation in any of that sponsor's CME programs until such time as the Division ~~Department~~ receives assurances of compliance with this Section.

11) Notwithstanding any other provision of this Section, the Division ~~Department~~ or Board may evaluate any sponsor of any approved CME program at any time to ensure compliance with requirements of this Section.

d) Certification of Compliance with CME Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CME requirements set forth in subsections (a) and (b).

2) The Division ~~Department~~ may require additional evidence demonstrating compliance with the CME requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Division's ~~Department's~~ random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

3) When there appears to be a lack of compliance with CME requirements, an applicant shall be notified in writing and may request an interview with the Licensing Board. At that time the Licensing Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

4) The Division ~~Department~~ shall conduct a random audit to verify compliance with the CME requirements.

e) Continuing Medical Education Earned in Other Jurisdictions

1) If a licensee has earned or is seeking formal CME hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a $25 processing fee, prior to participation in the program or within 90 days prior to expiration of the license. The Licensing Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

2) If a licensee fails to submit an out of state CME approval form within the required time frame, late approval may be obtained by submitting the approval request form with the $25 processing fee plus a $100 per hour of CME late fee not to exceed $500. The Licensing Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CME requirements, the Division ~~Department~~ shall restore the license upon payment of the required fee as provided in Section 21(e)(5) of the Act.

g) Waiver of CME Requirements

1) Any renewal applicant seeking renewal of a license without having fully complied with these CME requirements shall file with the Division ~~Department~~ a renewal application along with the required fee set forth in Section 21(e)(4) of the Act, a statement setting forth the facts concerning non-compliance and a request for waiver of the CME requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division~~Department~~, upon the written recommendation of the Licensing Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Division ~~Department~~ shall waive enforcement of CME requirements for the renewal period for which the applicant has applied.

2) Hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CME requirements during the applicable prerenewal period because of:

A) Full-time service in the armed forces of the United States of

America during a substantial part of the prerenewal period;

B) A temporary incapacitating illness documented by a statement from a currently licensed physician;

C) Undue hardship (prolonged hospitalization, family illness); or

D) Any other similar extenuating circumstances.

3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Division~~Department~~.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.120 Renewals

a) Every license issued under the Act shall expire on July 31, 1990, and every third year thereafter. For the July 31, 1999 renewal, a licensee shall complete 50 hours of CME in accordance with Section 1285.110 of this Part. Thereafter, a licensee will be required to complete 150 hours in accordance with Section 1285.110 of this Part in order to renew the license. The holder of a license may renew such license during the month preceding the expiration date ~~thereof~~ by paying the required fee stated in Section 21(e)(5) of the Act.

b) It is the responsibility of each licensee to notify the Division ~~Department~~ of any change of address. Failure to receive a renewal form from the Division ~~Department~~ shall not constitute an excuse for failure to pay the renewal fee and to renew the license in a timely manner.

c) Practicing or operating on a license that ~~which~~ has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 22 of the Act.

d) Any licensee applying for renewal shall be entitled to a hearing in accordance with 68 Ill. Adm. Code 1110 prior to refusal of any renewal or any disciplinary action being taken by the Division ~~Department~~ against the licensee.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.130 Restoration and Inactive Status

a) A licensee seeking restoration of a ~~his~~ license that ~~which~~ has been expired for 3 years or less shall have a license restored upon payment of all lapsed renewal fees required by Section 21 of the Act and proof of completion of 150 hours of continuing education in accordance with Section 1285.110.

b) A licensee seeking restoration of a license that ~~which~~ has been placed on inactive status for 3 years or less shall have the ~~his~~ license restored upon payment of the current renewal fee and the continuing education requirements for the last renewal period.

c) A licensee seeking restoration of a license after it has been expired or been placed on inactive status for more than 3 years shall file an application, on forms supplied by the Division~~Department~~, together with the fee required by Section 21 of the Act and proof of completion of 150 hours of continuing education in accordance with Section 1285.110. The licensee shall also submit one or more of the following:

1) Sworn evidence of active practice in another jurisdiction. That ~~Such~~ evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice.

2) An affidavit attesting to military service as provided in Section 21 of the Act.

3) Proof of successful completion (evidenced by Certification of Clinical Training) of an approved specialty residency program of at least 12 months in length within 3 years from the date of application.

4) Proof of completion evidenced by Certification of Medical Education of a course of study of at least 960 classroom hours (one academic year) that ~~which~~ includes no more than 25 clock hours of basic sciences and 40 clock hours of clinical sciences in a college approved by the Division ~~Department~~ under the Act within 3 years from the date of application.

5) Successful completion of the Special Purpose Examination (SPEX) or the Comprehensive Osteopathic Medical Variable Purpose Examination for

the United States of America (COMVEX-USA) within 3 years prior to ~~from~~ the date of application. To be successful an applicant must receive a score of 75 or better.

6) For individuals applying for a chiropractic license, proof of completion of 960 classroom hours (academic hours) in an accredited chiropractic program within 3 years from the date of application or the Special Examination for Chiropractic (SPEC) or its equivalent as approved by the Board.

d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is reasonably questioned by the Division ~~Department~~ because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of a license will be requested to:

1) provide ~~such~~ information as may be necessary; and/or

2) explain the ~~such~~ relevance or sufficiency during an oral interview; or

3) appear for an oral interview before the Medical Licensing Board designed to determine the individual's current competency to practice under the Act. Upon the recommendation of the Medical Licensing Board, an applicant shall have his or her license restored.

e) Placement of a license into ~~an~~ inactive status does not preclude the Division ~~Department~~ from proceeding with any action pursuant to Section 22 of the Act.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.140 Granting Variances

a) The Director may grant variances from this Part in individual cases where he/she finds that:

1) the provision from which the variance is granted is not statutorily mandated;

2) no party will be injured by the granting of the variance; and

3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Medical Licensing Board of the granting of a ~~such~~ variance, and the reasons for the variance~~therefor~~, at the next meeting of the Licensing Board.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.200 Medical Disciplinary Board

The Medical Disciplinary Board (the "Disciplinary Board"), whose powers and duties are set forth in Section 7 of the Act, shall be responsible for all discipline for physicians licensed under the Medical Practice Act of 1987 ~~(the "Act")~~ and physician ~~physicians~~ assistants licensed under the Physician Assistant ~~Physicians Assistants~~ Practice Act of 1987 [225 ILCS 95]~~(Ill. Rev. Stat. 1987, ch. 111, pars. 4601 et seq.)~~.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.205 Complaint Committee

a) There shall be a Complaint Committee of the Disciplinary Board composed of the Medical Coordinators established by Section 7(g) of the Act, the ~~The~~ Chief of Medical Investigations (person employed by the Division ~~Department~~ who is in charge of investigating complaints against physicians and physician assistants), and at least two voting members of the Disciplinary Board designated by the Chairman of the ~~Medical~~ Disciplinary Board with the approval of the Disciplinary Board. The Disciplinary Board members ~~so appointed~~ shall serve one-year terms and may be eligible for reappointment for subsequent terms.

b) The Complaint Committee shall meet at least twice a month to exercise its functions and duties set forth in subsection (c) ~~below~~. At least two members of the Disciplinary Board shall be in attendance in order for any business to be transacted by the Complaint Committee. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.

c) The Complaint Committee shall have the following duties and functions:

1) To recommend to the Disciplinary Board that a complaint file be closed.

2) To refer a complaint file to the office of the Chief of Medical Prosecutions (person employed by the Division ~~Department~~ who is in charge of prosecuting formal complaints against licensees) for review.

3) To make a decision in conjunction with the Chief of Medical Prosecutions regarding action to be taken on a complaint file, including whether to proceed with an informal conference or a formal hearing.

4) In determining what action to take or whether to proceed with prosecution of a complaint, the Complaint Committee shall consider the following factors, but not be limited to: sufficiency of the evidence presented, prosecutorial merit under Section 22 of the Act, and insufficient cooperation from complaining parties.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.210 The Medical Coordinator

The Medical Coordinator shall be responsible for reviewing complaints and investigations of complaints and for making recommendations to the Complaint Committee and the Disciplinary Board regarding the investigation and disposition of complaints. He or she shall also serve as a member of the Complaint Committee. The Medical Coordinator ~~He~~ shall be responsible for monitoring physicians and physician assistants who have been disciplined to assure compliance with requirements of probation and other disciplinary action and for making status reports to the Disciplinary Board on ~~such~~ compliance. If a complaint is received by the Division that~~Department which~~, in the opinion of the Medical Coordinator, requires immediate attention, the Medical Coordinator ~~he~~ shall request an immediate investigation of the matter. Complaints requiring immediate attention include, but are not limited to: physical harm or injury to a member of the public; reports of patient neglect; and discrepancies concerning drug inventories.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.215 Complaint Handling Procedure

a) The following definitions shall apply to this Part:

1) "Initial claim" shall mean an allegation made against a physician or physician assistant that results in a preliminary analysis to determine whether ~~or not~~ the Division ~~Department~~ should conduct a further

investigation.

2) "Complaint" shall mean the initial claim made against a physician or physician assistant that ~~which~~ results in an inquiry or investigation. To become a complaint, an initial claim must present a potential violation of Section 22 of the Act and must not be barred by the statute of limitations or be precluded by some other inherent defect that would prevent the Division ~~Department~~ from being able to prove an Act violation. An inherent defect is the absence of something necessary for something to be complete. An inherent defect includes, but is not limited to, complainants' refusal to provide necessary medical records so that an investigation may be conducted or completed. The Chief of Medical Investigations shall determine within 30 days whether an initial claim shall become a complaint.

3) "Formal Complaint" shall mean the motion of the Division ~~Department~~ or the Disciplinary Board or the verified complaint in writing of any person alleging facts that ~~which~~ would constitute grounds for the revocation or other disciplinary action of the license of a physician or physician assistant under Section 22 of the Act.

b) Initial claims against physicians and physician assistants may be made in writing, by telephone, or in person. All initial claims shall be recorded by the Division ~~Department~~ and forwarded to the Chief of Medical Investigations for review. Upon receipt of an initial claim, the Division ~~Department~~ shall provide to complainants:

1) A brochure that provides information about the complaint process, the role of the Division~~Department~~, the reasons for disciplinary action, and other commonly asked questions, to be included in the first mailing sent to the complainant, along with verification that an initial claim was received and forwarded to the Chief of Medical Investigations.

2) The opportunity to review the Division's ~~Department's~~ characterization of the initial claim and indicate any areas believed to be inaccurate.

3) Information as to why an initial claim will not become a complaint and a final opportunity to correct any deficiencies in the initial claim.

c) After review, the Chief of Medical Investigations will determine whether an

initial claim will become a complaint. If an initial claim does not become a complaint, then the Chief of Medical Investigations shall submit his/her determination and any accompanying analysis of the initial claim to the Complaint Committee with a recommendation for closure.

d) After review the Chief of Medical Investigations, in conjunction with a Medical Coordinator, will determine that a complaint is ready for immediate consideration by the Complaint Committee for prosecution potential.

e) No initial claim or complaint shall be deemed closed except upon recommendation of the Complaint Committee and approval by the Disciplinary Board.

f) At any time during an investigation the Division ~~Department~~ may enter into negotiations to resolve issues informally by way of a consent order. Factors to be considered in deciding whether to enter settlement negotiations shall include, but not be limited to: sufficient investigation of the case; whether there was physical harm or injury to a patient; relative severity of the respondent's alleged conduct; and, past practices of the Division~~Department~~.

g) Disqualification of a Disciplinary Board Member

1) A Disciplinary Board member shall disqualify himself/herself from consideration of a complaint or formal complaint when he/she determines that he/she has a conflict of interest or prejudice that ~~which~~ would prevent him/her from being fair and impartial.

2) Participation in the initial stages of the handling of a complaint, including participation on the Complaint Committee and in informal conferences, shall not bar a Disciplinary Board member from future board participation or decisionmaking relating to that complaint.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.220 Informal Conferences

a) An informal conference is the procedure established by the Division ~~Department~~ to resolve complaints, licensing issues, or conflicts prior to initiating any action requiring a formal hearing. Informal conferences are for the purposes of compliance review, fact finding, and discussion of the issues.

b) Notice of an informal conference shall be sent to the respondent not less than 10 days before the conference is scheduled. The notice shall include a brief statement of the alleged violations.

c) Informal conferences shall be conducted by a Division ~~Department~~ attorney and shall include a member of the Disciplinary Board or his or her ~~their~~ designee.

d) The respondent may bring an attorney or other representative to the informal conference.

e) The respondent shall have an opportunity at the informal conference to make an oral statement and to present any documents that ~~which~~ might be relevant to the matter.

f) Results of Informal Conference. The informal conference shall result in one or more of the following recommendations being made to the Board:

1) The case ~~should~~ be closed.

2) The case ~~should~~ be investigated further.

3) A consent order be entered ~~into~~.

4) The matter be referred for a formal hearing.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.225 Consent Orders

a) In the event that action is taken by the Chief of Medical Prosecutions to recommend that a consent order be entered into, every reasonable effort shall be made to forward the consent order within 15 days to the respondent. The respondent shall sign and return the consent order to the Division ~~Department~~ within 30 days. If the respondent does not return the consent order within 30 days, it shall be presumed that the respondent does not wish to enter into the consent order.

b) The consent order may include, but not be limited to, the following:

1) Disciplinary Actions

A) Reprimand

B) Suspension

C) Revocation

D) Probation

E) Fines

2) Non-Disciplinary Actions

A) Remedial continuing medical education

B) Referral to treatment

C) Administrative warning

c) Disciplinary Board Action

1) Upon receipt of the properly executed proposed consent order, the Disciplinary Board shall make every reasonable effort to take action on the consent order at the next scheduled Disciplinary Board meeting (but in no event later than 120 days after receipt of the executed consent order) either to:

A) Sign the consent order; or

B) Reject the consent order with or without recommendations.

2) A copy of any consent order signed by the Disciplinary Board shall be sent to the Director ~~of the Department of Professional Regulation (the "Director")~~ for ~~his~~ action within 10 days.

d) Director Action

1) Upon receipt of the properly executed proposed consent order, the Director shall make every reasonable effort to take one of the following

actions on the consent order within 15 days:

A) Sign the consent order;

B) Return the consent order to the Disciplinary Board with recommended changes or alternative action; or

C) Enter into a consent order different from that recommended by the Disciplinary Board, as deemed proper by the Director under the variance procedure provided in Section 1285.310.

2) A copy of any consent order executed by the Director shall be sent to the Board within 15 days.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.230 Summary Suspension

a) Upon receipt by the Division ~~Department~~ of a certified copy of any order of judgment that a person licensed under this Act is in need of mental treatment, the Director shall issue an order suspending the license. The order shall:

1) Set forth the statutory section of the Act upon which it is based;

2) Incorporate a certified copy of the judicial order or judgment that the person is in need of mental treatment;

3) Notify the licensee that the suspension order takes effect on the date ~~on which it is~~ signed by the Director; and

4) Notify the licensee that he or she has 20 ~~twenty~~ days in which to file a written motion to modify the summary suspension order.

b) Summary suspension of a license based upon an immediate danger to the public ~~which is~~ posed by a person's continuation in practice, pursuant to Section 25 or Section 37 of the Act, or upon failure to comply with terms, conditions or restrictions or to complete a required program of care, counseling or treatment pursuant to Section 22 of the Act, shall be as follows:

1) A petition for summary suspension shall:

A) State the statutory basis for the action petitioned;

B) Allege facts, supported by evidence or affidavit sufficient for summary action;

C) State that the Medical Coordinator or the Deputy Medical Coordinator has been consulted;

D) Be signed by the Chief of Medical Prosecutions; and

E) Be presented to the Director either in person or by telephone and in the presence of a court reporter.

