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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

1) Heading of the Part: Electronic Commerce Security Act

2) Code Citation: 14 Ill. Adm. Code 105

3)

Section Numbers:	Proposed Action:
105.10	New Section
105.20	New Section
105.30	New Section
105.40	New Section
105.50	New Section
105.60	New Section
105.70	New Section
105.80	New Section
105.90	New Section
105.100	New Section
105.110	New Section

4) Statutory Authority: Implementing and authorized by the Electronic Commerce Security Act [5 ILCS 175].

5) A Complete Description of the Subjects and Issues Involved: This Part provides direction on the establishment and administration of a Public Key Infrastructure (PKI) system which is the framework for creating a secure method for exchanging information based on public key cryptography. There are rules that provide for the Secretary of State to administer both internal State government and external business PKI systems. The CMS rule clarifies and establishes the role and authority of CMS to create and administer internal State government PKI systems and retain for Secretary of State the role of creation and administration of external PKI systems.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

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

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

11) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any State mandate on units of local government, school districts or community college districts.

12) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

217/785-1793

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed rules do not change the scope of those affected by its existence.

B) Reporting, bookkeeping or other procedures required for compliance: The proposed rules will not affect existing procedures.

C) Types of professional skills necessary for compliance: No specific additional skills are required for compliance.

14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas because the rulemaking is the result of an audit with a recommendation to revise existing rules to better align them with the necessary operational procedures in place to manage the specific PKI system(s), and was, therefore, not timely anticipated.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 105
ELECTRONIC COMMERCE SECURITY ACT

Section
105.10 Scope and Definitions
105.20 Certification of a Qualified Security Procedure for Electronic Records and Signature
105.30 Criteria for Acceptance of Electronic Signatures
105.40 Recognition of Qualified Security Procedures
105.50 Audit Requirements
105.60 State Certification Authority (CA) Procedures
105.70 Decertification of a Security Procedure
105.80 Performance of Services
105.90 Records Retention
105.100 Provisions for Promoting Uniformity
105.110 Foreign Public Sector Certificate Authorities

AUTHORITY: Authorized by the Electronic Commerce Security Act [5 ILCS 175].

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

Section 105.10 Scope and Definitions

a) The purpose of this Part is to provide maximum flexibility to the implementation of digital signature technology for the public sector under the Electronic Commerce Security Act [5 ILCS 175]. The Department of Central Management Services serves as the single certification authority that may issue certificates to State agencies and as a certification authority that may issue certificates to persons, including non-State agencies, conducting business or other transactions with State agencies.

b) For the purposes of this Part, and unless the context expressly indicates otherwise, definitions are as follows:

"Act" means the Electronic Commerce Security Act [5 ILCS 175].

"Applicant" means the State agency or person, including a non-State agency, conducting business or other transactions with a State agency that seeks certification of a security procedure by the State CA.

"Asymmetric Cryptosystem" means a computer-based system capable of generating and using a key pair consisting of a private key for creating a digital signature and a public key to verify the digital signature.

"Certificate" means a record that, at a minimum:

identifies the certification authority issuing it;

names or otherwise identifies its subscriber or a signature device or electronic agent under the control of the subscriber;

contains a public key that corresponds to a private key under the control of the subscriber;

specifies its operational period; and

is digitally signed by the certification authority issuing it.

"Certification Authority" or "CA" means the person or entity that authorizes and causes the issuance of a certificate.

"Certification Practice Statement" or "CPS" is a statement created by a certification authority that specifies the policies or practices that the certification authority employs in issuing, managing, suspending, and revoking certificates and providing access to them.

"Certificate Policy" or "CP" is a statement published by a certification authority that specifies the policies of the certification authority.

"Digital Signature" means a type of electronic signature created by transforming an electronic record using a message digest function and encrypting the resulting transformation with an asymmetric cryptosystem using the signer's private key such that any person having the initial untransformed electronic record, the encrypted transformation, and the signer's corresponding public key can accurately determine whether the transformation was created using the private key that corresponds to the signer's public key and whether the initial electronic

record has been altered since the transformation was made. A digital signature is a security procedure.

"Department" means the Department of Central Management Services.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

"Electronic Signature" means a signature in electronic form attached to or logically associated with an electronic record.

"Foreign Public Sector CA" means a certification authority that is a public sector entity of any government other than the government of the United States, any of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, or any political subdivision thereof.

"Key Pair" means, in an asymmetric cryptosystem, 2 mathematically related keys, referred to as a private key and a public key, having the properties that:

one key (the private key) can encrypt a message that only the other key (the public key) can decrypt; and

even knowing one key (the public key), it is computationally unfeasible to discover the other key (the private key).

"Message Digest Function" means an algorithm that maps or translates the sequence of bits comprising an electronic record into another, generally smaller, set of bits (the message digest) without requiring the use of any secret information, such as a key, so that an electronic record yields the same message digest every time the algorithm is executed using the electronic record as input, and it is computationally unfeasible that any 2 electronic records can be found or deliberately generated that would produce the same message digest using the algorithm unless the 2 electronic records are precisely identical.

"Non-State Agency" means a person other than a State agency that is a public sector entity of any government, including without limitation, a unit of local government, school district or board of elections created by or pursuant to the statutes of the State of Illinois, or any officer, commissioner, administrative unit or corporate outgrowth of the public sector entity. A non-State agency shall be deemed to be a person conducting business or other transactions with a State agency for purposes of the Act and this Part if it seeks certification of a security procedure by the State CA or is a foreign public sector CA that seeks recognition under Section 105.110 of this Part.

"Operational Period" means the period that begins on the date and time a certificate is issued by a certification authority (or on a later date and time certain if stated in the certificate) and ends on the date and time it expires as noted in the certificate or is earlier revoked, but does not include any period during which the certificate is suspended.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited partnership, limited liability partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

"Private Key" means the key of a key pair used to create a digital signature.

"Public Key" means the key of a key pair used to verify a digital signature.

"Public Key Infrastructure" or "PKI" means a framework for creating a secure method for exchanging information based on public key cryptography.

"Record" means information that is inscribed, stored, or otherwise fixed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Rekey" means the process of securely regenerating signing/verification and/or encryption/decryption keys.

"Security Procedure" means a methodology or procedure used for the purpose of:

verifying that an electronic record is that of a specific person; or

detecting error or alteration in the communication, content, or storage of an electronic record since a specific point in time.

A security procedure may require the use of algorithms or codes, identifying words or numbers, encryption, answer back or acknowledgment procedures, or similar security devices.

"Signature Device" means unique information, such as codes, algorithms, letters, numbers, private keys, or personal identification numbers (PINs), or a uniquely configured physical device that is required, alone or in conjunction with other information or devices, in order to create an electronic signature attributable to a specific person.

"Signed" or "Signature" includes any symbol executed or adopted, or any security procedure employed or adopted, using electronic means or otherwise, by or on behalf of a person with intent to authenticate a record.

"State Agency" means and includes all officers, boards, commissions, courts, and agencies created by the Illinois Constitution, whether in the executive, legislative or judicial branch; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government that are created by or pursuant to statute, other than units of local government and their officers, school districts and boards of elections commissioners; all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor.