2) An order for summary suspension shall:

A) Contain findings of fact sufficient to support imposition of a summary suspension;

B) Recite the statutory basis for the action;

C) Appoint a hearing officer;

D) Demand immediate surrender of the license; and

E) Be signed by the Director.

3) A notice of summary suspension shall accompany the order and shall:

A) Set a hearing date within 15 days of the date on which the order takes effect;

B) Name the hearing officer who shall conduct the hearing; and

C) Include a copy of the Division's ~~Department's~~ Practice in Administrative Hearings (68 Ill. Adm. Code 1110).

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.235 Mandatory Reporting of Impaired Physicians by Health Care

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Institutions

a) Section 23 of the Act requires that the chief administrator or executive officer of any health care institution licensed by the Department of Public Health report to the Disciplinary Board concerning impaired persons. All instances in which a person licensed under the Medical Practice Act of 1987 is impaired by reason of age, drug, or alcohol abuse or physical or mental impairment, is under supervision~~,~~ and, where appropriate, is in a program of rehabilitation, must be reported to the Disciplinary Board. The reports must contain sufficient current information to enable the Disciplinary Board to evaluate the impairment and determine the appropriateness of the supervision of the program of rehabilitation. If the Board finds the supervision or treatment plan submitted by the institution is not sufficient to meet the needs of the individual, the Board may direct the facility to work with the Medical Coordinators to revise the plan or treatment to meet the specific objections.

b) Contents of Reports. Reports of impaired persons shall be submitted in writing, on forms provided by the Division~~Department~~, that ~~which~~ shall include but not be limited to the following information:

1) The name, address, telephone number and title of the person making the report;

2) The name, address, telephone number and type of health care institution where the maker of the report is employed;

3) The name, address, telephone number, and professional license number of the person who is the subject of the report;

4) The means of identification used by the institution of any patient or patients whose treatment is a subject of the report;~~,~~ provide, however, no medical records may be revealed without the written consent of the patient or patients; and further provided that the Disciplinary Board may require disclosure of the name, address and telephone number of any ~~such~~ patient if it deems the ~~such~~ information necessary to an evaluation of the impairment or a determination of the appropriateness of the supervision or program of rehabilitation;

5) The nature of the impairment and brief description of the facts that ~~which~~ gave rise to the issuance of the report, including~~,~~ the dates of any

occurrences deemed to necessitate the filing of the report;

6) The terms and conditions of the supervision under which the subject of the report is conducting ~~his~~ activities or practice, including the date supervision commenced; the term of the supervision; the name, address and telephone number of the person in charge of the subject's supervision; and a written consent executed by the subject of the report~~,~~ authorizing the Disciplinary Board, the Medical Coordinators or other designated representative of the Disciplinary Board to contact the person in charge of the subject's supervision for information, including written documentation, in order to evaluate the progress of the subject's supervision (pursuant to subsection (g)(2));

7) If the subject of the report is in a program of rehabilitation, the name, address, and telephone number of the program and the name and position of any individual in charge of the program; and

8) Any other information deemed by the reporting person to be of assistance to the Disciplinary Board and the Medical Coordinators in evaluating the report, including~~,~~ but not limited to the following items: drug screens being used and their status; relapses and actions taken; attendance at work; observations of recovery status and level of cooperation in recovery; other psychopathology, known and related physical and mental illnesses; involvement of the family and others in treatment or supervision; and a copy of the aftercare agreement.

c) Reports of impaired persons shall be submitted to the Disciplinary Board in a timely manner. The initial report shall be submitted on forms provided by the Division ~~Department~~ within 60 ~~sixty (60)~~ days after it is determined that a report is necessary under the Act and this Part~~these Rules~~. Periodic reports ~~(~~that ~~which~~ evidence written documentation of the progress of suspension or rehabilitation~~)~~ shall ~~thereafter~~ be submitted to the Disciplinary Board every 6 ~~six (6)~~ months, commencing with the time of the filing of the initial report. A copy of each report shall be sent by the person making the report to the impaired person.

d) Confidentiality

1) The contents of any report shall be strictly confidential, except as otherwise provided in this subsection (d), and exempt from public disclosure, but may be reviewed by:

A) Members of the Disciplinary Board or their designees;

B) The Disciplinary Board's designated attorneys;

C) The Medical Coordinators or their designees;

D) Administrative personnel assigned to open mail containing reports and to process and distribute ~~said~~ reports to authorized persons, and to communicate with senders of reports; and

E) The person who is the subject of the report or that person's ~~, his~~ attorney or ~~his~~ authorized representative (as evidenced by a written authorization signed by the person who is the subject of the report).

2) The reports may also be handled or processed by other designated persons in a limited manner necessary to implement reports required under the ~~this~~ Act by computer, word processing equipment or other mechanical means. The data record shall be limited to the name and address of the originator of the report, the date the initial report was received, the date of the most recent report and the professional license number of the subject of the report.

3) The contents of the confidential reports relating to impaired persons shall not be used or made available in any other administrative proceedings before the Division ~~Department of Professional Regulation~~ or any other department; however, violations of the treatment or supervision plan will result in a review of the person's status by the Disciplinary Board, the Medical Coordinators or their designees for possible discipline or revision in the treatment or supervision plan. Reports ~~Such reports~~ shall not be disclosed, made available or subject to subpoena or discovery proceedings in any civil or criminal court proceedings.

e) Upon a determination by the Disciplinary Board that ~~a report or~~ reports on an impaired person no longer require review and consideration, the Disciplinary Board shall notify the maker of the reports to cease sending the ~~such~~ reports and the Board and Division ~~Department~~ records shall be purged of information contained in the reports. These ~~Such~~ determinations shall be based on, but not be limited to: the type of impairment and the type of rehabilitation program, length of supervision, occurrence of any relapses and present status of license.

f) Whenever any chief administrative or chief executive officer of any health care institution makes a report or provides other information to the Disciplinary Board, or assists the Disciplinary Board concerning an impaired person, acts in good faith, and not in a willful and wanton manner, the ~~said~~ chief administrative or chief executive officer, and the health care institution employing him, *shall not, as a result of such actions, be subject to criminal prosecution or civil damages* (Section 23(c) of the Act).

g) The following definitions shall apply to this Section:

1) "Impaired" means the inability to practice medicine with reasonable skill and safety due to physical and mental disabilities as evidenced by a written evaluation or clinical evidence that ~~which~~ reveals a deterioration of the physician's ability to deliver competent care, due to problems related to aging, loss of motor skill, abuse of drugs or alcohol, or mental illness.

2) "Under supervision" means that the performance of the impaired person's clinical privileges and status of the person's impairment is being observed and monitored under the authority of a written directive issued in accordance with a health care institution's or medical staff's bylaws or rules and regulations.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.240 Standards

a) Dishonorable, Unethical ~~unethical~~ or Unprofessional Conduct ~~unprofessional conduct~~

1) In determining what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, the Disciplinary Board shall consider whether the questioned activities:

A) Are violative of ethical standards of the profession (such as safeguard patient confidence and records within the constraints of law; respect the rights of patients, colleagues and other health professionals; observe laws under the Act and pertaining to any relevant specialty; to provide service with compassion and respect for human dignity);~~.~~

B) Constitute a breach of the physician's responsibility to a patient;

C) Resulted in assumption by the physician of responsibility for delivery of patient care that ~~which~~ the physician was not properly qualified or competent to render;

D) Resulted in a delegation of responsibility for delivery of patient care to persons who were not properly supervised~~,~~ or who were not competent to assume such responsibility;

E) Caused actual harm to any member of the public; or

F) Are reasonably likely to cause harm to any member of the public in the future.

2) Questionable ~~Such~~ activities ~~shall~~ include, but are not ~~be~~ limited to:

A) Being convicted of any crime an essential element of which is larceny, embezzlement, obtaining money, property or credit by false pretenses or by means of a confidence game, dishonesty, fraud, misstatement or moral turpitude;

B) Delegating ~~of~~ patient care responsibility to any individual when the physician has reason to believe that the person may not be competent;

C) Misrepresenting ~~as to~~ educational background, training, credentials, competence, or medical staff memberships;

D) Failing to properly supervise subordinate health professional and paraprofessional staff under the licensee's ~~his~~ supervision and control in patient care responsibilities; or

E) Committing of any other act or omission that ~~which~~ breaches the physician's responsibility to a patient according to accepted medical standards of practice.

b) Immoral Conduct

1) Immoral conduct in the commission of any act related to the licensee's practice means conduct that~~which~~:

A) Demonstrates moral indifference to the opinions of the good and respectable members of the profession;

B) Is inimical to the public welfare;

C) Abuses the physician/patient relationship by taking unfair advantage of a patient's vulnerability; and

D) Is committed in the course of the practice of medicine.

2) In determining immoral conduct in the commission of any act related to the licensee's practice, the Disciplinary Board shall consider, but not be limited to, the following standards:

A) Taking advantage of a patient's vulnerability by committing an act that violates ~~or acts which violate~~ established codes of professional behavior expected on the part of a physician;

B) Unethical conduct with a patient that ~~which~~ results in the ~~said~~ patient engaging in unwanted personal, financial or sexual relationships with the physician;

C) Conducting human experimentation or utilizing unproven drugs, medicine, surgery or equipment to treat patients, except as authorized for use in an approved research program pursuant to rules of the Illinois Department of Public Health authorizing research programs (77 Ill. Adm. Code 250.130) or as otherwise expressly authorized by law;

D) Committing an act ~~or acts~~, in the practice of persons licensed under the ~~this~~ Act ~~in practice~~, of a flagrant, glaringly obvious nature, that constitutes ~~which constitute~~ conduct of such a distasteful nature that accepted codes of behavior or codes of ethics are breached;

E) Committing an act ~~or acts~~ in a relationship with a patient so as to violate common standards of decency or propriety; or

F) Any other behavior that ~~which~~ violates established codes of physician behavior or that ~~which~~ violates established ethical principles commonly associated with the practice of medicine.

c) In determining what constitutes gross negligence, the Disciplinary Board shall consider gross negligence to be an act or omission that ~~which~~ is evidence of recklessness or carelessness toward or a disregard for the safety or well-being of the patient, and that ~~which~~ results in injury to the patient.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.245 Advertising

a) Advertising shall contain all information necessary to make the communication informative and not misleading. Advertising shall identify the type of license held by the licensee whose services are being promoted. The form of advertising shall be designed to communicate the information contained in the advertisement ~~therein~~ to the public in a direct, dignified and readily comprehensible manner.

b) If an advertisement is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the physician, and a recording of the actual transmission, including videotape, shall be retained for at least 3 years by the physician.

c) Advertising shall otherwise comply with Section 26 of the Act.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.250 Monitoring of Probation and Other Discipline and Notification

a) The Medical Coordinator, in addition to providing other status reports to the Disciplinary Board, shall be responsible for providing status reports on physicians or physician assistants who have been disciplined to assure compliance with ~~that~~ the terms of the ~~such~~ discipline ~~are being complied with~~.

b) When disciplinary action is taken by the Division ~~Department~~ against a physician or physician assistant, the Division ~~Department~~ shall make reasonable efforts to notify the appropriate professional associations of the ~~such~~ disciplinary action as soon as practicable after notification to the physician or physician assistant. Any professional association or other interested person who wishes to receive such

information may request to be placed on the Division's ~~Department's~~ mailing list.

c) The status of any licensee against whom disciplinary action is being considered or was taken may be monitored by the Medical Coordinator, who shall report regularly to the Disciplinary Board in writing. The report shall include any of the relevant factors set forth in Section 1285.255 and any other appropriate information that ~~which~~ would assist the Disciplinary Board in evaluating rehabilitation and compliance by any licensee who is under orders of suspension, probation or any other type of disciplinary order.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.255 Rehabilitation

a) Upon written application to the Disciplinary Board for restoration of a license or certificate, or for any other relief, the Disciplinary Board shall consider, but is ~~include, but~~ not ~~be~~ limited to, the following ~~considerations~~ in determining if the person is to be deemed sufficiently rehabilitated to warrant the public trust:

1) The seriousness of the offense that ~~which~~ resulted in the disciplinary action being considered or being taken;

2) The length of time that ~~which~~ elapsed since the disciplinary action was taken;

3) The profession, occupation and outside activities in which the applicant has been involved;

4) Any counseling, medical treatment, or other rehabilitative treatment received by the applicant;

5) Continuing medical education courses or other types of courses taken to correct the grounds for the disciplinary action being considered or having been taken;

6) The results of a clinical competency examination, designated by the Disciplinary Board, and paid for by the petitioner;

7) Written reports and oral testimony by peer review committees or other persons relating to the skill, knowledge, honesty, integrity and contriteness

of the applicant;

8) Restitution to injured parties;

9) Future plans of the applicant;

10) Involvement of the applicant's family and friends in his or her rehabilitation process;

11) A written report of a physical or mental examination given by a physician selected by the Disciplinary Board and paid for by the person being examined;

12) Any other information evidencing rehabilitation that ~~which~~ would bear upon the applicant's request for relief or restoration of a license;

13) Whether the order imposing sanctions was appealed~~,~~ and, if so, whether a reviewing court granted a stay or delay of imposition of the sanction;

14) The date and disposition of any other petition for restoration filed since the last sanction was imposed; and

15) Whether there has been compliance with any probationary terms ~~which may have been~~ imposed ~~have been complied with~~.

b) The findings of the Disciplinary Board relating to the person's rehabilitation or ~~to his~~ application for restoration of ~~his~~ license or certificate or other relief shall be submitted in written form to the Division ~~Department~~ for action by the Director.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.260 Fines

Fines, not to exceed $5000 for each violation, shall be primarily used in cases not involving patient care. In addition, fines may be imposed in conjunction with other forms of disciplinary actions listed in Section 1285.225(b)(1), but ~~they~~ shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury of a patient.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1285.265 Subpoena Process of Medical and Hospital Records

a) Upon a showing by the Division ~~Department~~ that probable cause exists that a violation of one or more of the grounds for discipline listed in Section 22 of the Act has occurred or is occurring, the Disciplinary Board shall subpoena the medical and hospital records of individual patients of any physician licensed under the Act. Probable cause exists upon a showing that there is a reasonable basis for believing that a violation has occurred or is occurring.

1) A request for subpoena of individual medical and hospital records shall:

A) Be in writing;

B) Be signed by the Medical Coordinator or Deputy Medical Coordinator;

C) State one or more grounds for discipline alleged to be violated;

D) Identify with reasonable specificity the records requested; and

E) Include an affidavit of a person having knowledge of facts upon which the request is based.

2) A subpoena for individual medical and hospital records shall:

A) Be served within reasonable business hours;

B) Require an individual to safeguard the confidentiality of individual patients by removing any information that ~~which~~ would identify individual patients by name~~,~~ and by encoding the records for use by authorized persons; and

C) Direct that an inventory of all records produced and a copy of encoding information be left with the caretaker of the records.

b) The Division ~~Department~~ or Disciplinary Board may, pursuant to Section 23 of the Act, subpoena copies of hospital and medical records in mandatory report cases filed with the Division ~~Department~~ pursuant to Section 22(A)(34), (35) and (36) and Section 23 of the Act when the patient or legal representative has failed to provide written consent to the Division ~~Department~~ to obtain copies of the

hospital and medical records and the mandatory report alleges death or permanent bodily injury. Permanent bodily injury is ~~that be~~ defined as a bodily injury that causes serious disfigurement or protracted loss or impairment of the function of any bodily member or organ that~~which~~, according to every reasonable probability, will continue throughout the remainder of one's life.

1) The request for subpoena shall:

A) Be in writing;

B) Be signed by the Medical Coordinator or Deputy Medical Coordinator;

C) State that the mandatory report alleges death or permanent bodily injury;

D) Identify with reasonable specificity the records requested; and

E) Include an affidavit that the patient or legal representative would not consent to release records.

2) The subpoena shall:

A) Be served within reasonable business hours;

B) Require an individual to safeguard the confidentiality of individual patients by removing any information that would identify individual patients by name~~,~~ and by encoding the records for use by authorized persons; and

C) Direct that an inventory of all records produced and a copy of encoding information be left with the caretaker of the records.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.270 Inspection of Physical Premises

a) Upon a showing by the Division ~~Department~~ that probable cause exists that a violation of one or more of the grounds for discipline listed in Section 22 of the Act has occurred or is occurring, the Disciplinary Board shall issue an order

authorizing the Division ~~Department~~ to enter upon the business premises of a physician licensed under this Act~~, so as~~ to inspect the physical premises and equipment and furnishings in those premises~~therein~~.

b) Probable cause exists upon a showing that there is a reasonable basis for believing that a violation has occurred or is occurring. A request for an order authorizing entry upon business shall:

1) Be in writing;

2) Be signed by the Medical Coordinator or Deputy Medical Coordinator;

3) State one or more grounds for discipline alleged to be violated;

4) Identify the premises to be entered; and

5) Include an affidavit of a person having knowledge of facts upon which the request is based.

c) An order to enter business premises shall:

1) Be executed within reasonable business hours;

2) Identify the specific investigators employed by the Division ~~Department~~ who are authorized by the order;

3) Be valid only upon the date of issuance and for five business days thereafter; and

4) Identify with specificity the equipment and furnishings to be inspected.

d) Nothing contained in this Section ~~herein~~ prohibits entry upon the business premises of any physician for inspection of the premises or seizure of property without an order, so long as the physician who is the subject of the ~~such~~ inspection or seizure consents.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.275 Failing to Furnish Information

a) In cases alleging a violation of Section 22(A)(38) of the Act, evidence will be present that:

1) A written request for information was received by the physician (as evidenced by receipt of a subpoena or certified or registered letter);

2) The written request was signed by the ~~he~~ Chief Medical Coordinator or Deputy Medical Coordinator;

3) The request for information was accompanied by a notice that sanctions are provided by Section 23(A)(38) of the Act for a failure to provide the information~~,~~ and that the recipient may request a hearing to determine the legality of the request;

4) The recipient was allowed at least 10 ~~ten~~ days to provide the information or request a hearing; and

5) The recipient failed to provide the information that ~~which~~ was within his or her possession or control.

b) In the event that the recipient requests a hearing to determine the legality of the request for information, a hearing will be held by the Disciplinary Board or a hearing officer pursuant to 68 Ill. Adm. Code 1110, limited to the issue of whether the recipient has a valid basis for refusing to comply with the request.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.310 Public Access to Records and Meetings

a) All investigative procedures, information arising out of the investigation of complaints, activities of the Complaint Committee, and informal conferences shall be confidential. All other proceedings and documents beginning with the filing of a formal complaint shall be open to the public.

b) All meetings of the Licensing Board and Disciplinary Board shall also be open to the public in accordance with the Open Meetings Act [5 ILCS 120]~~(Ill. Rev. Stat. 1987, ch. 102, par. 41 et seq.)~~.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1285.320 Response to Hospital Inquiries

The Division ~~Department~~ shall respond to inquiries from hospitals, pursuant to their obligation under the Hospital Licensing Act [210 ILCS 85]~~(Ill. Rev. Stat. 1987, ch. 111½, par. 142 et seq.)~~, within 30 days after ~~of~~ receipt of correctly submitted information.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.330 Rules of Evidence

In evaluating complaints and materials relating to proceedings under this Part, the Division~~Department~~, the Licensing Board and the Disciplinary Board shall be governed by the provisions of Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40]~~(Ill. Rev. Stat. 1991, ch. 127, par. 1012)~~.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.335 Physician Delegation of Authority

a) *Physicians licensed to practice medicine in all its branches may delegate care and treatment responsibilities to a physician assistant under guidelines in accordance with the requirements of the Physician Assistant Practice Act of 1987* [225 ILCS 95]. *A physician licensed to practice medicine in all its branches may enter into supervising physician agreements with no more than 2 physician assistants.*

b) *A physician licensed to practice medicine in all its branches in active clinical practice may collaborate with an advanced practice nurse in accordance with the requirements of Title 15 of the Nursing and Advanced Practice Nursing Act* [225 ILCS 65]. *Collaboration is for the purpose of providing medical direction, and no employment relationship is required. A written collaborative agreement shall conform to the requirements of Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act. The written collaborative agreement shall be for services the collaborating physician generally provides to his or her patients in the normal course of clinical medical practice. Physician medical direction shall be adequate with respect to collaboration with certified nurse practitioners, certified nurse midwives, and clinical nurse specialists if a collaborating physician:*

1) *participates in the joint formulation and joint approval of orders or*

guidelines with the advanced practice nurse and periodically reviews such orders and the services provided patients under such orders in accordance with accepted standards of medical practice and advanced practice nursing practice;

2) *is on site at least once a month to provide medical direction and consultation; and*

3) *is available through telecommunications for consultation on medical problems, complications, or emergencies or patient referral.*

c) *An anesthesiologist or physician licensed to practice medicine in all its branches may collaborate with a certified registered nurse anesthetist in accordance with Section 15-25 of the Nursing and Advanced Practice Nursing Act. Medical direction for a certified registered nurse anesthetist shall be adequate if:*

1) *an anesthesiologist or a physician participates in the joint formulation and joint approval of orders or guidelines and periodically reviews such orders and the services provided patients under such orders; and*

2) *for anesthesia services, the anesthesiologist or physician participates through discussion of and agreement with the anesthesia plan and is physically present and available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. Anesthesia services in a hospital shall be conducted in accordance with Section 10.7 of the Hospital Licensing Act* [210 ILCS 85] *and in an ambulatory surgical treatment center in accordance with Section 6.5 of the Ambulatory Surgical Treatment Center Act* [210 ILCS 5].

d) *The anesthesiologist or operating physician must agree with the anesthesia plan prior to the delivery of services.*

e) *The supervising physician shall have access to the medical records of all patients attended by a physician assistant. The collaborating physician shall have access to the medical records of all patients attended to by an advanced practice nurse.*

f) *Nothing in this* Section *shall be construed to limit the delegation of tasks or duties by a physician licensed to practice medicine in all its branches to a licensed practical nurse, a registered professional nurse, or other personnel* including, but

not limited to, certified nurse assistants or medical assistants. (Section 54.5 of the Act)

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

Section 1285.340 Anesthesia Services in an Office Setting

a) In a physician's office, the operating physician shall have training and experience in the delivery of anesthesia services in order to administer anesthesia or to enter into a practice agreement with a certified registered nurse anesthetist (CRNA) to provide anesthesia services in the office pursuant to Section 54.5 of the Medical Practice Act and Section 15-25 of the Nursing and the Advanced Practice Nursing Act [225 ILCS 65]. When an anesthesiologist is administering anesthesia in a physician's office, the operating physician is not required to have the training and experience set forth in subsection (b). A physician's office is any practice location not regulated by Section 10.7 of the Hospital Licensing Act [210 ILCS 85] or Section 6.5 of the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

b) The training and experience requirements may be met in the manner specified in either subsection (b)(1) or (2):

1) The physician maintains clinical privileges to administer anesthesia services in a hospital licensed in accordance with the Hospital Licensing Act or an ambulatory surgical treatment center licensed in accordance with the Ambulatory Surgical Treatment Center Act; or

2) Completion of continuing medical education:

A) For conscious sedation only, the physician shall complete a minimum of 8 hours of continuing medical education (CME) within each 3 year license renewal period in delivery of anesthesia, including the administration of conscious sedation. The physician will be required to complete 4 of the 8 hours of CME by July 31, 2003. The remaining 4 hours of CME shall be completed by the July 31, 2005 renewal.

B) For deep sedation, regional anesthesia and/or general anesthesia, a physician shall complete a minimum of 34 hours of continuing medical education in the delivery of anesthesia services within

each 3 year license renewal period. The physician will be required to complete 16 of the 34 hours of CME by July 31, 2003. The remaining 18 hours of CME shall be completed by the July 31, 2005 renewal. Fulfillment of this requirement shall satisfy the requirement of subsection (b)(2)(A) for the administration of conscious sedation.

C) A continuing medical education program shall be conducted by a university, professional association, or hospital as a formal CME program under 68 Ill. Adm. Code 1285.110(b)(2).

c) In a physician's office where anesthesia services are being administered, all operating physicians and anesthesiologists shall obtain Advanced Cardiac Life Support (ACLS) certification by December 31, 2002, and shall ~~thereafter~~ maintain current ACLS certification. If the physician enters into a practice agreement with the CRNA, the CRNA shall also have a current ACLS certification pursuant to 68 Ill. Adm. Code 1305.45.

d) The ACLS certification and the physician training and experience required by this Section shall be documented in the written practice agreement between the physician and CRNA.

e) The continuing medical education required in subsection (b) and the ACLS training required in subsection (c) may be applied to fulfillment ~~fullfillment~~ of the 150 hours continuing medical education required for renewal of a license.

f) Definitions of Anesthesia

1) Moderate Sedation Analgesia (Conscious Sedation) is a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

2) Deep Sedation/Analgesia is a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.

3) Regional Anesthesia is the administration of local anesthetic agents to a patient to interrupt nerve impulses in a major region of the body without loss of consciousness and include epidural, caudal, spinal and brachial plexus anesthesia.

4) General Anesthesia is a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.

g) Physicians who perform procedures in an office setting utilizing anesthesia in the following manner are not required to comply with this Section:

1) The use of local anesthesia in which the total dose of local anesthesia does not exceed 50% of the commonly accepted toxic dose on a weight adjusted basis.

2) The use of topical anesthesia in which the total dose of topical anesthesia does not exceed 50% of the commonly accepted toxic dose on a weight adjusted basis.

3) The use of minimal sedation (anxiolysis). Minimal sedation (anxiolysis) is a drug-induced state during which patients respond normally to verbal commands. Although cognitive function and coordination may be impaired, respiratory and cardiovascular functions are unaffected.

(Source: Amended at 29 Ill. Reg. 18823, effective November 4, 2005)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Mental Health Services in Nursing Facilities

2) Code Citation: 89 Ill. Adm. Code 145

3) Section Number: 145.10 — Adopted Action: Amendment

Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendment: November 4, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register: May 27, 2005; 29 Ill. Reg. 7675

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences Between Proposal and Final Version: No changes have been made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendment: This amendment relates to the demonstration project for mental health services in nursing facilities. This project was established in 2002 to evaluate the treatment of persons with severe mental illness who reside in nursing facilities called Institutions for Mental Disease (IMDs) and to evaluate standards and payment methods that are specific to the needs of facilities specializing in serving persons with mental disease. The Department is currently working with the long term care industry to develop an appropriate reimbursement methodology for IMDs using the Illinois Minimum Data Set-Mental Health. This amendment is necessary to extend the original expiration date of June 30, 2005 for the demonstration project to June 30, 2007.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62763-0002

217/524-0081

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES~~PUBLIC AID~~
SUBCHAPTER d: MEDICAL PROGRAMS

PART 145
MENTAL HEALTH SERVICES IN NURSING FACILITIES

SUBPART A: DEMONSTRATION PROJECT FOR
MENTAL HEALTH SERVICES IN NURSING FACILITIES

Section
145.10 General Provisions

SUBPART B: INSTITUTION FOR MENTAL DISEASES PROVISIONS
FOR NURSING FACILITIES

Section
145.20 General Provisions
145.30 Definitions
145.40 Initial IMD Review, Determination and Classification of Facilities
145.50 Subsequent IMD Reviews, Determinations and Classifications
145.60 Effect of Becoming a Class II IMD and Redetermination Reviews
145.70 Watch List of Nursing Facilities at Risk of Becoming IMDs
145.80 Reimbursement Rate for IMD Nursing Facility Classifications
145.90 Reviews

AUTHORITY: Sections 5-5.5 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/5-5.5 and 12-13]

SOURCE: Adopted at 26 Ill. Reg. 3081, effective February 15, 2002; emergency amendment at 29 Ill. Reg. 10259, effective July 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18906, effective November 4, 2005.

SUBPART A: DEMONSTRATION PROJECT FOR
MENTAL HEALTH SERVICES IN NURSING FACILITIES

Section 145.10 General Provisions

a) This Section is promulgated to establish a demonstration project for nursing facilities that primarily serve persons with severe mental illness. The Department

intends to evaluate the results of the demonstration project at the end of three years. General applicability of the provisions of this Subpart will depend upon the findings of the evaluation. It is the Department's intent to make the project a standard category of service after reviewing the results of the evaluation. Section 1905(a)(16) and Section 1905(a)(27)(b) of the Social Security Act provide that federal financial participation (FFP) is not available for medical assistance under Title XIX for services provided to any individual who is under 65 years of age and who is a resident in an institution for mental diseases (IMD) unless the payment is for inpatient psychiatric services for individuals under 21 years of age. In some Illinois nursing facilities, a very high proportion of residents are not elderly and have a severe mental illness. The purpose of the demonstration project is to allow nursing facilities to specialize in the treatment of persons with severe mental illness and focus their resources on providing psychiatric rehabilitation services rather than on meeting requirements designed primarily for elderly and medically impaired residents. The demonstration project will focus upon evaluating standards and payment methods specific to the needs of facilities specializing in serving persons with mental illness. The facilities in the demonstration project will serve as sites for examining service models appropriate for the mentally ill population in a long term care setting. They will also serve as sites for comparing costs for the numbers and credentials of staff appropriate for the physically, medically ill population. The cost information evaluated from the demonstration project will be used by the Department to develop a payment rule for services provided by a nursing facility to residents who have a serious mental illness as required by 305 ILCS 5/5-5.5(d). The demonstration~~Demonstration~~ project shall be in effect until June 30, 2007~~2005~~. The Department shall evaluate the demonstration project and report to the Illinois General Assembly regarding its findings and recommendations by December 31, 2004.

b) For the purposes of this Part, "severe mental illness" is defined as the presence of a major disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1400 K Street NW, Washington, DC 20005 (Fourth Printing, 1998~~1994~~, no later amendments or editions included)), excluding alcohol and substance abuse, Alzheimer's disease, and other forms of dementia based upon organic or physical disorders. A severe mental illness is determined by all of the following three areas:

1) Diagnoses that constitute a severe mental illness are:

A) Schizophrenia,

B) Delusional disorder,

C) Schizo-affective disorder,

D) Psychotic disorder not otherwise specified,

E) Bipolar disorder I – mixed, manic, and depressed,

F) Bipolar disorder II,

G) Cyclothymic disorder,

H) Bipolar disorder not otherwise specified,

I) Major Depression, recurrent,

J) Psychotic disorder, not otherwise specified.

2) In addition, the individual must be 18 years of age or older and be substantially functionally limited by mental illness in at least two of the following areas:

A) Self-maintenance,

B) Social functioning,

C) Community living activities,

D) Work related skills.