"State Certification Authority" or "State CA" means the Department in its role as the single certification authority that may issue certificates to State agencies and as a certification authority that may issue certificates to persons, including non-State agencies, conducting business or other transactions with State agencies.

"Subscriber" means a person who is the subject named or otherwise identified in a certificate, who controls a private key that corresponds to the public key listed in that certificate, and who is the person to whom digitally signed messages verified by reference to the certificate are to be attributed.

"Suspend a Certificate" means to temporarily suspend the operational period of a certificate for a specified time period or from a specified time forward.

"Trustworthy Manner" means through the use of computer hardware, software, and procedures that, in the context in which they are used:

can be shown to be reasonably resistant to penetration, compromise, and misuse;

provide a reasonable level of reliability and correct operation;

are reasonably suited to performing their intended functions or serving their intended purposes;

comply with applicable agreements between the parties, if any; and

adhere to generally accepted security procedures.

"Valid Certificate" means a certificate that a certification authority has issued and that the subscriber listed in the certificate has accepted.

"Verify a Digital Signature" means to use the public key listed in a valid certificate, along with the appropriate message digest function and asymmetric cryptosystem, to evaluate a digitally signed electronic record, so that the result of the process concludes that the digital signature was created using the private key corresponding to the public key listed in the certificate and the electronic record has not been altered since its digital signature was created.

Section 105.20 Certification of a Qualified Security Procedure for Electronic Records and Signature

a) In order to obtain certification by the State CA of a qualified security procedure in conformance with the CPS and CP, an applicant must make a request in writing to the State of Illinois policy authority. Contact information is provided in the certificate policy.

b) The applicant must document procedures, policies and practices that delineate full and complete identification of security procedures. The documentation shall be submitted for review to the State CA.

c) An applicant's security procedure certified by the State CA shall:

1) adopt secure policies and procedures as designated by a recognized industry organization; and

2) meet the criteria for acceptance of electronic signatures and records and the criteria for recognition of qualified security procedures as delineated in Sections 105.30 and 105.40 of this Part.

Section 105.30 Criteria for Acceptance of Electronic Signatures

A qualified security procedure is a security procedure for identifying a person that is capable of creating, in a trustworthy manner, an electronic signature that:

a) is unique to the signer within the context in which it is used;

b) can be used to objectively identify the person signing the electronic record;

c) was reliably created by the identified person and that cannot be readily duplicated or compromised;

d) is created and is linked to the electronic record to which it relates in a manner that, if the record or the signature is intentionally or unintentionally changed after being signed, the electronic signature is invalidated; and

e) complies with this Part.

Section 105.40 Recognition of Qualified Security Procedures

a) The security structure of technology known as public key cryptography is certified as a qualified security procedure for purposes of Section 105.30 of this Part, provided that the digital signature is created consistent with this Part. Public key cryptography with a digital signature created consistent with this Part is a commercially reasonable standard and procedure that has been generally accepted in the security and scientific communities.

b) The Act requires that a digital signature be unique to the signer within the context in which it is used. A public key-based digital signature may be considered unique to the signer using it if:

1) the digital signature is created using an asymmetric algorithm;

2) the private key used to create the signature on the document is known only to the signer;

3) the digital signature can be verified by reference to the public key listed in a certificate;

4) the digital signature is created during the operational period of a valid certificate;

5) it is computationally infeasible to derive the private key from knowledge of the public key; and

6) the digital signature is created within the scope of any other restrictions specified or incorporated by reference in the certificate.

c) The Act requires that a digital signature can be used to objectively identify the person signing the electronic record. A public-key based digital signature is capable of objectively identifying the person signing the electronic record if:

1) the acceptor of the digitally signed document can verify the document was digitally signed by using the signer's public key and message digest function to decrypt the message; and

2) the issuing certification authority, through a process defined in the CP or CPS, authenticates the subscriber and the subscriber's public key and identifies the forms of identification required of the signer prior to issuing the certificate.

d) The Act requires that the digital signature be reliably created by an identified person and cannot be readily duplicated or compromised. The signer and all other persons that rightfully have access to signature devices assume a duty to exercise reasonable care to retain control and maintain secrecy of the signature device and to protect it from any unauthorized access, disclosure, or use during the period when reliance on a signature created by the signature device is reasonable.

e) The Act requires that the digital signature be created, and be linked to the electronic record to which it relates, in a manner that, if the record or the signature is intentionally or unintentionally changed after being signed, the electronic signature is invalidated.

Section 105.50 Audit Requirements

a) The State CA shall submit to an annual PKI compliance audit to be performed by the Auditor General of Illinois or an independent auditor selected by the Department contracted specifically for the purpose of auditing the State's PKI operations.

b) An independent auditor must demonstrate competence in the field of compliance audits and must regularly perform compliance audits as a primary responsibility, and shall attest that it has significant experience in the application of public key cryptographic technologies and computer security.

c) The annual audit investigates the operations of the CA and RA functions of the State PKI to ensure their compliance with this CP and the CPS. Some areas of focus for these audits are:

- Identification & Authentication
  - Initial Registration
  - Routine Rekey
  - Rekey After Revocation
  - Revocation Request

- Operational Requirements
  - Certificate Application
  - Certificate Issuance
  - Certificate Acceptance
  - Key Recovery
  - Certificate Suspension/Revocation
  - Computer Security Audit Procedures
  - Records Archival
  - CA Key Changeover
  - Compromise and Disaster Recovery
  - CA Termination

- Physical, Procedural & Personnel Security
  - Physical Security Controls
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  - Personnel Security Controls

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Activation Data
Computer Security Controls
Lifecycle Security Controls
Network Security Controls
Cryptographic Module Engineering Controls

- Certificate & CRL Profiles
  - Certificate Profile
  - CRL Profile

- Specification Administration
  - Contact Information
  - Specification Change Procedures
  - Publication and Notification Procedures
  - Approval Procedures

Section 105.60 State Certification Authority (CA) Procedures

The State CA shall:

a) inform each applicant or subscriber that it is bound by the CPS and CP;

b) provide each applicant or subscriber with a copy of the CPS and CP, or the Universal Resource Locator where the CPS and CP can be obtained;

c) include warranty disclaimers, liability limitations and indemnification provisions in the CPS or CP;

d) inform each applicant or subscriber as to changes made to the CPS or CP on a timely basis;

e) inform each subscriber as to his or her responsibility to maintain the confidentiality of his or her private key; and

f) inform each applicant or subscriber as to his or her responsibility to maintain a private key in a trustworthy manner.

Section 105.70 Decertification of a Security Procedure

a) The State CA may decertify a security procedure employed by an applicant for failure to comply with any requirement of this Part or the CPS or CP, for failure to remain qualified for the State CA's certification, or for failure to comply with a lawful order of the State CA.

b) The State CA may order the summary suspension of the State CA's certification of a security procedure following an appropriate investigation or review.

c) Any applicant adversely affected by a decision of the State CA pursuant to this Part may seek review of that decision by the Director of the Department or his or her designee by submitting a letter within 10 days after receipt of a decision. A determination regarding the review of a decision made by the State CA will be made by the Director or his or her designee. The Department will make a reasonable attempt to provide a response within 30 days after receipt of the request for review.

Section 105.80 Performance of Services

The State CA or an applicant is solely responsible for all duties and responsibilities of its contracted services and functions.

Section 105.90 Records Retention

State records as defined under the State Records Act [5 ILCS 160] shall be retained in accordance with Section 5-13 of the Act and the State Records Act, as applicable.

Section 105.100 Provisions for Promoting Uniformity

a) The State CA shall be the single CA for State agencies and the main CA for persons, including non-State agencies, conducting business or other transactions with State agencies under the Act. Other agencies designated by the State CA may act as a CA for State agencies and persons, including non-State agencies, conducting business or other transactions with Status agencies under the Act.

b) The State's Public Key Infrastructure Policy Authority, after review, may recognize proposed technologies as a qualified security procedure for the purpose of certification by the State CA.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

Section 105.110 Foreign Public Sector Certificate Authorities

a) The State CA may recognize a foreign public sector CA, provided that the foreign public sector CA is certified and/or licensed by the United States government or a United States government agency, and the foreign public sector CA agrees to be bound by the State CA's CP and CPS and Illinois law.

b) A foreign public sector CA shall provide to the State CA a certified copy of its United States certificate and/or license. A certificate or license shall be valid in Illinois only during the time it is valid in the issuing jurisdiction.

c) A foreign public sector CA shall provide written notification to the State CA if it's United States certification and/or license is revoked, lapsed or otherwise terminated within 10 days after the revocation, lapse or termination.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Telephone Assistance Programs

2) Code Citation: 83 Ill. Adm. Code 757

3)

Section Numbers:	Proposed Action:
757.10	Amendment
757.100	Amendment
757.200	Amendment
757.400	Amendment
757.EXHIBIT D	Amendment
757.EXHIBIT E	Amendment

4) Statutory Authority: Implementing Sections Implementing Sections 13-301 and 13-301.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-301, 13-301.1 and 10-101]

5) A Complete Description of the Subjects and Issues Involved: The Commission has adopted Part 757 to administer Lifeline and Link-Up, the universal service programs intended to make basic telephone service available to low-income customers. Under the Lifeline program, an eligible customer is entitled to a discount on basic subscriber line service. Under the Link-up program, an eligible customer is entitled to discounted installation of service. The proposed amendments are intended to bring the existing rules into compliance with recently promulgated federal rules that are binding on Illinois at this time. Eligibility for Lifeline and Link-Up has, since their inception, been based upon eligibility for other federally-mandated programs that assist low-income persons, such as Medicaid and food stamps. These programs are referred to as "proxy programs". The Federal Communications Commission (FCC) has amended its rules governing Lifeline and Link-Up to add certain additional proxy programs, and removing one such program. The FCC further directs state Commissions to adopt rules governing customer certification and verification of eligibility for these programs. The proposed amendments update the Commission's incorporation of FCC rules. The definition of "proxy programs" includes the latest programs included by the FCC. The support level for Lifeline service is amended.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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

9) Does this rulemaking contain incorporations by reference? Yes

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

11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

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

Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 06-0312, with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

(217)782-7434

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations unless these entities are providing telecommunications services under the jurisdiction of the Commission.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping

C) Types of professional skills necessary for compliance: Managerial skills

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 757
TELEPHONE ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
757.10 Definitions
757.15 Dispute Procedures

SUBPART B: LINK UP PROGRAM

Section
757.100 Link Up Service Requirement
757.105 Link Up Recovery Mechanism
757.110 Link Up Publicity
757.115 Link Up Application Procedure and Processing
757.120 Link Up Filing Requirements
757.125 Link Up Eligibility
757.130 Income Certification

SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

Section
757.200 Service Requirement
757.205 UTSAP Funding
757.210 UTSAP Recovery
757.215 UTSAP Administrator
757.220 UTSAP Contribution Solicitation and Program Publicity
757.225 UTSAP Eligibility
757.230 UTSAP Application Procedure and Processing
757.235 UTSAP Income Certification
757.240 Recertification (Repealed)
757.245 UTSAP Filing Requirements

SUBPART D: STAFF LIAISON

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section
757.300 Staff Liaison

SUBPART E: LIFELINE SERVICE

Section
757.400 Lifeline Service Requirements
757.405 Lifeline Recovery Mechanism
757.410 Lifeline Publicity
757.415 Lifeline Application Procedures and Processing
757.420 Lifeline Filing Requirements
757.425 Lifeline Eligibility
757.430 Income Certification and Recertification

757.EXHIBIT A LEC Quarterly Report to Commission
757.EXHIBIT B Monthly LEC Supplemental Assistance Charge and Contributions Report
757.EXHIBIT C Quarterly UTSAP Administrator Report to Commission
757.EXHIBIT D Lifeline Recertification Ineligibility Notice
757.EXHIBIT E Link Up/Lifeline Programs Certification Form

AUTHORITY: Implementing Sections 13-301 and 13-301.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-301, 13-301.1 and 10-101].

SOURCE: Adopted at 13 Ill. Reg. 14366, effective October 1, 1989; amended at 14 Ill. Reg. 17923, effective October 15, 1990; emergency repealer at 15 Ill. Reg. 5082, effective March 25, 1991, for a maximum of 150 days; Part repealed at 15 Ill. Reg. 11929, effective August 12, 1991; new Part adopted at 16 Ill. Reg. 17981, effective December 15, 1992; amended at 20 Ill. Reg. 15257, effective December 1, 1996; emergency amendments at 21 Ill. Reg. 16416, effective December 10, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 8810, effective May 9, 1998; amended at 23 Ill. Reg. 11875, effective October 1, 1999; amended at 28 Ill. Reg. 346, effective January 1, 2004; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 757.10 Definitions

For the purpose of this Part:

"Act" means the Public Utilities Act [220 ILCS 5].

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Administrator" means the entity that administers the Federal Communications Commission's (FCC) universal service support mechanisms in accord with 47 CFR 54, subpart H, as of July 22, 2004~~October 1, 1997~~. This incorporation does not include any later amendments or editions.

"Commission" means the Illinois Commerce Commission.

"Customer service center" means any office, operated by a local exchange carrier, where applications for service can be made in person.

"Eligible new subscriber" is an applicant for local exchange service who meets the eligibility guidelines set forth in Section 757.425. As used in this Part, a subscriber who meets the eligibility criteria set forth in Section 757.425 who relocates his principal place of residence is also an eligible new subscriber.

"Eligible subscriber" is any individual currently subscribing to local exchange service who meets the eligibility guidelines set forth in Section 757.425.

"Eligible telecommunications carrier" has the meaning given to it at 47 CFR 54.5 as of July 22, 2004~~October 1, 1997~~. This incorporation does not include any later amendments or editions.

"Installation charge" means those tariffed charges assessed for connecting an eligible new subscriber to the network. These charges do not include security deposit requirements.