3) Finally, the disability must be of an extended duration, expected to be present for at least a year, that results in a substantial limitation in major life activities. These individuals will typically also have one of the following characteristics:

A) Have experienced two or more psychiatric hospitalizations;

B) Receive Social Security Income (SSI) or Social Security Disability Income (SSDI) due to mental illness or have been deemed eligible

for it.

c) In order to be eligible to enter the demonstration project, a nursing facility must meet each of the following criteria:

1) Ninety percent or more of the residents have a diagnosis of severe mental illness;

2) No more than 15 percent of the residents are 65 years of age or older;

3) None of the residents has a primary diagnosis of moderate, severe, or profound mental retardation;

4) None of the residents requires medical or nursing care at a level higher than the intermediate nursing care light level of care as defined in 77 Ill. Adm. Code 300.1230(n); and

5) The facility must be in good standing with the Departments of Healthcare and Family Services~~Public Aid~~ and Public Health.

d) Nursing facilities that meet the criteria set forth in subsection (c) of this Section may apply to the Department to be considered for participation in the demonstration project. In selecting facilities for the demonstration project, the Department shall consider other factors beyond the criteria in subsection (c) of this Section such as, but not limited to, the facility's history of compliance with all applicable State and federal standards and the effect of lost federal funds associated with withdrawal from certification. The Department will enter into provider agreements with those facilities selected for the demonstration project. No more than 12 facilities shall be admitted to the demonstration project.

e) Nursing facilities participating in the demonstration project must comply with the standards set forth in 77 Ill. Adm. Code 300.6000 through 300.6095. Based on a finding of noncompliance by the Department of Public Health on the part of a nursing facility participating in the demonstration project with any requirement set forth in 77 Ill. Adm. Code 300.6000 through 300.6095, the Department may impose sanctions as set forth in 89 Ill. Adm. Code 147.301 after notice to the facility.

f) Notwithstanding any other provisions contained in the Administrative Code requiring certification of nursing facilities, nursing facilities participating in the

demonstration project are not required to be certified for Title XIX participation in order to enroll for participation in the Medical Assistance Program or to receive payment for services.

g) The Department shall not pay for any new admissions to the nursing facilities participating in the demonstration project of residents who:

1) Are age 60 years or older;

2) Do not have a severe mental illness as determined by the State's mental health pre-admission screening program; or

3) Require medical or nursing care at a level higher than the intermediate nursing care light level of care as defined in 77 Ill. Adm. Code 300.1230(n).

h) The Departments of Healthcare and Family Services~~Public Aid~~ and Public Health, and the Department of Human Services-Division~~, Office~~ of Mental Health, shall have the right of entry and inspection of any nursing facilities participating in the demonstration project to determine success and utility of the demonstration project.

i) The Department shall provide technical assistance to nursing facilities participating in the demonstration project to assist them in meeting the standards set forth in 77 Ill. Adm. Code 300.6000 through 300.6095.

(Source: Amended at 29 Ill. Reg. 18906, effective November 4, 2005)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities

2) Code Citation: 89 Ill. Adm. Code 147

3)

Section Numbers:	Adopted Action:
147.125	Amendment
147.150	Amendment

Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 94-0085

5) Effective Date of Amendments: November 4, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register:

Sections 147.125 & 147.150 - May 27, 2005 (29 Ill. Reg. 7682)
Section 147.150 – July 15, 2005 (29 Ill. Reg. 9974)

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences Between Proposal and Final Version: In Section 147.150(e), the following change has been made, "June 30, 2006 ~~2005~~". Also, this rulemaking combines 2 separately proposed rulemakings into one text for adoption (see #9 above for proposal dates).

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? Yes, emergency amendments for Section 147.150 appeared at 29 Ill. Reg. 10266.

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Sections 147.125 and 147.150 (29 Ill. Reg. 7682) – These amendments relate to the demonstration project for mental health services in nursing facilities. This project was established in 2002 to evaluate the treatment of persons with severe mental illness who reside in nursing facilities called Institutions for Mental Disease (IMDs) and to evaluate standards and payment methods that are specific to the needs of facilities specializing in serving persons with mental disease.

The reimbursement methodology based on the federally required Minimum Data Set (MDS) for nursing facilities is set to be implemented on July 1, 2005. Currently, this methodology would also include Class I IMDs. However, the Department is working with the long term care industry to develop an appropriate reimbursement methodology for IMDs using the Illinois Minimum Data Set-Mental Health (IL MDS-MH). The changes to Section 147.125 exclude Class I IMDs from the MDS methodology until a new rate system can be implemented using the IL MDS-MH. Further changes require Class I IMDs to begin electronically submitting the IL MDS-MH, and the federally required MDS, to the Department for use in the development of the new rate system.

The changes to Section 147.150 provide that the nursing rate in effect on June 30, 2005 for Class I IMDs shall remain in effect until a payment methodology using the IL MDS-MH is implemented. The new methodology shall be implemented no later than July 1, 2007.

Section 147.150 (29 Ill. Reg. 9974) – This change responds to Public Act 94-0085 under which implementation of the new Minimum Data Set (MDS) rate methodology for the nursing component of the rates for nursing facilities will be extended from July 1, 2005 to July 1, 2006. Delaying implementation of the MDS-based system will allow the Department to continue development of the MDS monitoring system and provide additional time for the Department to continue work with the long term care industry in preparing for use of the MDS.

16) Information and questions regarding these adopted amendments 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, 3rd Floor
Springfield, Illinois 62763-0002

217/524-0081

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES~~PUBLIC AID~~
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147
REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section

147.5 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Repealed)
147.15 Comprehensive Resident Assessment (Repealed)
147.25 Functional Needs and Restorative Care (Repealed)
147.50 Service Needs (Repealed)
147.75 Definitions (Repealed)
147.100 Reconsiderations (Repealed)
147.105 Midnight Census Report
147.125 Nursing Facility Resident Assessment Instrument
147.150 Minimum Data Set (MDS) Based Reimbursement System
147.175 Minimum Data Set (MDS) Integrity
147.200 Basic Rehabilitation Aide Training Program (Repealed)
147.205 Nursing Rates (Repealed)
147.250 Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) (Repealed)
147.300 Payment to Nursing Facilities Serving Persons with Mental Illness
147.301 Sanctions for Noncompliance
147.305 Psychiatric Rehabilitation Service Requirements for Individuals With Mental Illness in Residential Facilities (Repealed)
147.310 Inspection of Care (IOC) Review Criteria for the Evaluation of Psychiatric Rehabilitation Services in Residential Facilities for Individuals with Mental Illness (Repealed)
147.315 Comprehensive Functional Assessments and Reassessments (Repealed)
147.320 Interdisciplinary Team (IDT) (Repealed)
147.325 Comprehensive Program Plan (CPP) (Repealed)
147.330 Specialized Care – Administration of Psychopharmacologic Drugs (Repealed)
147.335 Specialized Care – Behavioral Emergencies (Repealed)
147.340 Discharge Planning (Repealed)
147.345 Reimbursement for Program Costs in Nursing Facilities Providing Psychiatric Rehabilitation Services for Individuals with Mental Illness (Repealed)
147.350 Reimbursement for Additional Program Costs Associated with Providing Specialized Services for Individuals with Developmental Disabilities in Nursing

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Facilities

147.TABLE A	Staff Time (in Minutes) and Allocation by Need Level
147.TABLE B	Staff Time and Allocation for Restorative Programs (Repealed)
147.TABLE C	Comprehensive Resident Assessment (Repealed)
147.TABLE D	Functional Needs and Restorative Care (Repealed)
147.TABLE E	Service (Repealed)
147.TABLE F	Social Services (Repealed)
147.TABLE G	Therapy Services (Repealed)
147.TABLE H	Determinations (Repealed)
147.TABLE I	Activities (Repealed)
147.TABLE J	Signatures (Repealed)
147.TABLE K	Rehabilitation Services (Repealed)
147.TABLE L	Personal Information (Repealed)

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

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.Table H and 140.Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 6238, effective April 18, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 28, 1991; emergency amendment at 15 Ill. Reg. 16435, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4035, effective March 4, 1992; amended at 16 Ill. Reg. 6479, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13361, effective August 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14233, effective August 31, 1992; amended at 16 Ill. Reg. 17332, effective November 6, 1992; amended at 17 Ill. Reg. 1128, effective January 12, 1993; amended at 17 Ill. Reg. 8486, effective June 1, 1993; amended at 17 Ill. Reg. 13498, effective August 6, 1993; emergency amendment at 17 Ill. Reg. 15189, effective September 2, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2405, effective January

25, 1994; amended at 18 Ill. Reg. 4271, effective March 4, 1994; amended at 19 Ill. Reg. 7944, effective June 5, 1995; amended at 20 Ill. Reg. 6953, effective May 6, 1996; amended at 21 Ill. Reg. 12203, effective August 22, 1997; amended at 26 Ill. Reg. 3093, effective February 15, 2002; emergency amendment at 27 Ill. Reg. 10863, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18680, effective November 26, 2003; expedited correction at 28 Ill. Reg. 4992, effective November 26, 2003; emergency amendment at 29 Ill. Reg. 10266, effective July 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18913, effective November 4, 2005.

Section 147.125 Nursing Facility Resident Assessment Instrument

a) Except as specified in subsection (b) of this Section, all Medicaid certified nursing facilities shall comply with the provisions of the current federal Long Term Care Resident Assessment Instrument User's Manual, version 2. (Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244 (December 2002). This incorporation by reference includes no~~any~~ later amendments or editions.)

b) Nursing facilities shall, in addition, comply with the following requirements:

1) Complete a full Minimum Data Set (MDS) for each resident quarterly, regardless of the resident's payment source. Facilities are not required to complete and submit the MDS Quarterly Assessment Form. When completing the full MDS for quarterly submittal to the Department, it is not necessary to also complete the Resident Assessment Protocols (RAPs) or Sections T and U. RAPs and Sections T and U shall only be completed at admission, annually, for a significant change or for a significant correction of a prior MDS.

2) Transmit electronically to the State MDS database the MDS for all assessments within 31 days after the completion date of the assessment. Except for nursing facilities that are defined as Class I Institutions for Mental Diseases (IMDs) pursuant to 89 Ill. Adm. Code 145.30, the~~The~~ rate set will be based on the MDS received two quarters prior to the rate effective date and MDS not received within 31 days will be given a default rate.

c) While a new rate system referenced in Section 147.150 is under development, Medicaid-certified Class I IMDs shall electronically submit both the MDS pursuant to subsections (a) and (b) of this Section and the Illinois Minimum Data

Set-Mental Health (IL MDS-MH) as specified by the Department at the following frequencies:

1) Complete a full IL MDS-MH within 14 days after admission for each resident, regardless of the resident's payment source.

2) Complete a full IL MDS-MH at 90 days after admission for each resident, regardless of the resident's payment source.

3) Complete a full IL MDS-MH at six months after admission for each resident, regardless of the resident's payment source, and every six months thereafter.

4) Transmit electronically to the Department's IL MDS-MH database, the IL MDS-MH for all required assessments within 31 days after the completion date of the assessment.

(Source: Amended at 29 Ill. Reg. 18913, effective November 4, 2005)

Section 147.150 Minimum Data Set (MDS) Based Reimbursement System

a) Public Act 92-0848 requires the Department to implement, effective July 1, 2003, a payment methodology for the nursing component of the rate paid to nursing facilities. Except for nursing facilities that are defined as Class I Institutions for Mental Diseases (IMDs) pursuant to 89 Ill. Adm. Code 145.30, reimbursement~~Reimbursement~~ for the nursing ~~this~~ component shall be calculated using the Minimum Data Set (MDS). Increased reimbursement under this payment methodology shall be paid only if specific appropriation for this purpose is enacted by the General Assembly. For Class I IMDs, the nursing component shall be the rate in effect on June 30, 2005 until a payment methodology using the Illinois Minimum Data Set-Mental Health (IL MDS-MH), appropriate for the care needs of the IMD resident population, is implemented. The payment methodology using the IL MDS-MH shall be implemented no later than July 1, 2007.

b) The nursing component of the rate shall be calculated annually and may be adjusted quarterly. The determination of rates shall be based upon a composite of MDS data collected from each eligible resident in accordance with Section 147.Table A for those eligible residents who are recorded in the Department's Medicaid Management Information System as of 30 days prior to the rate period

as present in the facility on the last day of the second quarter preceding the rate period. Residents for whom MDS resident identification information is missing or inaccurate, or for whom there is no current MDS record for that quarter, shall be placed in the lowest MDS acuity level for calculation purposes for that quarter. The nursing component of the rate may be adjusted on a quarterly basis if any of the following conditions are met:

1) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section exceeds total variable nursing time calculated for the previous rate quarter by more than five percent.

2) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section exceeds:

A) total variable nursing time as calculated for the annual rate period by more than ten percent;

B) total variable nursing time as recalculated and adjusted for the annual period by more than five percent.

3) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section declines from the total variable nursing time as calculated for the annual period by more than five percent. No quarterly nursing component rate reduction shall exceed five percent from the previous rate quarter.

c) Per diem reimbursement rates for nursing care in nursing facilities consist of three elements: variable time reimbursement; fringe benefit reimbursement; and reimbursement for supplies, consultants, medical directors and nursing directors.

1) Variable Time Reimbursement. Variable nursing time is that time necessary to meet the major service needs of residents that vary due to their physical or mental conditions. Each need level or specific nursing service measured by the Resident Assessment Instrument is associated with an amount of time and staff level (Section 147.Table A). Reimbursement is developed by multiplying the time for each service by the wage(s) of the type of staff performing the service except for occupational therapy, physical therapy and speech therapy. If more than one level of staff are involved in delivering a service, reimbursement for that service will be weighted by the wage and number of minutes allocated

to each staff type. When a service can be provided by either a registered nurse (RN) or licensed practical nurse (LPN), the wage used will be weighted by the average mix of RNs and LPNs in the sample of facilities used to set rates. In calculating a facility's rate, the figures used by the Department for wages will be determined in the following manner:

A) The mean wages for the applicable staff levels (RNs, LPNs, certified nursing assistants (CNAs), activity staff, social workers), as reported on the cost reports and determined by regional rate area, will be the mean wages.

B) Fringe benefits will be the average percentage of benefits to actual salaries of all nursing facilities based upon cost reports filed pursuant to 89 Ill. Adm. Code 140.543. Fringe benefits will be added to the mean wage.

C) The base wage, including fringe benefits, will then be updated for inflation from the time period for which the wage data are available to the midpoint of the rate year to recognize projected base wage changes.

D) Special minimum wage factor. The process used in subsection (c)(1)(A) of this Section to determine regional mean wages for RNs, LPNs and CNAs will include a minimum wage factor. For those facilities below 90% of the Statewide average, the wage is replaced by 90% of the Statewide average.

E) On July 1 of each year beginning July 1, 2003, the base wage calculated in subsection (c)(1)(C) of this Section shall be multiplied by a ratio:

i) The numerator of which is the quotient obtained by dividing the amounts estimated by the Department to be available in the rate period for the nursing component of the rate Statewide by the Department's estimate of the number of patient days Statewide for the rate period eligible for reimbursement from the Department.

ii) The denominator of which shall be the mean Statewide base rate per patient day.

2) Vacation, Sick Leave and Holiday Time. The time to be added for vacation, sick leave, and holidays will be determined by multiplying the total of Variable Time by 5%.

3) Special Supplies, Consultants and the Director of Nursing. Reimbursement will be made for health care and program supplies, consultants required by the Department of Public Health (including the Medical Director), and the Director of Nursing by applying a factor to variable time and vacation, sick leave and holiday time. (A list of consultants required by the Department of Public Health can be found in 77 Ill. Adm. Code 300.830).

A) Supplies will be updated for inflation using the General Services Inflator (see 89 Ill. Adm. Code 140.551). Health care and program salaries shall be updated for inflation using the Nursing and Program Inflator (see 89 Ill. Adm. Code 140.552). A factor for supplies will be the Statewide mean of the ratio of total facility health care and programs supply costs to total facility health care and programs salaries.

B) The Director of Nursing and the consultants will be updated for inflation using the Nursing and Program Inflator (see 89 Ill. Adm. Code 140.552). A factor for the Director of Nursing and consultant costs shall be the Statewide mean of the ratio of all facilities'~~facilities~~ Director of Nursing and consultant costs to total facility health care and programs salaries.