"LEC" means "local exchange carrier", which is a telecommunications carrier providing local service as defined in Section 13-204 of the Act [220 ILCS 5/13-204].

"Lifeline" means the retail local service offering defined and established at 47 CFR 54.401 et seq., as of July 22, 2004~~October 1, 1997~~, and in which all Illinois eligible telecommunications carriers shall participate as provided in Section 757.400. This incorporation does not include any later amendments or editions.

"Link Up Program" or "Link Up" means the Link Up Assistance program defined and established at 47 CFR 54.411 et seq., as of July 22, 2004~~October 1, 1997~~, and in which all Illinois eligible telecommunications carriers shall participate as provided in Section 757.100. This incorporation does not include any later amendments or editions.

"Local exchange service obligation" means those tariffed charges assessed on a monthly basis for access to the network. These charges do not include taxes.

"Program" or "plan" means the telephone assistance programs offered by LECs and eligible telecommunications carriers under this Part.

"Proxy Program(s)" include the following assistance programs, as identified in 47 CFR 54.409(b) as of July 22, 2004~~October 1, 1997~~: Medicaid; food stamps; Supplemental Security Income; federal public housing assistance (Section 8); ~~or~~ Low-Income Home Energy Assistance Program; National School Lunch Program's free lunch program; or Temporary Assistance for Needy Families. This incorporation does not include any later amendments or editions.

"Qualifying low-income subscriber" has the meaning given to it at 47 CFR 54.400 as of July 22, 2004~~October 1, 1997~~. This incorporation does not include any later amendments or editions.

"Staff" means individuals employed by the Illinois Commerce Commission.

"Toll blocking" is a service provided by carriers that lets consumers elect not to allow the completion of outgoing toll calls from their telecommunications channel and has a meaning consistent with 47 CFR 54.400 as of July 22, 2004~~October 1, 1997~~. This incorporation does not include any later amendments or editions.

"Toll control" is a service provided by carriers that allows consumers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle, and has a meaning consistent with 47 CFR 54.400 as of July 22, 2004~~October 1, 1997~~. This incorporation does not include any later amendments or editions.

"Toll limitation" means both toll blocking and toll control.

"UTSAP" means the Universal Telephone Service Assistance Program in which all Illinois LECs shall participate as provided in Section 757.200.

"UTSAP Administrator" is the Illinois not-for-profit corporation responsible for the administration of the UTSAP as described in Section 757.215.

"Waiver" means any reduction in a participant's initial telephone service

installation charge or local exchange service obligation in the amount established under the provisions of this Part.

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

SUBPART B: LINK UP PROGRAM

Section 757.100 Link Up Service Requirement

a) Each~~No later than January 1, 1998, each~~ eligible telecommunications carrier shall participate in the "Link Up" program adopted by the FCC in 47 CFR 54.411 et seq. as of July 22, 2004~~October 1, 1997~~. This incorporation does not include any later amendments or editions.

b) As part of its participation in the program identified in subsection (a), each eligible telecommunications carrier shall implement a 50% waiver, of up to $30, of the telephone service installation charge. The waiver shall be applicable to the primary service order, central office and premise visit components of the service connection charges and shall be provided to each qualifying low-income subscriber as specified in Section 757.125.

c) In addition, each eligible telecommunications carrier shall offer any qualifying low-income subscriber the opportunity to enter into a deferred payment arrangement for the remaining installation charges, up to $200. Eligible new subscribers shall be given no more than one year to retire the remaining installation charges, and the eligible telecommunications carrier shall refrain from applying interest charges to such amounts for such period.

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

SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

Section 757.200 Service Requirement

a) Each LEC shall participate in the Universal Telephone Service Assistance Program (UTSAP) as required and authorized by Section 13-301.1 of the Public Utilities Act and as ordered by the Commission. All voluntary contributions received by a LEC under Section 757.205 from the date of initial participation until a determination is made by the Commission under Section 757.200(b) shall be forwarded to the UTSAP Administrator consistent with the provisions of

Section 757.210(d). The UTSAP Administrator shall invest these funds in:

1) Securities backed by the United States government or its agencies;

2) Investment grade bonds with remaining terms to maturity of three years or less;

3) Mutual funds that invest no less than 80% of their assets in bonds backed by the United States government or its agencies;

4) Investment grade bonds, with weighted-average remaining terms to maturity of three years or less; or

5) Federal Deposit Insurance Corporation (FDIC)-insured certificates of deposit, FDIC-insured money market accounts, and other cash equivalent FDIC-insured investments.

b) On July 1 of each year, the UTSAP Administrator shall file with the Commission a petition requesting the Commission to determine the amount of supplemental assistance, if any, the LECs shall provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) of this Section. The petition shall contain recommendations of the UTSAP Administrator as provided in Section 757.215(e)(5). The Commission may enter an order without a hearing; however, a hearing shall be held if requested by a party or by Staff within 30 days after the date the petition is filed, and a hearing may also be held on the Commission's or the Hearing Examiner's own motion. The Commission shall determine, subject to the availability of funds, the amount of supplemental assistance, if any, the LECs shall provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) of this Section.

c) The UTSAP may provide assistance or, in the case of customers of eligible telecommunications carriers, supplement the assistance provided by the Link Up Program as described in Subpart B and/or the Lifeline Program as described in Subpart D through:

1) a waiver of the telephone service installation charges for eligible new subscribers, which, in the case of eligible telecommunications carriers, is in addition to that provided in Section 757.100(b);

2) a waiver of all or a portion of the local exchange service obligation of

eligible subscribers or eligible new subscribers, which, in the case of eligible telecommunications carriers, is in the form of State Lifeline service support; or

3) a combination of both subsections (c)(1) and (2) above as ordered by the Commission under subsections (b), (d), and (e).

d) Limitation of eligibility

1) If the Commission determines that a waiver of all or a portion of the local exchange service obligation should be provided by the UTSAP, in the form of State Lifeline service support or otherwise, the Commission may, if it deems necessary, limit eligibility under Section 757.425(a) to:

A) one or more of the individual Proxy Programs identified in the definition of "Proxy Programs" in Section 757.10, or

B) one or more subprograms within, or components of, an individual Proxy Program.

2) Any proposals to limit eligibility pursuant to this subsection (d) shall be made as part of the petition filed annually under subsection (b) of this Section.

3) The Commission shall adopt a proposal that limits eligibility for the Lifeline Program to one or more Proxy Programs or subprograms or components thereof pursuant to this subsection (d) only if it finds that:

A) participation in the Proxy Program, subprogram, or component thereof can be verified;

B) the funds available to the UTSAP from voluntary contributions are sufficient and predictable, so as to permit the UTSAP to provide State Lifeline support to all subscribers or all new subscribers within the Proxy Program, subprogram, or component on an ongoing basis;

C) the proposal will increase accessibility to telephone service;

D) the proposal adequately considers the needs of and potential

benefits to participants in the Proxy Programs; and

E) the proposal establishes narrowly targeted qualification criteria that are based solely on income or factors directly related to income, consistent with 47 CFR 54.409 as of July 22, 2004~~October 1, 1997~~. This incorporation does not include any later amendments or editions.

e) The Commission, on its own motion, or based upon a petition filed by the UTSAP Administrator, may order the LECs to temporarily suspend payment of or temporarily reduce the amount of the supplemental assistance provided under the programs set forth in Section 757.200(c), if the total program costs exceed, or will exceed, the funds available from contributions specified in Section 757.205. If the Commission suspends or reduces the amount of payments under this Section, the Commission shall determine, subject to the availability of funds, the amount of supplemental assistance, if any, the LECs shall provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) of this Section.

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

SUBPART E: LIFELINE SERVICE

Section 757.400 Lifeline Service Requirements

a) Each~~No later than January 1, 1998 each~~ eligible telecommunications carrier shall participate in the Lifeline Program adopted by the FCC in 47 CFR 54.400 et seq. as of July 22, 2004~~October 1, 1997~~. This incorporation does not include any later amendments or editions.

b) As part of its participation in the program identified in subsection (a) of this Section, each eligible telecommunications carrier shall implement a low-income assistance program characterized by a reduction of $1.75 in access line charges for qualifying low-income subscribers. Unless the Commission enters an order under Section 757.200 determining that UTSAP funds shall be used as State Lifeline service support, eligible low-income subscribers of eligible telecommunications carriers will receive monthly support of $1.75 plus the amount of the carrier's end user common line charge, as determined by the FCC.~~$5.25.~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

c) Eligible telecommunications carriers shall offer toll limitation without charge to all qualifying low-income consumers at the time such consumers subscribe to Lifeline service. If the consumer elects to receive toll limitation, where available, that service shall become part of the consumer's Lifeline service.

d) Each eligible telecommunications carrier shall file information with the Administrator demonstrating that its Lifeline plan meets the criteria set forth in 47 CFR 54.400 et seq. as of July 22, 2004~~October 1, 1997~~, and stating the number of qualifying low-income individuals and the amount of State assistance. This incorporation does not include any later amendments or editions.

e) Eligible telecommunications carriers may not collect a service deposit in order to initiate the Lifeline service, if the qualifying low-income consumer voluntarily elects toll limitation service~~blocking~~ from the carrier, where available. If toll limitation services are~~blocking is~~ unavailable, the carrier may charge a service deposit.

f) Eligible telecommunications carriers may not disconnect Lifeline service for non-payment of toll charges.

g) Eligible telecommunications carriers may not charge Lifeline customers a monthly number-portability charge.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 757.EXHIBIT D Lifeline Recertification Ineligibility Notice

NOTICE OF REMOVAL FROM THE LIFELINE WAIVER PROGRAM

LEC (UTILITY) NAME _____

LEC PHONE # _____

Customer Name _____

Address _____

City, State, Zip _____

Phone Number _____

Account Number _____

Records show that you are not receiving benefits under one of the following programs:

Food Stamps
Medicaid
Supplemental Security Income
Federal Public Housing Assistance
Low-Income Home Emergency Assistance Program
National School Lunch Free Lunch Program
Temporary Assistance to Needy Families

You will therefore be removed from the Lifeline Program.

TO AVOID REMOVAL IF YOU ARE STILL RECEIVING BENEFITS

1. If you are still receiving benefits under one of the above listed programs, call the applicable agency.

2. If the agency has your name on their master list, then call your LEC.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

IF YOU NEED TO REAPPLY

1. If you reapply for benefits under one of the programs listed above and the agency grants your application before (Date) _____, call your LEC to have your eligibility checked.

2. If your application is granted by the agency after (Date) _____, you can reapply for the Lifeline benefits by calling your LEC.

3. There will be no retroactive Lifeline benefits between the time that your benefits are discontinued and the time that your application is approved.

REMOVAL IN ERROR

If you believe that the agency has improperly terminated you from one of the listed programs, you must resolve this with the applicable agency.

If your benefits are continued while the dispute is pending, your Lifeline benefits will also be continued.

If your benefits are not continued while the dispute with the applicable agency is pending, you will not receive Lifeline benefits until you have won your appeal.

Call your LEC to let them know if your benefits are being continued and/or if you have won your appeal.

There will be no retroactive Lifeline benefits between the time that your benefits are discontinued and the time that your application is approved.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 757.EXHIBIT E Link Up/Lifeline Programs Certification Form

ELIGIBLE TELECOMMUNICATIONS CARRIERS LINK UP/LIFELINE PROGRAMS CERTIFICATION FORM

NAME _____ DATE ISSUED ____/____/____

ADDRESS _____ APARTMENT _____

CITY _____ ZIP CODE _____

COUNTY _____ AGE _____

SOCIAL SECURITY NO. _____

PUBLIC AID CASE NUMBER _____

~~For which benefits do you wish to apply?~~

- ☐ ~~Link up Connection Fee Assistance (waiver of up to 50% of the initial telephone connection fee)~~
- ☐ ~~Lifeline Local Exchange Service Assistance (Assistance) with monthly telephone bills)~~
- ☐ ~~UTSAP Connection Assistance (Supplemental Telephone Connection Fee Assistance)~~
- ☐ ~~UTSAP Monthly Assistance (Supplemental Assistance with Monthly Telephone Bills)~~

Are you a participant as of this date of application in one of the programs listed below?

In which program(s) do you currently participate?

- ☐ Food Stamps
- ☐ Medicaid
- ☐ Supplemental Security Income (SSI)
- ☐ Federal Housing Assistance Program
- ☐ Low-Income Home Energy Assistance Program (IHEAP)
- ☐ National School Lunch Free Lunch Program
- ☐ Temporary Assistance to Needy Families

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Under penalty of perjury, I confirm that I participate in the above stated program(s). I will notify my provider of local exchange service in the event I cease to participate in the program(s). By my signature below, I give the Social Security Administration permission to inform my local exchange telephone company whether or not I am entitled to Supplemental Security Income benefits as of the date of this application.

SIGNED _____ DATE _____

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

DEBT COLLECTION BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: State Agency Accounts Receivable

2) Code Citation: 74 Ill. Adm. Code 910

3)

Section Numbers:	Proposed Action:
910.10	Amendment
910.20	Amendment
910.30	Amendment

4) Statutory Authority: Implementing and authorized by Section 8 of the Illinois State Collection Act of 1986 [30 ILCS 210/8].

5) A Complete Description of the Subjects and Issues Involved: As result of Public Act 93-570, which created a Debt Collection Unit within the Department of Revenue, and subsequent rulemaking (74 Ill. Adm. Code 1200), the collection of debt for certain State agencies is no longer under the jurisdiction of the Debt Collection Board. The proposed amendments clarify that this Part does not apply to agencies under the jurisdiction of the Department of Revenue.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

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

9) Does this proposed rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Gina Wilson
Illinois Department of Central Management Services

DEBT COLLECTION BOARD

NOTICE OF PROPOSED AMENDMENTS

720 Stratton Office Building
Springfield, Illinois 62706

217/785-1793

13) 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: Certain State agencies will now work with the Department of Revenue to collect debt and may be required by that Department to make changes relating to their processes.

C) Types of professional skills necessary for compliance: None that are not already in existence.