C) These costs shall be updated pursuant to cost reports as referenced in 89 Ill. Adm. Code 153.125(f).

d) Determination of Facility Rates.
An amount for each resident will be calculated by multiplying the number of minutes from the assessment by the appropriate wages for each assessment item (see subsection (c)(1) of this Section), adding the amounts for vacation, sick and holiday time (see subsection (c)(2) of this Section), and supplies, consultants, and the Director of Nursing (see subsection (c)(3) of this Section). The average of the rates for eligible residents assessed will become the facility's per diem reimbursement rate for each eligible resident in the facility.

e) A transition period from the payment methodology in effect on June 30, 2003~~,~~ to the payment methodology in effect July 1, 2003~~,~~ shall be provided for a period not exceeding June 30, 2006~~2005~~, as follows:

1) MDS-based rate adjustments under this Section shall not be effective until the attainment of a threshold. The threshold shall be attained at the earlier of either:

A) when all nursing facilities have established a rate (sum of all components) which is no less than the rate effective June 30, 2002, or

B) July 1, 2006~~2005~~.

2) For a facility that would receive a lower nursing component rate per resident day under the payment methodology effective July 1, 2003~~,~~ than the facility received June 30, 2003, the nursing component rate per resident day for the facility shall be held at the level in effect on June 30, 2003~~,~~ until a higher nursing component rate of reimbursement is achieved by that facility.

3) For a facility that would receive a higher nursing component rate per resident day under the payment methodology in effect on July 1, 2003~~,~~ than the facility received June 30, 2003, the nursing component rate per resident day for the facility shall be adjusted based on the payment methodology in effect July 1, 2003.

4) Notwithstanding subsections (e)(2) and (3) of this Section, the nursing component rate per resident day for the facility shall be adjusted in accordance with subsection (c)(1)(E) of this Section.

(Source: Amended at 29 Ill. Reg. 18913, effective November 4, 2005)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Duck, Goose and Coot Hunting

2) Code Citation: 17 Ill. Adm. Code 590

3)

Section Numbers:	Adopted Action:
590.10	Amendment
590.15	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20).

5) Effective Date of Amendments: November 4, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register: July 29, 2005; 29 Ill. Reg. 11729

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: In Section 590.15(d)(3), changed "Federal" to "federal"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rulemaking: Section 590.10 was amended to update the list of non-toxic shot allowed for migratory bird hunting to be in compliance with federal regulations. Section 590.15 was amended to ensure that all hunters entering drawings for

waterfowl blinds are eligible to possess firearms.

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

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 590
DUCK, GOOSE AND COOT HUNTING

Section
590.10 Statewide Regulations
590.15 Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50
590.20 Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting
590.25 Illinois Youth Waterfowl Hunting Permit Requirements (Repealed)
590.26 Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)
590.40 Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.50 Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.60 Various Other Department Sites – Duck, Goose and Coot Hunting
590.70 Ohio River
590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites
590.EXHIBIT A The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10] and Migratory Bird Hunting (50 CFR 20).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency

amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; 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. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days; emergency expired August 6, 1999; amended at 23 Ill. Reg. 11195, effective August 26, 1999; emergency amendment at 23 Ill. Reg. 14640, effective December 13, 1999, for a maximum of 150 days; emergency expired May 10, 2000; amended at 24 Ill. Reg. 12517, effective August 7, 2000; amended at 25 Ill. Reg. 14131, effective October 22, 2001; amended at 26 Ill. Reg. 16238, effective October 18, 2002; amended at 27 Ill. Reg. 15409, effective September 18, 2003; amended at 28 Ill. Reg. 13562, effective September 24, 2004; amended at 29 Ill. Reg. 9654, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13900, effective August 30, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18924, effective November 4, 2005.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 590.10 Statewide Regulations

a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], *it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 USC 703-711), the "Migratory Bird Hunting Stamp Act" (16 USC 1718 et seq.),* and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20 and 21) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).

b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33), except that violation of Section 2.33(g), (i), (o), (p), (y) and (cc) are Class A misdemeanors with a minimum $500 fine and a maximum $5,000 fine in addition to other statutory penalties.

c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Part are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).

d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations. Violation is a petty offense (see 520 ILCS 5/2.18-1).

e) It shall be unlawful to possess any shotgun shell loaded with a shot size larger than number T steel; number BBB bismuth, Ultrashok High Density, or Hevi-Steel; number BB tungsten/iron, tungsten/matrix (Impact), or tungsten/polymer; number B Hevi-Shot, tungsten/bronze/iron (TBI), Xtended Range Hi-Density, or Dead Coyote; number 1 Silvex or Hevi-13; or number 3 Heavyweight~~tungsten-iron (HEVI-steel) BBB, bismuth BBB, tungsten-iron BB, tungsten-polymer BB, tungsten-matrix BB, tungsten-bronze-iron (TBI) BB, tungsten-nickel-iron (HEVI-SHOT) B or tungsten-tin-bismuth (SILVEX) 1~~ when attempting to take waterfowl. Violation is a petty offense (see 520 ILCS 5/2.18-1).

f) Emergency Closure
The Department of Natural Resources (Department or DNR) will close the Canada goose season giving 48 hours notice when quotas established by federal

regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis. Hunting Canada Geese after the season is closed is a Class B misdemeanor (see 520 ILCS 5/2.18). Possession of freshly killed wild geese during the closed season is a Class A misdemeanor (see 520 ILCS 5/2.33(cc)).

g) Closed Areas
Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted. Violation is a petty offense (see 520 ILCS 5/2.20).

h) Commercial Migratory Waterfowl Hunting Area Permits

1) The holder of a permit in the counties of Alexander, Jackson, Union and Williamson shall forward information on harvest and hunters to the Department, by phone and on forms furnished by the Department, at times required by the Department. The holder of a permit in any other county shall forward information on harvest and hunters to the Department on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Permit holders are required to retain a copy of their harvest records for at least 2 years after expiration of their permit. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years. Violation is a petty offense (see 520 ILCS 5/3.6).

2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that no more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8).

3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.

i) Waterfowl Hunting Zones:

1) North Zone – That portion of the State north of a line running east from

the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.

2) Northern Illinois Quota Zone – DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.

3) Central Zone – That portion of the State south of the Northern Zone boundary to the Modoc Ferry route on the Mississippi River and east along the Modoc Ferry Road to Modoc Road to St. Leo's Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County line to Effingham County, east and south along the Effingham County line to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.

4) Central Illinois Quota Zone – Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.

5) South Zone – From the southern boundary of the Central Zone south to the remainder of the State.

6) Northeastern Illinois Canada Goose Zone – All lands and waters in the counties of Cook, DuPage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.

7) Southern Illinois Quota Zone – Alexander, Union, Williamson, and Jackson Counties.

j) No person during the open season shall take or attempt to take wild geese prior to ½ hour before sunrise nor after sunset. In the Southern Illinois Quota Zone (SIQZ), no person shall take or attempt to take wild geese after the hour of 3:00 p.m.; except, during the last 3 days of the Canada goose season and during any goose seasons that occur after the regular Canada goose season and during any Canada goose season set in September, hunting hours in the SIQZ shall close at statewide closing time. During special light goose seasons as indicated in subsection (n), statewide hunting hours shall be ½ hour before sunrise to ½ hour

after sunset daily. Hunting prior to ½ hour before sunrise during the open season is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after ½ hour after sunset is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after closing hours is a Class B misdemeanor (see 520 ILCS 5/2.18).

k) On any property where the principal waterfowl harvest is wild geese in the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8(b)(4)).

l) The following apply in the Northern and Central Illinois Quota Zones only:

1) It is unlawful to hunt Canada geese during seasons after September 15 without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferrable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.

2) Immediately upon killing a Canada goose that will be taken into possession, hunters must mark with indelible ink, punch or slit the Permit to Hunt to indicate the date of kill (one date for each goose harvested) and zone where killed.

3) Hunters must report their kill on the same calendar day the geese are taken by calling 1-800-WETLAND (938-5263). Hunters must report the number of geese taken, date and zone where taken.

4) Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).

m) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license. Violation is a petty offense (see 520 ILCS 5/3.1(f)).

n) If 50 CFR 20 or 21 allows light goose seasons to be liberalized, snow geese, blue geese and Ross' geese may be taken in accordance with federal regulations regarding hunting hours, method of taking and bag limits through March 31.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 29 Ill. Reg. 18924, effective November 4, 2005)

Section 590.15 Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50

a) Definitions

1) Blind site – A position within 10 feet of numbered stake where blind must be constructed. Sites shall be located and marked by the Department .

2) Blind builder – Person who has been assigned a blind site as a result of the drawing.

3) Blind partner – Persons chosen by the builder to assist in construction and maintenance of the blind and to share its blind claiming and hunting privileges.

4) Drawing – Procedure by which blind sites are assigned.

5) Blind registration card – Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.

6) Complete blind – A blind with all framework and siding constructed and in readiness for use, including final brushing.

7) Hunting party – An individual or group of hunters occupying a single boat, blind, or hunting site.

8) Dog Hide – A compartment or area within or attached to a blind that houses a dog used to retrieve downed waterfowl.

b) Blind Construction

1) Blinds must be at least 4 feet x 8 feet, but no higher than 14 feet from the water surface at normal pool level, to the top of the shooting box, sturdy enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.

2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds.

3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of regular duck season (except at Mississippi River Area Pools 25 and 26 blinds and final brushing must be completed 4 weeks in advance of opening date of regular duck season) after which time the Department shall inspect all blinds and blind sites and issue Blind Registration Cards to those which pass inspection. Blind builders shall not gain access to Redwing Slough/Deer Lake until the day following Labor Day. Blind builders must post Blind Registration Card in the blind prior to the first day of regular duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.

4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, shall be reassigned to alternates selected at a drawing or by a first come-first served allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, 7 days prior to the opening date of the duck season on sites posted as being closed to trespassing 7 days prior to regular duck season. At Mississippi River Area Pools 25 and 26 reassigned blinds must be completed by sunset of the Sunday immediately preceding the opening day of regular duck season. On all other sites reassigned blinds must be completed, including final brushing, by the day before the opening day of the regular duck season.

5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes shall be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned within 30 days prior to the blind drawing date. Failure to do so shall result in forfeiture of blind.

6) No person shall be allowed to be a blind builder or partner on more than one public waterfowl blind managed by the Department.

7) Boat hides are required, except as noted in Sections 590.40 and 590.50,

and must have minimum inside dimensions of 18' x 6', except all blinds allocated and constructed after January 1, 2005 must have minimum dimensions of 18' x 7½'. Boat hides shall be sturdy enough to withstand daily use considering the conditions of the site, and must be maintained in good condition throughout the season, and shall be completed including final brushing by 3 weeks prior to the opening day of duck season, except at Mississippi River Area Pools 25 and 26 boat hides and final brushing must be completed 4 weeks prior to the opening day of duck season; failure to meet these standards shall result in forfeiture of blind site.

8) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds except as indicated in Sections 590.40(a) and (b) and 590.50(a) and (b).

9) Blinds must include a dog hide that is on the same level as the blind. The dog hide can either be incorporated into the blind by providing a hole at floor level that measures at least 20 inches high by 20 inches wide or by providing a separate compartment that is attached to the blind. Hides attached to the blind should have a minimum floor space that measures 2 feet by 2 feet and should be at least 2.5 feet high with 2 openings. One opening should be between the blind and the dog hide, should measure at least 20 inches by 20 inches, and should be constructed at the same level as the blind floor. The water access opening should be at least 20 inches wide and 20 inches high. Hides either within the blind or attached should have an enforced ramp to water level that is at least 15 inches wide with cleats every 12 inches. Openings in the blind must be capable of being closed when not in use.

c) Use of blinds

1) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.

2) No person shall hunt, or attempt to hunt, except from within a registered blind.

3) Persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by an adult due to safety factors.

4) Blinds shall not be locked.

5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied, is unlawful.

6) No person shall fish within 250 yards of an occupied blind within the hunting area.

7) All hunting parties shall hunt over a spread of at least 12 decoys during duck season and Canada goose season. The decoys shall be staked, placed, or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container.

8) At sites where a manned check station is in operation, hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp at the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.

9) Cutting of vegetation greater than 4 inches d.b.h. will result in loss of the blind for the current allocation period.

d) Public Drawing

1) Time and place for all sites holding drawings shall be publicly announced by the Department.

2) A registrant for a drawing must be at least 16 years of age and possess a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and a current ~~or expired (within 12 months prior to the drawing)~~ Firearm Owner's Identification Card unless exempted by law. Persons exempted by law from possessing a hunting license or waterfowl stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have Firearm Owner's Identification Cards must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his

possession at the drawing. In order to be an eligible applicant for the drawing, the participant must not at the time of the drawing have his/her hunting privileges suspended or revoked by the Department or any other jurisdiction. Applicants must be present for the registration and drawing to be eligible for allocation of blind sites.

3) No person is eligible to draw for a waterfowl blind who has had his or her hunting privileges suspended by Illinois or any other state, or is prohibited from possessing a firearm due to a conviction for violation of a State or federal law, or is prohibited from possessing a firearm by action of law regardless of conviction status (such as homeland security, under order of protection, etc.). Any ineligible person who submits an application to draw for a waterfowl blind shall be refused, if known by the drawer at the time to be ineligible, or shall have his or her draw declared void upon discovery of ineligibility by the Department. A refused or voided application shall be referred to the appropriate State's Attorney for possible prosecution under the Criminal Code [720 ILCS 5].

e) Flood Rules

In the event that State managed sites are flooded to the point that public waterfowl blinds cannot be constructed or are no longer usable, the Department, by public announcement and/or posting, may permit waterfowl hunting under one of the following rules:

1) If the check station for that site is open, all rules apply, except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site.

2) If the check station is not operable, all rules apply except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site. Additionally, rules listed in Section 590.40(b)(1), (2), (3), (4) and (9) shall not be in force. Rules concerning blind claiming as listed in Section 590.50(b) shall apply.

3) If blind sites have not been marked and no check station is operable, the area will be open to hunting from platform, floating or boat blinds or by walk-in hunting, anywhere on the area except refuges and closed waterfowl rest areas. Preplacement of unattended decoys and/or unoccupied blinds or boat hides do not constitute lawful possession of a hunting site. All hunting parties must remain 200 yards apart and follow

normal closing hours for the site.

4) In all above flood circumstances, regulations requiring the construction of a separate boat hide and regulations regarding the minimum standards for blind construction shall be suspended for that season.

f) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 29 Ill. Reg. 18924, effective November 4, 2005)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: The Taking of Wild Turkeys − Fall Gun Season

2) Code Citation: 17 Ill. Adm. Code 715

3) Section Number: 715.25 — Adopted Action: 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: November 4, 2005

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment 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: July 29, 2005; 29 Ill. Reg. 11743

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rulemaking: The Department recently discovered that this Part contains inaccurate information regarding the issuance of free permits to bona fide equity members of limited liability companies. The Department has statutory authority to issue free deer permits to bona fide equity members of limited liability companies, but does not have statutory authority to issue free turkey permits to bona fide members of limited liability companies. These amendments were filed to remove the inaccurate information.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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 b: FISH AND WILDLIFE

PART 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. 18938, effective November 4, 2005.