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: it was not clearly anticipated what the Debt Collection Board's role would be as a result of Public Act 93-570 or if rule changes would be necessary.

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

DEBT COLLECTION BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER VIII: DEBT COLLECTION BOARD

PART 910
STATE AGENCY ACCOUNTS RECEIVABLE

Section
910.10 Scope
910.20 Definitions
910.30 Assumption of Jurisdiction by Board
910.40 Agency Referrals
910.50 Actions by Board
910.60 Format; Board Procedures
910.70 Voiding a Contract

AUTHORITY: Implementing and authorized by Section 8 of the Illinois State Collection Act of 1986 [30 ILCS 210/8].

SOURCE: Adopted at 21 Ill. Reg. 11921, effective August 15, 1997; amended at 26 Ill. Reg. 9302, effective July 1, 2002; amended at 27 Ill. Reg. 1542, effective January 17, 2003; amended at 30 Ill. Reg. _____, effective _____.

Section 910.10 Scope

This Part describes~~is to implement Public Act 89-511 and set forth~~ when and how the Debt Collection Board assumes jurisdiction over those State agency accounts receivable that are not required to be referred to the Department of Revenue's Debt Collection Bureau. This Part also ~~implements Public Act 92-404 and~~ sets forth guidelines for terminating or denying a State contract with a person or vendor if that person or vendor knows or should know that he or she is delinquent in the payment of any debt to the State.

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

Section 910.20 Definitions

a) For purposes of this Part, "State agency" shall have the meaning found in the Illinois State Auditing Act.

b) For purposes of this Part, "State agency account receivable", "accounts~~account(s)~~ receivable", or "receivables~~receivable(s)~~" shall mean amounts due a State agency

from non-governmental entities that~~which~~ are legally enforceable, that~~which~~ have not been lawfully certified as uncollectable, ~~and~~ for which there is no legal barrier to referral to the Board for recovery, and that are not otherwise required to be referred to the Department of Revenue's Debt Collection Bureau. Amounts due the General Assembly, the Supreme Court and the several courts of this State and the constitutionally elected State Officers are included only if those entities~~they~~ elect to have their~~such~~ receivables subject to the Board's jurisdiction. The definition shall not include:

1) amounts less than $100;
AGENCY ~~(~~NOTE: Nothing in this Part prohibits agencies from referring receivables to the Board in amounts less than $100.~~);~~

2) amounts due the Illinois Student Assistance Commission under the student loan program.

c) For purposes of Section 50-11 of the Illinois Procurement Code [~~(~~30 ILCS 500/50-11]~~)~~ a person shall be considered to be "delinquent in the payment of any debt" if that person owes a debt to the State or any of its agencies that totals $1000 or more, exclusive of interest, and that is more than 90 days past due. A debt due the State shall refer to any receivable owed the State, as defined in procedure 26.20.10 of the Comptroller's Statewide Accounting Management System (SAMS) manual, subject to the exceptions listed in subsections (c)(1) and (c)(2). Procedure 26.20.10 of the SAMS manual, as in effect January 1, 2001, is hereby incorporated by reference. No later editions or amendments are included. A copy of procedure 26.20.10 may be obtained upon request from the Office of the Comptroller, 325 West Adams Street, Springfield, Illinois 62704. To the extent the formal due date of any receivable is not established by law, the due date of that receivable for purposes of this Section shall be computed using the method set forth in procedure 26.20.10 of the SAMS manual. The following debts shall not be considered delinquent for purposes of this Section:

1) debts that are the subject of a pending administrative or judicial review;

2) debts that are covered by a written payment agreement, so long as the debtor is current in his payments under the terms of the payment agreement.

d) For purposes of this Part, "uncollectable" shall have the meaning found in Section 2 of the Uncollected State Claims Act [30 ILCS 205/2].

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

Section 910.30 Assumption of Jurisdiction by Board

a) Accounts receivable that~~which~~ are more than 180 days old, as defined in Section 910.20, will automatically be subject to the Board's jurisdiction unless the applicable State agency attests that the accounts fall into one of the categories set forth in subsection (c) of this Section. During the initial 180 day period, the agency should pursue its own internal collection procedures. Standards for initiating collection are set forth in Section 26.40.10 of the Comptroller's Statewide Accounting Management System (SAMS). Collection procedures should include steps such as a reasonable written billing cycle, telephone contacts, personal contacts through agency collectors, and wherever possible, referral to private collection vendors.

b) For purposes of this Part, the 180 day period begins to run on the day the receivable becomes enforceable. The beginning date used to calculate the 180 day period for debtors having multiple debts will be established by the agency based on procedures approved by the Board.

c) The Board will not assume jurisdiction over receivables more than 180 days old if:

1) The receivables are subject to an acceptable installment payment plan.

A) Such a plan should provide for repayment of the entire remaining balance due, together with applicable interest over a period not to exceed 3 years. If no interest rate is specified by law, the agency should require the use of simple interest at the judgment rate of 9% per year.

B) If an agency believes that it is in the best interests of the State to accept, as part of its collection efforts, payment plans for terms in excess of 3 years, and the agency collection procedures have not been approved by the Board pursuant to subsection (c)(2)(A)(i) ~~below~~, it must seek the Board's specific authorization for the~~such~~ payment plans.

C) Receivables subject to an acceptable installment payment plan

that~~which~~ are delinquent under that plan for more than 90 days automatically become subject to the Board's jurisdiction unless the receivables are subject to subsection (c)(2), (3), (4) or (5)~~ below~~.

2) The Board determines, based on information provided by the agency:

A) That:

i) the receivables are currently the subject of ongoing collection efforts by the agency pursuant to collection procedures approved by the Board; and

ii) in light of those~~such~~ collection efforts, it would not be in the State's best interest for the Board to assume jurisdiction over the~~such~~ receivables.

B) Factors to be considered by the Board in determining~~to determine~~ whether an agency's collection procedures should be approved include:

i) the statutory and regulatory methods available to the agency for use in collecting its receivables;

ii) whether the agency has been using such methods, as well as applicable methods described in subsection (a)~~ above~~, to collect its receivables as expeditiously as possible;

iii) the number of agency staff dedicated to collection of accounts receivable;

iv) the volume of agency receivables;

v) the agency's historical percentage rate of collections;

vi) the level of automation of the agency's collection system.

C) If the Board approves an agency's collection procedures pursuant to subsection (c)(2)(A)(i), future receivables (or categories of receivables) subject to ongoing collection efforts pursuant to those~~such~~ procedures need not be submitted to the Board for

exemption.

D) The Board may periodically request an agency to submit information concerning its collection procedures. If, based on that~~such~~ information, the Board determines that an agency's collection procedures are no longer acceptable, approval of the~~such~~ procedures may be withdrawn and the Board may assume jurisdiction over the agency's receivables more than 180 days old.

3) The receivables are currently the subject of an ongoing wage levy, whether that levy is the result of a judgment entered in circuit court or an administrative levy issued without judgment.

4) The receivables are currently the subject of litigation being pursued in the State of Illinois through the Office of the Attorney General, State's Attorneys' Offices or, where authorized by the Attorney General, by private counsel retained on behalf of the agency.