Section 715.25 Turkey Permit Requirements – Landowner/Tenant Permits

a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.

b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of $37.50. All landowners/tenants who do not reside on the property must possess a valid hunting license.

d) Landowners or tenants are not required to participate in the public drawing for permits and are not counted towards the total number of permits issued for a particular county.

e) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for one additional county-wide permit beginning the third Monday in September from any permits remaining. Fees for this additional permit are set in Section 715.20(a).

f) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

1) Submittal of a copy of property deed;

2) Submittal of a copy of contract for deed;

3) Submittal of a copy of most recent real estate tax statement upon which landowner's name appears;

4) Submittal of a copy of a Farm Service Agency 156EZ form; or

5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.

g) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

1) A lease (not a hunting rights lease) or rental agreement, file stamped as

recorded by the county clerk, covering the current year; or

2) The authorized form from the Farm Service Agency.

h) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.

i) Shareholder Landowner Permits

1) Bona fide equity shareholders of corporations ~~or bona fide equity members of limited liability companies~~ owning 40 or more acres of land in a county may apply for one permit to hunt the corporation ~~or limited liability company~~ lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations ~~or limited liability companies~~. Lands leased to corporations ~~or limited liability companies~~ shall not be considered as a basis for a permit for the shareholders~~/members~~ of the lessee. Lands held in trust by corporations ~~or limited liability companies~~ shall not be considered as a basis for a permit by the shareholders~~/members~~ of the trustee. If application is made for a permit based upon lands owned by the corporation ~~or limited liability company~~, a duly authorized officer of the corporation ~~or limited liability company~~ must sign a notarized statement authorizing the applicant to hunt on the corporate ~~or company~~ lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder ~~or member~~ as defined in ~~this~~ subsection (i)(2), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation ~~or limited liability company~~ lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder~~/member~~ turkey permit shall be free to resident shareholders and the cost to nonresident shareholders shall be $37.50.

2)~~1)~~ Bona fide equity shareholder means an individual who:

A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the

corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and

B) intends to retain the ownership of the shares of stock for at least 5 years.

~~2) Bona fide equity member means an individual who:~~

~~A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and~~

~~B) intends to retain the membership for at least 5 years.~~

j) Providing false or deceptive information is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 29 Ill. Reg. 18938, effective November 4, 2005)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: The Taking of Wild Turkeys – Fall Archery Season

2) Code Citation: 17 Ill. Adm. Code 720

3) Section Number: 720.25 — Adopted Action: 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: November 2, 2005

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment 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: July 29, 2005; 29 Ill. Reg. 11749

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rulemaking: The Department recently discovered that this Part contains inaccurate information regarding the issuance of free permits to bona fide equity members of limited liability companies. The Department has statutory authority to issue free deer permits to bonafide equity members of limited liability companies, but does not have statutory authority to issue free turkey permits to bonafide members of limited liability companies. This amendment was filed to remove the inaccurate information.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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 b: FISH AND WILDLIFE

PART 720
THE TAKING OF WILD TURKEYS – FALL ARCHERY SEASON

Section

720.10 Hunting Seasons and Counties Open to Hunting
720.20 Statewide Turkey Permit Requirements
720.25 Turkey Permit Requirements – Landowner/Tenant Permits
720.30 Turkey Hunting Regulations
720.40 Regulations at Various Department-Owned or -Managed Sites
720.50 Releasing or Stocking of Turkeys (Repealed)

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].

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. 11799, effective August 3, 1995; amended at 20 Ill. Reg. 10890, effective August 5, 1996; amended at 21 Ill. Reg. 9102, effective June 26, 1997; amended at 22 Ill. Reg. 14856, effective August 3, 1998; amended at 23 Ill. Reg. 9082, effective July 28, 1999; amended at 24 Ill. Reg. 8956, effective June 19, 2000; amended at 25 Ill. Reg. 11448, effective August 14, 2001; amended at 26 Ill. Reg. 13867, effective September 5, 2002; amended at 27 Ill. Reg. 12658, effective July 21, 2003; amended at 28 Ill. Reg. 13612, effective September 24, 2004; amended at 29 Ill. Reg. 18944, effective November 2, 2005.

Section 720.25 Turkey Permit Requirements – Landowner/Tenant Permits

a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.

c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of $25. All landowners/tenants who do not reside on the property must possess a valid hunting license.

d) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

1) Submittal of a copy of property deed;

2) Submittal of a copy of contract for deed;

3) Submittal of a copy of most recent real estate tax statement upon which landowner's name appears;

4) Submittal of a copy of a Farm Service Agency 156EZ form; or

5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.

e) If applying for a tenant permit, applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

1) A lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county clerk, covering the current year; or

2) The authorized form from the Farm Service Agency.

f) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) will be issued a

permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.

g) Shareholder Landowner Permits

1) Bona fide equity shareholders of corporations~~or bona fide equity members of limited liability companies~~ owning 40 or more acres of land in a county may apply for one permit to hunt the corporation~~or limited liability company~~ lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations~~ or limited liability companies~~. Lands leased to corporations~~or limited liability companies~~ shall not be considered as a basis for a permit for the shareholders~~/members~~ of the lessee. Lands held in trust by corporations~~or limited liability companies~~ shall not be considered as a basis for a permit by the shareholders~~/members~~ of the trustee. If application is made for a permit based upon lands owned by the corporation~~ or limited liability company~~, a duly authorized officer of the corporation ~~or limited liability company~~ must sign a notarized statement authorizing the applicant to hunt on the corporate or company lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder ~~or member~~ as defined in ~~this~~ subsection (g)(2), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation~~or limited liability company~~ lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder~~/member~~ turkey permit shall be free to resident shareholders~~/ members~~ and the cost to nonresident shareholders~~/members~~ shall be $25.

2)~~1)~~ Bona fide equity shareholder means an individual who:

A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and

B) intends to retain the ownership of the shares of stock for at least 5

years.

~~2) Bona fide equity member means an individual who:~~

~~A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and~~

~~B) intends to retain the membership for at least 5 years.~~

h) Providing false or deceptive information is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 29 Ill. Reg. 18944, effective November 2, 2005)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Technology Advancement and Development Act Programs

2) Code Citation: 14 Ill. Adm. Code 545

3)

Section Numbers:	Emergency Action:
545.20	Amend
545.120	Amend
545.510	New Section
545.520	New Section
545.530	New Section
545.540	New Section
545.550	New Section
545.560	New Section

4) Statutory Authority: Implementing and authorized by the Technology Advancement and Development Act [20 ILCS 700].

5) Effective date of proposed amendments and amendments: November 3, 2005

6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: The Department has not set an earlier expiration date.

7) Date Filed with the Index Department: November 3, 2005

8) A statement that a copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: The Department maintains a copy of the adopted rule including any referenced materials in its principal office in Springfield, Illinois and is available for public inspection.

9) Reason for Emergency: Emergency adoption of the rules will expedite the delivery of financial assistance to business and not-for-profits engaged in homeland security product development and service delivery, expand the availability of tools available in this critical national industry, and generate economic activity within the state.

10) A Complete Description of the Subjects and Issues Involved: The Homeland Security Market Development grant was established for the Department of Commerce and Economic Opportunity to provide financial incentives to public or private entities

engaged in homeland security product research and development; product improvement or commercialization; planning and coordination; or for the improvement of services.

11) Are there any proposed amendments to this Part pending? Yes.

Section Numbers:	Proposed Action:	Illinois Register Number:
545.20	Amend	29 Ill. Reg. 14599
545.120	Amend	29 Ill. Reg. 14599
545.510	New Section	29 Ill. Reg. 14599
545.520	New Section	29 Ill. Reg. 14599
545.530	New Section	29 Ill. Reg. 14599
545.540	New Section	29 Ill. Reg. 14599
545.550	New Section	29 Ill. Reg. 14599
545.560	New Section	29 Ill. Reg. 14599

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

13) Information and questions regarding this Emergency Rulemaking shall be directed to:

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
620 East Adams Street
Springfield IL 62701

217/557-1820

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY~~COMMUNITY AFFAIRS~~

PART 545
TECHNOLOGY ADVANCEMENT AND DEVELOPMENT ACT PROGRAMS

SUBPART A: ADMINISTRATIVE REQUIREMENTS

Section
545.10 General Purpose
545.20 Definitions
EMERGENCY
545.30 Administrative Requirements

SUBPART B: TECHNOLOGY CHALLENGE GRANT PROGRAM

Section
545.110 Purpose
545.120 Authorized Programs and Activities
EMERGENCY
545.130 Eligible Applicants

SUBPART C: ENTERPRISE DEVELOPMENT AND INVESTMENT PROGRAM

Section
545.210 Purpose
545.220 Direct Investment Strategy
545.230 Portfolio Investment Strategy
545.240 Illinois Technology Enterprise Development Centers

SUBPART D: BUSINESS MODERNIZATION PROGRAM

Section
545.310 Purpose
545.320 Modernization Retooling Loan Program
545.330 Modernization Grants Program
545.340 Development Corporations

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

545.350 Manufacturing Extension Program
545.360 Manufacturing and Export Base Services Program

SUBPART E: DIRECT GRANT, INVESTMENT, AND LOAN APPLICATION PROCEDURES

Section
545.410 Methods of Direct Grant, Investment, and Loan Application Submittal
545.420 Application Content
545.430 Screening of Applications
545.440 General Review Criteria
545.450 Program Specific Criteria

SUBPART F: HOMELAND SECURITY PROGRAM GRANT LINE

Section
545.510 Purpose
EMERGENCY
545.520 Authorized Programs and Activities
EMERGENCY
545.530 Eligible Applicants
EMERGENCY
545.540 Eligible Costs
EMERGENCY
545.550 Ineligible Costs
EMERGENCY
545.560 Reporting Requirements
EMERGENCY

AUTHORITY: Implementing and authorized by the Technology Advancement and Development Act [20 ILCS 700].

SOURCE: Emergency rules adopted at 13 Ill. Reg. 19753, effective December 1, 1989, for a maximum of 150 days; emergency expired April 30, 1990; adopted at 14 Ill. Reg. 9016, effective, May 29, 1990; amended at 15 Ill. Reg. 15040, effective October 4, 1991; amended at 18 Ill. Reg. 8415, effective May 23, 1994; amended at 18 Ill. Reg. 17213, effective, November 17, 1994; old Part repealed, new Part adopted at 25 Ill. Reg. 15997, effective November 29, 2001; emergency amendment at 29 Ill. Reg. 15045, effective September 21, 2005, for a maximum of 150 days; emergency amendment repealed at 29 Ill. Reg. _____, effective

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

November 3, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 18950, effective November 3, 2005, for a maximum of 150 days.

SUBPART A: ADMINISTRATIVE REQUIREMENTS

Section 545.20 Definitions
EMERGENCY

a) Definitions in the Act: The following words and phrases, for the purpose of this rule, have the same meaning respectively ascribed to them in Section 1003 of the Act [20 ILCS 700/1003].

"Advanced technology project" means any area of basic or applied research or development which is designed to foster greater knowledge or understanding, or which is designed for the purposes of improving, designing, developing, prototyping, producing or commercializing new products, techniques, processes or technical devices in present or emerging fields of health care and biomedical research, information and communication systems, computing and computer services, electronics, manufacturing, robotics and materials research, transportation and aerospace, agriculture and biotechnology, and finance and services.

"Business expense" includes working capital financing, the purchase or lease of machinery and equipment, or the lease or purchase of real property, including construction, renovation, or leasehold improvements, but does not include refinancing current debt.

"Business project" means any specific economic development activity of a commercial, industrial, manufacturing, agricultural, scientific, financial, service or other not-for-profit nature, which is expected to yield an increase in jobs or to result in the retention of jobs or an improvement in production efficiency.

"Department" means the Illinois Department of Commerce and Economic Opportunity~~Community Affairs~~.

"Director" means the Director of the Illinois Department of Commerce and Economic Opportunity~~Community Affairs~~.

"Financial assistance" means a loan, investment, grant or the purchase of qualified securities or other means whereby financial aid is made available to or

on behalf of a business project or advanced technology project.

~~"Illinois Coalition" means a not-for-profit, nonpartisan private-public partnership of the State's top leaders from business, labor, government, education, and research dedicated to strengthening Illinois' economy through science and technology. The Coalition develops statewide policy, positions, plans and programs that directly address the growth of the State's science and technology-based economy. The Coalition focuses development activities in the following areas: education, State and federal funding priorities, information technology, life sciences, advanced manufacturing, access to capital, and marketing and development. The Coalition works in concert with other industry associations, government entities, private enterprises and elected officials to accomplish its mission.~~

"Intermediary organization" means any participating organization including not-for-profit entities, for-profit entities, State development authorities, institutions of higher education, other public or private corporations, which may include the Illinois Coalition, the Illinois Terrorism Task Force, or other governmental or private~~or other~~ entities necessary or desirable to further the purpose of this Act engaged by the Department through any contract, agreement, memoranda of understanding, or other cooperative arrangement to deliver programs authorized under the Act.

"Investment loan" means any loan structured so that the applicant repays the principal and interest and provides a qualified security investment to serve both as additional loan security and as an additional source of repayment.

"Loan" means acceptance of any note, bond, debenture, or evidence of indebtedness, whether unsecured or secured by a mortgage, pledge, deed of trust, or other lien on any property, or any certificate of, receipt for, participation in, or an option to any of the foregoing. A loan shall bear such interest rate, with such terms of repayment, secured by such collateral, with other terms and conditions, as the Department shall deem necessary or appropriate.

"Participating lender or investor" means any trust company, bank, savings bank, credit union, merchant bank, investment bank, broker, investment trust, pension fund, building and loan association, savings and loan association, insurance company, venture capital company or other institution, community or State development corporation, development authority authorized to do business by an Act of this State, or other public or private financing intermediary approved by

the Department whose purposes include financing, promoting, or encouraging economic development financing.

"Qualified security investments" means any stock, convertible security, treasury stock, limited partnership interest, certificate of interest or participation in any profit sharing agreement, preorganization certificate or subscription, transferable share, investment contract, certificate of interest or participation in a patent or application or, in general, any interest or instrument commonly known as a "security" or any certificate for, receipt for, guarantee of, or option, warrant or right to subscribe to or purchase any of the foregoing, but not including any instrument which contains voting rights or which can be converted to contain voting rights in the possession of the Department.

b) Other Definitions:

"Act" means the Technology Advancement and Development Act [20 ILCS 700].

"Leveraged dollar award" means grant funds awarded to the grant applicant intended to be used as leverage to secure additional funding from other public or philanthropic sources.

"Partnership" or "joint venture" means any organization, formed either through contract or mutual agreement, where two or more persons agree to do business together.

"Product" means a commodity or service with commercial value that is either further developed or brought to market through use of grant funds.

"Recipient" means any entity receiving financial assistance under the Act.

"Service" means any service that would advance the commercialization of a technology with applicability to the homeland security industry. This would include, but is not limited to, the protection of intellectual property rights, business continuity and recovery, research and development, and technology integration.

"Small and medium size business" means any for-profit business with 1,000 or fewer employees assigned to work locations within the State of Illinois.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 18950, effective November 3, 2005, for a maximum of 150 days)

SUBPART B: TECHNOLOGY CHALLENGE GRANT PROGRAM

Section 545.120 Authorized Programs and Activities
EMERGENCY

a) Grants may be awarded for the activities specified at Section 2002 of the Act, including:

1) Advanced Technology Projects – The Department may award initial grant funds for applied innovation research projects that *respond to unique, advanced technology projects and which foster the development of Illinois' economy through the advancement of the State's economic, scientific, and technological assets*.

2) Leveraged Technology Projects – The Department may award initial grant funds for applied innovation research projects *to assist eligible applicants in the State to apply for, or qualify for and leverage, federal funds awarded for advanced technology projects concerning research and development, business innovation research or technical development, or transfer of useful technology to the private sector*.

3) University-Industry Partnerships – The Department may grant funds for joint university and industry initiatives that create high-skill employment opportunities and internship activities that enable graduates and faculty to stay and work in Illinois. The Department may also grant funds for joint university and industry initiatives designed to strengthen the relationship between industry and academia, so that applied university research is responsive to the needs of Illinois' industries.

4) Technology Commercialization Centers – The Department may award grant funds to create and operate *centers of excellence in technology commercialization, innovation evaluation, and intellectual property management that encourages the growth of new enterprises based on technologies developed at Illinois research centers, including technology partnerships, technology consortiums or research centers, and industry technology associations that are, or will be, established to perform research and development in present and emerging technologies that can*

be developed for use by commerce and industry.

5) Technology Transfer Projects – The Department may award grant funds for *technology transfer projects involving promotion of new or innovative technologies among small and medium-sized Illinois manufacturers where the technologies have immediate commercial application*.

6) Continuous Improvement Projects – The Department may award grant funds to provide for *planning and operational support for statewide support that improves practices in technology commercialization, including needs assessment and evaluation of the status of technology implementation throughout the State.* [20 ILCS 700/2002]

7) Capacity and Program Development Projects – The Department may award grant funds to qualified not-for-profit organizations or educational institutions in order to support service delivery improvement projects, in order to extend Department capacity in relation to implementation of homeland security market development programs, or for the operation of legislatively directed councils or coordinating bodies.

8) Product and Service Development Projects – The Department may award grant funds to individual companies or partnerships with operations in Illinois for products or professional services that address unique or emerging national needs in homeland security, safety or defense, or support the development of solutions to these needs.

b) Allowable Costs – Allowable costs are specified in Section 2002(b) of the Act, including costs for *capital improvements, equipment, contractual services, commodities, personnel, support costs, including telecommunications, electronic data and commodities, or other costs*. All costs are subject to the approval of the Department. Indirect costs shall be limited to no more than 15% of direct grant costs. [20 ILCS 700/2002(b)]

c) Combination with Technology Enterprise Development Centers – As a means of increasing cost efficiency of program delivery, the Department may combine program responsibilities for activities authorized under subsection (a)(4), Technology Commercialization Centers, with activities authorized under Technology Enterprise Development Centers, as described in Section 545.240 of this Part. As authorized by the Department through an agreement, Technology Enterprise Development Centers may serve as Technology Commercialization

Centers.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 18950, effective November 3, 2005, for a maximum of 150 days)

SUBPART F: HOMELAND SECURITY PROGRAM GRANT LINE

Section 545.510 Purpose
EMERGENCY

In accordance with the general intent of Section 2001 of the Act [20 ILCS 700/2001] the Homeland Security Market Development Grant Line is intended to support the development and/or application of homeland security-related products or services, conditioned upon these products or services addressing demonstrated needs in homeland security and/or defense.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 18950, effective November 3, 2005, for a maximum of 150 days)

Section 545.520 Authorized Programs and Activities
EMERGENCY

The grant line may be used for activities generally consistent with the intent of Section 2002 of the Act, such as *providing investments, loans, or grants to individual businesses, partnerships or joint ventures that provide or commercialize products or services that meet homeland security or defense needs. Further, financial assistance may be used to fund not-for-profit or educational institutions that make available resources and expertise that further homeland security preparedness, recovery, planning, or service delivery; support development of the technical or managerial skills for business owners and entrepreneurs; aid commercial ventures in locating financing product or service development; and help new companies or partnerships with product development.*

(Source: Added by emergency rulemaking at 29 Ill. Reg. 18950, effective November 3, 2005, for a maximum of 150 days)

Section 545.530 Eligible Applicants
EMERGENCY

The Department may provide an award of grant funds, make a loan to, or provide an investment in any entity, partnership, or joint venture located, or with substantial operations, in the State of

Illinois. Financial assistance will be awarded based on the qualifications and expertise of the entity and the ability of the entity to demonstrate a sufficient need for its proposed project.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 18950, effective November 3, 2005, for a maximum of 150 days)

Section 545.540 Eligible Costs
EMERGENCY

Grant, loan or investement funds may be used toward the development, production, or commercialization of any product or service with application in both homeland security and another commercial sector. Grant, loan or investment funds may be used to hire technical staff, to engage third-party consultants and professional service providers or for other uses as the Department deems appropriate in order to assist with homeland security product or service development, the support of programs that contribute to product or service development, or activities that accelerate commercial application of the product or service.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 18950, effective November 3, 2005, for a maximum of 150 days)

Section 545.550 Ineligible Costs
EMERGENCY

Grant, loan or investment funds are not intended to finance long-term research projects. They are intended to accelerate the development and production of homeland security products. Funds may not be used for general or routine administrative purposes.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 18950, effective November 3, 2005, for a maximum of 150 days)

Section 545.560 Reporting Requirements
EMERGENCY

Unless otherwise specified in the agreement between the Department and the recipient, an entity receiving financial assistance shall report financial and programmatic data to the Department on a regular basis using formats provided by the Department. Report formats and content shall be customized to the specific program and form of financial assistance. The Department requires quarterly reporting of expenditures and program achievements at a level of detail sufficient to provide for program accountability.

a) Expenditures – Unless otherwise specified in the agreement with the Department or an intermediary organization, an entity receiving financial assistance shall report actual expenditure of financial assistance using expenditure formats supplied by the Department. Expenditure summaries are to be submitted to the Department by the 15th day following the end of each fiscal quarter in which any expenditure of financial assistance is made. All award dollars must be expended within 24-months after receipt. Failure to do so may trigger the Department to initiate fund recovery activities.

b) Program Report – Unless otherwise specified in the agreement with the Department or an intermediary organization, an entity receiving financial assistance shall submit a program report in a format provided by the Department. The program report shall include a narrative describing the entity's progress toward achievement of objectives and activities as specified in the agreement with the Department or an intermediary organization. Program reports shall be submitted to the Department by the 15th day following the end of each fiscal quarter.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 18950, effective November 3, 2005, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRTIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 1, 2005 through November 7, 2005 and have been scheduled for review by the Committee at its November 15, 2005 or December 13, 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.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
12/15/05	Department of Natural Resources, Youth Hunting Seasons (17 Ill. Adm. Code 685)	9/2/05 29 Ill. Reg. 13331	11/15/05
12/15/05	Department of Military Affairs, Illinois Military Family Relief Fund Act (95 Ill. Adm. Code 200)	12/17/04 28 Ill. Reg. 16077	12/13/05
12/21/05	Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501)	6/24/05 29 Ill. Reg. 8540	12/13/05

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.595 and 302.669, the following water quality criteria have been derived as listed. This listing updates revisions to existing criteria for the period July 1, 2005 through September 30, 2005.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995: 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; 24 Ill. Reg. 14428, September 29, 2000; 25 Ill. Reg. 270, January 5, 2001; 25 Ill. Reg. 4049, March 16, 2001; 25 Ill. Reg. 7367, June 8, 2001; 25 Ill. Reg. 12186, September 21, 2001; 25 Ill. Reg. 16175, December 14, 2001; 26 Ill. Reg. 4974, March 29, 2002; 26 Ill. Reg. 13370, September 6, 2002; 27 Ill. Reg. 1736, January 31, 2003; 27 Ill. Reg. 7350, April 18, 2003; 27 Ill. Reg. 17128, November 7, 2003; 28 Ill. Reg. 5038, March 19, 2004; 28 Ill. Reg. 8363, June 11, 2004; 28 Ill. Reg. 12943, September 17, 2004; 29 Ill. Reg. 1449, January 21, 2005; 29 Ill. Reg. 7239, May 20, 2005 and 29 Ill. Reg. 12672, August 12, 2005.

Chemical: Acenaphthene CAS #83-32-9
Acute criterion: 120 ug/l Chronic criterion: 62 ug/l
Date criteria derived: November 14, 1991; revised February 1999
Applicable waterbodies: Not used during this period.

Chemical: Acenaphthylene CAS # 208-96-8
Acute criterion: 190 ug/L Chronic criterion: 15 ug/L
Date criteria derived: March 1, 1998
Applicable waterbodies: Not used during this period.

Chemical: Acetone CAS #67-64-1
Acute criterion: 1,500 mg/l Chronic criterion: 120 mg/l
Date criteria derived: May 25, 1993
Applicable waterbodies: Not used during this period.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Acetonitrile CAS #75-05-8 Acute criterion: 380 mg/l Chronic criterion: 30 mg/l Date criteria derived: December 7, 1993 Applicable waterbodies: Not used during this period.
Chemical: Acrylonitrile CAS #107-13-4 Acute criterion: 910 ug/l Chronic criterion: 73 ug/l Human health criterion (HNC): 0.21 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies: Not used during this period.
Chemical: Anthracene CAS #120-12-7 Human health criterion (HTC): 35 mg/l Date criteria derived: August 18, 1993 Applicable waterbodies: Not used during this period.
Chemical: Atrazine CAS #1912-24-9 Acute criterion: 82 ug/l Chronic criterion: 9.0 ug/L Date criteria derived: May 2, 2005 Applicable waterbodies: Little Wabash River segment C-19 Skillet Fork segments CA-03, CA-05 and CA-06
Chemical: Benzo(a)anthracene CAS #56-55-3 Human health criterion (HNC): 0.16 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.
Chemical: Benzo(a)pyrene CAS #50-32-8 Human health criterion (HNC): 0.016 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.
Chemical: Benzo(b)fluoranthene CAS # 205-99-2 Human health criterion (HNC): 0.16 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.
Chemical: Benzo(k)fluoranthene CAS #207-08-9 Human health criterion (HNC): 1.6 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Carbon tetrachloride CAS #56-23-5
Acute criterion: 3,500 ug/l Chronic criterion: 280 ug/l
Human health criterion (HNC): 1.4 ug/l
Date criteria derived: June 18, 1993
Applicable waterbodies: Not used during this period.

Chemical: Chlorobenzene CAS #108-90-7
Acute criterion: 990 ug/l Chronic criterion: 79 ug/l
Date criteria derived: December 11, 1991
Applicable waterbodies: Not used during this period.

Chemical: Chloroform CAS #67-66-3
Acute criterion: 1,900 ug/l Chronic criterion: 150 ug/l
Human health criterion (HNC): 130 ug/l
Date criteria derived: October 26, 1992
Applicable waterbodies: Not used during this period.

Chemical: Chrysene CAS #218-01-9
Human health criterion (HNC): 16 ug/l
Date criteria derived: August 10, 1993; revised February 1999
Applicable waterbodies: Not used during this period.

Chemical: 1,2-dichlorobenzene CAS #95-50-1
Acute criterion: 210 ug/l Chronic criterion: 17 ug/l
Date criteria derived: December 1, 1993
Applicable waterbodies: Not used during this period.

Chemical: 1,3-dichlorobenzene CAS #541-73-1
Acute criterion: 500 ug/l Chronic criterion: 200 ug/l
Date criteria derived: July 31, 1991
Applicable waterbodies: Not used during this period.

Chemical: 1,2-dichloroethane CAS #107-06-2
Acute criterion: 25 mg/l Chronic criterion: 4.5 mg/l
Human health criterion (HNC): 23 ug/l
Date criteria derived: March 19, 1992
Applicable waterbodies: Not used during this period.

Chemical: 1,1-dichloroethylene CAS #75-35-4
Acute criterion: 3,000 ug/l Chronic criterion: 240 ug/l
Human health criterion (HNC): 0.95 ug/l
Date criteria derived: March 20, 1992
Applicable waterbodies: Not used during this period.

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 2,4-dichlorophenol CAS #120-83-2
Acute criterion: 630 ug/l Chronic criterion: 83 ug/l
Date criteria derived: November 14, 1991
Applicable waterbodies: Not used during this period.

Chemical: 1,2-dichloropropane CAS #78-87-5
Acute criterion: 4,800 ug/l Chronic criterion: 380 ug/l
Date criteria derived: December 7, 1993
Applicable waterbodies: Not used during this period.

Chemical: 1,3-dichloropropylene CAS #542-75-6
Acute criterion: 99 ug/l Chronic criterion: 7.9 ug/l
Date criteria derived: November 13, 1991
Applicable waterbodies: Not used during this period.

Chemical: 2,4-dimethyl phenol CAS #105-67-9
Acute criterion: 740 ug/l Chronic criterion: 220 ug/l
Date criteria derived: October 26, 1992
Applicable waterbodies: Not used during this period.

Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol CAS #534-52-1
Acute criterion: 29 ug/l Chronic criterion: 2.3 ug/l
Date criteria derived: November 14, 1991
Applicable waterbodies: Not used during this period.

Chemical: 2,4-dinitrophenol CAS #51-28-5
Acute criterion: 85 ug/l Chronic criterion: 4.1 ug/l
Date criteria derived: December 1, 1993
Applicable waterbodies: Not used during this period.

Chemical: 2,6-dinitrotoluene CAS #606-20-2
Acute criterion: 1,900 ug/l Chronic criterion: 150 ug/l
Date criteria derived: February 14, 1992
Applicable waterbodies: Not used during this period.

Chemical: Diquat CAS #85-00-7
Acute criterion: 990 ug/l Chronic criterion: 80 ug/l
Date criteria derived: January 30, 1996
Applicable waterbodies: Not used during this period.

Chemical: Ethyl mercaptan (ethanethiol) CAS #75-08-1
Acute criterion: 17 ug/l Chronic criterion: 2 ug/l
Date criteria derived: April 8, 2002
Applicable waterbodies: Not used during this period.

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Fluoranthene CAS #206-44-0
Human health criterion (HTC): 120 ug/l
Date criteria derived: August 10, 1993
Applicable waterbodies: Not used during this period.

Chemical: Formaldehyde CAS #50-00-0
Acute criterion: 4.9 mg/l Chronic criterion: 0.39 mg/l
Date criteria derived: January 19, 1993
Applicable waterbodies: Not used during this period.

Chemical: Hexachlorobenzene CAS #118-74-1
Human health criterion (HNC): 0.00025 ug/l
Date criteria derived: November 15, 1991
Applicable waterbodies: Not used during this period.

Chemical: Hexachlorobutadiene CAS #87-68-3
Acute criterion: 35 ug/l Chronic criterion: 2.8 ug/l
Date criteria derived: March 23, 1992
Applicable waterbodies: Not used during this period.

Chemical: Hexachloroethane CAS #67-72-1
Acute criterion: 380 ug/l Chronic criterion: 31 ug/l
Human health criterion (HNC): 2.9 ug/l
Date criteria derived: November 15, 1991
Applicable waterbodies: Not used during this period.

Chemical: n-Hexane CAS #110-54-3
Acute criterion: 250 ug/l Chronic criterion: 20 ug/l
Date criteria derived: April 8, 2002
Applicable waterbodies: Not used during this period.

Chemical: Isobutyl alcohol = 2-methyl-1-propanol CAS #78-83-1
Acute criterion: 430 mg/l Chronic criterion: 35 mg/l
Date criteria derived: December 1, 1993
Applicable waterbodies: Not used during this period.

Chemical: Methylene chloride CAS #75-09-2
Acute criterion: 17 mg/l Chronic criterion: 1.4 mg/l
Human health criterion (HNC): 340 ug/l
Date criteria derived: January 21, 1992
Applicable waterbodies: Not used during this period.