5) The receivables have been referred to a private collection vendor by the agency and the receivables have been with that vendor for 90 days or less. Agency contracts with private collection vendors entered into after the effective date of this rulemaking should provide that receivables referred to the vendor for which there have been no payments or other activity should be returned to the agency after 90 days.

6) Receivables subject to one of the exceptions listed in subsection (c)(2), (3), (4) or (5) ~~above~~ shall automatically be subject to the Board's jurisdiction 60 days after the agency has ceased ongoing collection efforts (other than those referenced in subsection (d)) pursuant to such exceptions.

d) Referral of a receivable to the Comptroller's offset program, or institution of a license revocation proceeding either before or after the expiration of the 180 day period preceding Board jurisdiction,~~set forth above~~ does not automatically prevent the receivable from becoming subject to the Board's jurisdiction.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Genetic Counselor Licensing Act

2) Code Citation: 68 Ill. Adm. Code 1251

3)

Section Numbers:	Proposed Action:
1251.10	New Section
1251.20	New Section
1251.30	New Section
1251.40	New Section
1251.50	New Section
1251.60	New Section
1251.70	New Section
1251.80	New Section
1251.90	New Section
1251.100	New Section
1251.110	New Section

4) Statutory Authority: Genetic Counselor Licensing Act [225 ILCS 135]

5) A Complete Description of the Subjects and Issues Involved: Public Act 94-0661, effective January 1, 2006, provides for genetic counselors to be licensed by the Department of Financial and Professional Regulation; this proposed rulemaking implements the Act. When adopted, these rules will allow the Department to begin accepting and processing applications for licensure.

Section 1251.20 sets forth the application process and requirements for genetic counselors and Section 1251.40 provides the requirements for obtaining a temporary license. The rules also set forth the requirements for renewal of a license and under what circumstances the Department may grant variances to these rules. Fees for certification and renewal, as well as general processing fees, are set forth in Section 1251.70. Requirements for continuing education are provided in Section 1251.100.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

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

9) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: None

12) Interested persons may submit written comments to:

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

217/785-0813 Fax #: 217/557-4451

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing genetic counseling services.

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

C) Types of professional skills necessary for compliance: Education and training in genetic counseling is necessary for licensure.

14) Regulatory Agenda on which this rulemaking was summarized: January 2006

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1251
GENETIC COUNSELOR LICENSING ACT

Section
1251.10 Definitions
1251.20 Qualifications for Licensure
1251.30 Examination
1251.40 Temporary License
1251.50 Endorsement
1251.60 Renewals
1251.70 Fees
1251.80 Restoration
1251.90 Inactive Status
1251.100 Continuing Education
1251.110 Granting Variances

AUTHORITY: Implementing the Genetic Counselor Licensing Act [225 ILCS 135] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

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

Section 1251.10 Definitions

"Act" means the Genetic Counselor Licensing Act [225 ILCS 135].

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

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

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

"Qualified Supervisor" means a physician licensed to practice medicine in all its branches or a licensed genetic counselor.

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

Section 1251.20 Qualifications for Licensure

An applicant for licensure as a genetic counselor shall file an application on forms provided by the Division that shall include:

a) One of the following:

1) Verification that the applicant has successfully completed a Master's degree in genetic counseling from an American Board of Genetic Counseling (ABGC) or an American Board of Medical Genetics (ABMG) accredited training program or an equivalent program approved by the ABGC or the ABMG;

2) Verification that the applicant is a physician licensed to practice medicine in all of its branches; or

3) Verification of a doctoral degree and successful completion of an ABMG accredited medical genetics training program or an equivalent program approved by the ABMG;

b) Proof of passage of an examination provided by the American Board of Genetic Counseling or the American Board of Medical Genetics;

c) Current certification from the American Board of Genetic Counseling or the American Board of Medical Genetics; and

d) The required fee set forth in Section 1251.70.

Section 1251.30 Examination

a) The examination for licensed genetic counselors shall be the certification examination given by the American Board of Genetic Counseling or the American Board of Medical Genetics.

b) The passing score on the examination shall be the passing score of the testing entity.

Section 1251.40 Temporary License

a) An applicant for a temporary license shall file an application on forms supplied by the Division, together with:

1) One of the following:

A) Verification that the applicant has successfully completed a Master's degree in genetic counseling from an American Board of Genetic Counseling (ABGC) or an American Board of Medical Genetics (ABMG) accredited training program or an equivalent program approved by the ABGC or the ABMG;

B) Verification that he or she is a physician licensed to practice medicine in all of its branches; or

C) Verification of a doctoral degree and successful completion of an ABMG accredited medical genetics training program or an equivalent program approved by the ABMG;

2) Verification of admission to the certifying examination administered by the ABGC or ABMG; and

3) The required fee set forth in Section 1251.70.

b) *The holder of a temporary license shall practice only under the supervision of a qualified supervisor.* (Section 60 of the Act)

c) A temporary license shall expire 24 months from the date of issuance. A temporary license may only be renewed if the certifying examination administered by ABGC or ABMG is not given during that 24 month period. A temporary license shall automatically expire upon issuance of the Illinois license or upon notification that the applicant failed the exam.

d) In the event the individual fails to take the next available examination or fails to successfully complete the next available examination for licensure set forth in Section 1251.30 of this Part, the temporary license shall be void and the individual must cease practicing; failure to do so shall be considered unlicensed

practice and will subject the individual to discipline in accordance with Section 25 of the Act.

Section 1251.50 Endorsement

a) An applicant for licensure as a genetic counselor who is licensed under the laws of another state shall file an application with the Division that shall include:

1) Documentation certifying that the applicant meets the education requirements set forth in Section 1251.20;

2) Certification from the state or territory of original licensure and the state in which the applicant is currently licensed and practicing, if other than the original, stating the time the applicant was licensed in that state, whether the file on the applicant contains a record of any disciplinary actions taken or pending, and the applicant's license number;

3) Proof of successful completion of the examination; and

4) The required fee set forth in Section 1251.70.

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.

Section 1251.60 Renewals

a) The first renewal date for licensure under the Act shall be January 31, 2009. Thereafter, every license issued under the Act shall expire on January 31 of 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 submitting proof of 30 hours of continuing education in accordance with Section 1251.100.

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 genetic counseling and will subject the individual to discipline or other penalties set forth in Section 95 of the Act.

Section 1251.70 Fees

The following fees shall be paid to the Division and are not refundable:

a) Application Fees

1) The fee for application for a license as a genetic counselor is $150.

2) The fee for a temporary license is $50.

b) Renewal Fees

The fee for the renewal of a license shall be calculated at the rate of $75 per year.

c) General Fees

1) The fee for the restoration of a license other than from inactive status is $20 plus payment of all lapsed renewal fees, not to exceed $470.

2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is $20. No fee is required for name and address changes on Division records when no duplicate license is issued.

3) The fee for a certification of a licensee's record for any purpose is $20.

4) The fee to have the scoring of an examination authorized by the Division reviewed and verified is $20 plus any fees charged by the applicable testing service.