Chemical: Methylethylketone CAS #78-93-3

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 320 mg/l	Chronic criterion: 26 mg/l
Date criteria derived: July 1, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl-2-pentanone	CAS #108-10-1
Acute criterion: 46 mg/l	Chronic criterion: 1.4 mg/l
Date criteria derived: January 13, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 2-methyl phenol	CAS #95-48-7
Acute criterion: 4.7 mg/l	Chronic criterion: 0.37 mg/l
Date criteria derived: November 8, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl phenol	CAS #106-44-5
Acute criterion: 670 ug/l	Chronic criterion: 120 ug/l
Date criteria derived: January 13, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: methyl tert-butyl ether (MTBE)	CAS #134-04-4
Acute criterion: 67 mg/l	Chronic criterion: 6.7 mg/l
Date criteria derived: September 18, 1997	
Applicable waterbodies: Not used during this period.	
Chemical: Naphthalene	CAS #91-20-3
Acute criterion: 510 ug/l	Chronic criterion: 68 ug/l
Date criteria derived: November 7, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: 4-nitroaniline	CAS #100-01-6
Acute criterion: 1.5 mg/l	Chronic criterion: 0.12 mg/l
Date criteria derived: May 5, 1996	
Applicable waterbodies: Not used during this period.	
Chemical: Nitrobenzene	CAS #98-95-3
Acute criterion: 15 mg/l	Chronic criterion: 8.0 mg/l
Human health criterion (HTC): 0.52 mg/l	
Date criteria derived: February 14, 1992; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Pentachlorophenol	
Acute criterion: 20 ug/l	Chronic criterion: 13 ug/l
Date criteria derived: national criterion at pH of 7.8, September 1986	

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies: Not used during this period.

Chemical: Phenanthrene CAS #85-01-8
Acute criterion: 46 ug/l Chronic criterion: 3.7 ug/l
Date criteria derived: October 26, 1992
Applicable waterbodies: Not used during this period.

Chemical: Propylene CAS #115-07-1
Acute criterion: 4.0 mg/l Chronic criterion 0.40 mg/l
Date criteria derived: April 8, 2002
Applicable waterbodies: Not used during this period.

Chemical: Pyrene CAS #120-00-0
Human health criterion (HTC): 3.5 mg/l
Date criteria derived: December 22, 1992
Applicable waterbodies: Not used during this period.

Chemical: Tetrachloroethylene CAS #127-18-4
Acute criterion: 1,200 ug/l Chronic criterion: 150 ug/l
Date criteria derived: March 23, 1992
Applicable waterbodies: Not used during this period.

Chemical: Tetrahydrofuran CAS #109-99-9
Acute criterion: 220 mg/l Chronic criterion: 17 mg/l
Date criteria derived: March 16, 1992
Applicable waterbodies: Not used during this period.

Chemical: 1,2,4-trichlorobenzene CAS #120-82-1
Acute criterion: 370 ug/l Chronic criterion: 72 ug/l
Date criteria derived: December 14, 1993; revised February 1999
Applicable waterbodies: Not used during this period.

Chemical: 1,1,1-trichloroethane CAS #71-55-6
Acute criterion: 4,900 ug/l Chronic criterion: 390 ug/l
Date criteria derived: October 26, 1992
Applicable waterbodies: Not used during this period.

Chemical: 1,1,2-trichloroethane CAS #79-00-5
Acute criterion: 19 mg/l Chronic criterion: 4.4 mg/l
Human health criterion (HNC): 12 ug/l
Date criteria derived: December 13, 1993; revised February 1999
Applicable waterbodies: Not used during this period.

Chemical: Trichloroethylene CAS #79-01-6

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 12,000 ug/l	Chronic criterion: 940 ug/l
Human health criterion (HNC): 25 ug/l	
Date criteria derived: October 23, 1992	
Applicable waterbodies: Not used during this period.	

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher
Illinois Environmental Protection Agency
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1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

PROCLAMATIONS

2005-366
NATIONAL KIDNEY FOUNDATION OF ILLINOIS KIDNEYMOBILE DAY

WHEREAS, a preventable healthcare crisis is sweeping through Illinois and the entire country; and

WHEREAS, today, approximately one in nine adults, or 20 million Americans have Chronic Kidney Disease. In just our State, about one million adults are afflicted with the illness; and

WHEREAS, 28 percent, or nearly one third of the population of Illinois have the greatest risk of contracting Chronic Kidney Disease. Among that group, African Americans and Latinos are disproportionately affected by the illness due to untreated hypertension and diabetes; and

WHEREAS, this year, the National Kidney Foundation of Illinois is officially launching the nation's first free mobile Chronic Kidney Disease preventative screening and education program in rural and urban communities across our State on November 7:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 7, 2005 as **NATIONAL KIDNEY FOUNDATION OF ILLINOIS KIDNEYMOBILE DAY**, and commemorate the official launch of a critical public health prevention campaign that will significantly improve the health of many Illinois residents.

Issued by the Governor on November 2, 2005.

Filed with the Secretary of State November 2, 2005.

2005-367
SCHOOL PSYCHOLOGY AWARENESS WEEK

WHEREAS, throughout the country, school psychologists work diligently in our schools and school district offices to improve learning and behavior strategies among students, and to enhance classroom management and parenting skills; and

WHEREAS, school psychologists have specialized training in both psychology and education, and team with educators, parents, and other mental health professionals to ensure that every child learns in a safe, healthy, and supportive environment; and

WHEREAS, school psychologists demonstrate their ability to meet the varying needs of students through a wide-range of approaches such as consultation, assessment, intervention, prevention, and education; and

WHEREAS, in addition to assisting students on a day-to-day basis, school psychologists also facilitate research to generate new knowledge about learning and behavior. Furthermore, they evaluate the effectiveness of current academic programs in order to contribute needed planning for school-wide reform and restructuring; and

WHEREAS, the Illinois School Psychologists Association, an affiliate of the National Association of School Psychologists, is a not-for-profit professional association representing school psychologists in the State of Illinois. This year, they will recognize school psychologists in our State for their valuable service during the second week in November:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 7-11, 2005 as **SCHOOL PSYCHOLOGY AWARENESS WEEK** in Illinois, and commend school psychologists for their outstanding dedication to furthering the education and emotional well-being of our children.

Issued by the Governor on November 2, 2005.

Filed with the Secretary of State November 2, 2005.

2005-368
UNITED HELLENIC AMERICAN CONGRESS DAY

WHEREAS, the United Hellenic American Congress will celebrate its 30th anniversary as a civic, educational, and cultural organization that champions Hellenic-American causes at its annual banquet on November 12 at the Fairmont Hotel; and

WHEREAS, the United Hellenic American Congress will honor Ambassador John D. Negroponte, a career diplomat and former Ambassador to Iraq who has made many positive contributions to both national and international communities. He has also represented his country with valor, pride, and commitment to democratic principles, encompassing all of the positive traits of Hellenism and American virtue; and

WHEREAS, the United Hellenic American Congress, which was founded in 1975, serves as the umbrella and unifying organization for Greek Americans; organizes functions on local, regional, and national levels to promote the Hellenic heritage and culture; safeguards the human and religious rights of Hellenes in the Diaspora; enhances relations between the United States, Greece, and Cyprus; and improves communications and unity between Greek and fellow Americans:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 12, 2005 as **UNITED HELLENIC AMERICAN CONGRESS DAY** in Illinois, and commend Ambassador John D. Negroponte for his devotion and duty to his country, dedication to his Hellenic heritage, and upholding of both Hellenic and American principles.

Issued by the Governor on November 2, 2005.

Filed with the Secretary of State November 2, 2005.

2005-369
GIRLS ON THE RUN DAY

WHEREAS, child obesity has reached epidemic proportions in the United States. Approximately one in three children are overweight or at risk of becoming overweight, compared to about one in nine children just 25 years ago; and

WHEREAS, poor nutritional diets and lack of exercise mostly account for the rise in child obesity. Subsequently, by eating right and exercising regularly, we can turn the rising epidemic around; and

WHEREAS, today, there are many organizations dedicated to improving the health and well-being of children throughout the country, including Girls on the Run. A national

organization, Girls on the Run combines training for a 3.1 mile running event with self-esteem enhancing lessons that encourage healthy behaviors and habits among 8 to 13 year-old girls; and

WHEREAS, the Chicago chapter of Girls on the Run, one of the largest in the country, has programs in Cook, Lake, and DuPage counties that encompass the city of Chicago and many of its surrounding communities. Each program site allows up to twenty girls to participate in their running inspired curriculum twice a week, over an eight-week period; and

WHEREAS, this year, Girls on the Run – Chicago has programs in more than 65 Chicago area schools and community centers, including 35 in lower-income areas, and supports more than 1,000 girls. In celebration of their programs and running event, Girls on the Run – Chicago will host an annual Go Girl Gala on November 18:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 18, 2005 as **GIRLS ON THE RUN DAY** in Illinois in recognition of them and in support of the worthy campaign by their Chicago chapter to improve the health and well-being of girls in our State.

Issued by the Governor on November 2, 2005.

Filed with the Secretary of State November 2, 2005.

2005-370
VETERANS DAY AT LEO HIGH SCHOOL

WHEREAS, throughout American history, countless men and women have risked their lives to defend liberty; and

WHEREAS, from Bunker Hill, Gettysburg, and D-Day, to Yorktown, Appomattox, and V-J Day, millions of Americans have bravely and courageously preserved and protected our freedom; and

WHEREAS, today, there are more than 1,000,000 veterans living in Illinois. The Illinois Department of Veterans' Affairs was created to serve their needs, as well as the needs of their families and loved ones; and

WHEREAS, that is the least we can do to honor our veterans for their devotion to duty and service. Originally a remembrance of those who fought in the First World War, Armistice Day was renamed Veterans Day in 1954 by President Eisenhower so that we would always remember the sacrifices and contributions of veterans from all American wars; and

WHEREAS, our veterans have kept our country safe and free, and Veterans Day is an excellent opportunity to celebrate all the past achievements of these valiant men and women to whom we are deeply indebted; and

WHEREAS, to celebrate Veterans Day, a program at Leo High School in Chicago will honor veterans from Illinois and the contributions they have made on November 4:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 4, 2005 as **VETERANS DAY AT LEO HIGH SCHOOL** in Illinois in recognition of the school's commitment to honoring our nation's past and present heroes.

Issued by the Governor on November 4, 2005.

Filed with the Secretary of State November 4, 2005.

2005-371
ILLINOIS DEPARTMENT OF VETERANS' AFFAIRS DAY

WHEREAS, 30 years ago, the Illinois General Assembly created the Illinois Department of Veterans' Affairs. Their mission, to aid and assist Illinois veterans and their families; and

WHEREAS, since then, the Department of Veterans' Affairs has helped countless veterans and families obtain a variety of benefits and services, including education, employment, housing, medical treatment, pensions, prescription drugs, and burials with military honors; and

WHEREAS, many Illinois veterans have put their lives on the line and fought in combat to protect our liberties and freedoms. The least we can do is care for and support them and their families in return; and

WHEREAS, that is why the objective of the Department of Veterans' Affairs is to ensure that all our veterans and their families receive the dignity and respect due to them for their sacrifices; and

WHEREAS, by helping our veterans and their families, we also pay tribute to all those less fortunate, men and women who served for noble causes but did not survive and return to their families; and

WHEREAS, whatever needs our veterans and their families have, the Department of Veterans' Affairs will be there to serve them. That was the promise made upon their creation, and the promise they intend to keep; and

WHEREAS, we can never repay or thank our veterans and their families enough for their sacrifices, but the Department of Veterans' Affairs works hard to provide them with the assistance they deserve:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 8, 2005 as **ILLINOIS DEPARTMENT OF VETERANS' AFFAIRS DAY** as they celebrate 30 years of commitment and dedication to serving the veterans in our State.

Issued by the Governor on November 4, 2005.

Filed with the Secretary of State November 4, 2005.

2005-372
GLORIA DRYDEN BRYANT DAY

WHEREAS, on November 5, Gloria Dryden Bryant will be honored for more than 38 years of distinguished service in the Cook County, Ford Heights, and South Suburban Chicago communities; and

WHEREAS, a native of St. Charles, Missouri, Gloria moved to the south suburbs of Chicago at the age of 10 with her mother and family. There Gloria attended Cottage Grove Elementary School and Bloom High School. She is also an alumnus of Prairie State College and Governors State University; and

WHEREAS, throughout her career, Gloria has demonstrated excellence in the areas of administration and development of public service; project implementation and management; and short- and long-term planning. Furthermore, she is known throughout Ford Heights and the South Suburban Chicago communities for her commitment and dedication to community service; and

WHEREAS, for the last 15 years, Gloria has served as the executive director of the Community Service Organization, where she has administered many essential and vital programs in the community, including career development and training, economic development, and senior and youth services; and

WHEREAS, prior to her service there, Gloria worked for the Ministerial Alliance of Chicago Heights and Vicinity, the Board of Education for School District 169, the County of Cook/Oak Forest Hospital, and the Ford Heights Community Health Center; and

WHEREAS, Gloria began her career in 1968 for what was then the East Chicago Heights Community Service Center. Mrs. Bryant and her late husband volunteered for fundraising efforts. She was hired on later that year and has the distinction of being their first and only female executive director; and

WHEREAS, since then, Gloria has also had the distinction of being the first administrator of a full service community based healthcare facility in Ford Heights, the first coordinator of three freestanding outpatient medical clinics in South Cook County, and the first female mayor of Ford Heights; and

WHEREAS, Gloria is retiring this year, and her services in the community will undoubtedly be missed by countless residents of Suburban Chicago whose lives she has immeasurably improved:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 5, 2005 as **GLORIA DRYDEN BRYANT DAY** in Illinois, in recognition of Mrs. Bryant and her achievements, and to wish Gloria and her family health and happiness in her retirement.

Issued by the Governor on November 4, 2005.

Filed with the Secretary of State November 4, 2005.

2005-373
PARALEGAL DAY

WHEREAS, paralegals provide essential and vital legal support for many organizations, including law firms, corporate legal departments, and government offices; and

WHEREAS, to meet the increasing demands for legal services in the United States, the skilled work of paralegals will grow in importance and significance for the operation of American organizations and the application of American law. According to the United States Bureau of Labor Statistics, the paralegal profession will experience greater than average growth through the year 2012; and

WHEREAS, created in 1972, the Illinois Paralegal Association represents more than 1,500 paralegals in our State. The association is one of the oldest and largest statewide organizations that support paralegals; and

WHEREAS, the purpose of the Illinois Paralegal Association is to promote the paralegal profession and communication among paralegals, the legal community, and civic and professional organizations, as well as encourage the continuing education of paralegals:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 9, 2005 as **PARALEGAL DAY** in Illinois as the Illinois Paralegal Association meets for an annual conference, and to commend paralegals in our State for their contributions to our communities.

Issued by the Governor on November 4, 2005.

Filed with the Secretary of State November 4, 2005.

2005-371 (Revised)
ILLINOIS DEPARTMENT OF VETERANS' AFFAIRS DAY

WHEREAS, 60 years ago, the Illinois General Assembly created the Illinois Veterans' Commission. Renamed the Illinois Department of Veterans' Affairs in 1975, they were empowered to aid and assist Illinois veterans and their families; and

WHEREAS, since then, the Department of Veterans' Affairs has helped countless veterans and families obtain a variety of benefits and services, including education, employment, housing, medical treatment, pensions, prescription drugs, and burials with military honors; and

WHEREAS, many Illinois veterans have put their lives on the line and fought in combat to protect our liberties and freedoms. The least we can do is care for and support them and their families in return; and

WHEREAS, that is why the mission and objective of the Department of Veterans' Affairs is to ensure that all our veterans and their families receive the dignity and respect due to them for their sacrifices; and

WHEREAS, by helping our veterans and their families, we also pay tribute to all those less fortunate, men and women who served for noble causes but did not survive and return to their families; and

WHEREAS, whatever needs our veterans and their families have, the Department of Veterans' Affairs will be there to serve them. That was the promise made upon their creation, and the promise they intend to keep; and

WHEREAS, we can never repay or thank our veterans and their families enough for their sacrifices, but the Department of Veterans' Affairs works hard to provide them with the assistance they deserve:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 8, 2005 as **ILLINOIS DEPARTMENT OF VETERANS' AFFAIRS DAY** as they celebrate 60 years of commitment and dedication to serving the veterans in our State.

Issued by the Governor on November 4, 2005.

Filed with the Secretary of State November 7, 2005.

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