5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

6) The fee for a roster of persons licensed as genetic counselors in this State shall be the actual cost of producing the roster.

Section 1251.80 Restoration

a) A person seeking restoration of a license that has expired for 5 years or less shall have the license restored upon payment of all lapsed renewal fees and proof of 30 hours of continuing education.

b) A person seeking restoration of a license that has been placed on inactive status for 5 years or less shall have the license restored upon payment of the current renewal fee and proof of 30 hours of continuing education.

c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, the required fee and proof of 30 hours of continuing education completed within the 24 months preceding the date of application. The person shall also submit one of the following:

1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of active practice; or

2) An affidavit attesting to military service as provided in Section 65 of the Act.

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant may be required to complete a specific period of evaluated genetic counseling work experience under the supervision of a qualified supervisor and may be required to demonstrate completion of continuing education requirements.

e) Upon the recommendation of the Director, an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.

Section 1251.90 Inactive Status

a) Licensed genetic counselors who notify the Division, on forms provided by the Division, may place their licenses on inactive status and shall be excused from paying renewal fees until they notify the Division in writing of the intention to resume active practice.

b) Any licensed genetic counselor seeking restoration from inactive status shall do so in accordance with Section 1251.80 of this Part.

c) Any licensed genetic counselor whose license is on inactive status shall not use the title "licensed genetic counselor" in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions set forth in Section 95 of the Act.

Section 1251.100 Continuing Education

a) Continuing Education Hour Requirements

1) Every renewal applicant shall complete 30 hours of continuing education (CE) relevant to the practice of genetic counseling during the prerenewal period. A prerenewal period is the 24 months preceding January 31 of each odd-numbered year.

2) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.

3) Genetic Counselors licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.

b) Approved Continuing Education

1) All continuing education hours must be earned by verified attendance at, or participation in, a program that is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c) of this Section.

2) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of CE requirements of the State of Illinois.

3) Credit shall not be given for courses taken in Illinois from unapproved sponsors.

c) Approved continuing education sponsors and programs, as used in this Section, shall mean:

1) The American Counseling Association;

2) The American Board of Genetic Counselors; or

3) Any other entity approved by the Division.

Section 1251.110 Granting Variances

The Director may grant variances from this Part in individual cases when he or she finds that:

a) The provision from which the variance is granted is not statutorily mandated;

b) No party will be injured by the granting of the variance; and

c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting

2) Code Citation: 17 Ill. Adm. Code 530

3)

Section Numbers:	Proposed Action:
530.70	Amendment
530.80	Amendment
530.85	Amendment
530.95	Amendment
530.105	Repeal
530.110	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update: sites open for hunting, hunting dates, site-specific regulations, shot size requirements for hunting at specified sites; and to repeal Section 530.105 because Johnson-Sauk Trail, the only site in this Section, is being moved to the Section 530.70.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

217/782-1809

13) 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

14) Regulatory Agenda on which this rulemaking was summarized: January 2006

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 530
COCK PHEASANT, HUNGARIAN PARTRIDGE,
BOBWHITE QUAIL, AND RABBIT HUNTING

Section
530.10 Statewide General Regulations
530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30 Statewide Hungarian Partridge Regulations (Repealed)
530.40 Statewide Bobwhite Quail Regulations (Repealed)
530.50 Statewide Rabbit Regulations (Repealed)
530.60 Statewide Crow Regulations (Repealed)
530.70 Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.80 Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.85 Youth Pheasant Hunting Permit Requirements
530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)
530.95 Youth Pheasant Hunting Regulations
530.100 Illinois Youth Pheasant Hunting Regulations (Repealed)
530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites (Repealed)
530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120 Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill.

Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990, for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 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. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. 9012, effective July 28, 1999; amended at 24 Ill. Reg. 12496, effective August 7, 2000; amended at 25 Ill. Reg. 11119, effective August 21, 2001; amended at 26 Ill. Reg. 16210, effective October 18, 2002; amended at 27 Ill. Reg. 15381, effective September 18, 2003; amended at 28 Ill. Reg. 12835, effective September 1, 2004; amended at 29 Ill. Reg. 13813, effective August 26, 2005; amended at 30 Ill. Reg. _____, effective _____.

Section 530.70 Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites

a) Applicants must contact the Department of Natural Resources (Department or DNR) to obtain a permit reservation. For Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County) and Chain O'Lakes State Park, applicants must contact the public/private partnership area concessionaire. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact the DNR. Applications for reservations will be accepted on the first Monday of August until 24~~48~~ hours before the last hunt date. Methods for making reservations are available on the Department's Website at: http://dnr.state.il.us, by email at: pheasant@dnrmail.state.il.us or by writing to the Department's Division of Parks and Recreation-Pheasant at the address cited in subsection (c). Only applications for reservations submitted by Illinois residents will be accepted during the first two weeks of the application period. Reservations will be confirmed. Providing false information on the application is

a Class A misdemeanor (see 520 ILCS 5/2.38).

b) Permits will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 80 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

c) For all DNR operated sites the permit is valid for the permit holder and up to three hunting partners. The hunting partners cannot hunt without the permit holder being present to hunt. Methods for changing hunting reservations and transferring permits will be provided on the Department's Website at: http://dnr.state.il.us, by email at: pheasant@dnrmail.state.il.us or by writing to:

Illinois Department of Natural Resources
Division of Parks and Recreation − Pheasant
One Natural Resources Way

Springfield IL 62702-1271

d) Reservations for pheasant hunting will be issued by the Department for the Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit, Johnson-Sauk Trail State Park, Kankakee River State Park, Lee County Conservation Area (Green River), Moraine View State Park, Sand Ridge State Forest and Wayne Fitzgerrell State Park.

e) The Department will operate a conveyance for disabled hunters possessing a current Standing Vehicle Permit at some controlled pheasant hunting sites. Reservations for this conveyance must be made at least 2 days in advance, and shall be on a first come-first served basis. Sites where the conveyance will be available as well as dates of operation shall be provided on the Department's Controlled Pheasant Hunting Website and/or publicly announced.

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

Section 530.80 Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

a) Hunting Seasons:

1) The following controlled pheasant hunting areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season and on December 25.

Chain O'Lakes State Park

Des Plaines Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Horseshoe Lake State Park – Madison County

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Kankakee River State Park

Moraine View State Park

Ramsey Lake State Park

Sand Ridge State Forest

Silver Springs State Park

Wayne Fitzgerrell State Park (Rend Lake)

2) The following controlled pheasant hunting areas are open to the Illinois Youth Pheasant Hunting Program only on the first Sunday of the site's controlled pheasant hunting season.

Chain O'Lakes State Park

Des Plaines Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Lee County Conservation Area (Green River State Wildlife Area)

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerrell State Park (Rend Lake)

3) The controlled hunting season on the Lee County Conservation Area (Green River) is November 5, 6, 12, 13, 20, 26, 27~~6, 7, 13, 14, 21, 27, 28~~ and December 4, 10, 11, 17, 18, 19~~5, 11, 12, 18, 19, 20~~.

4) Controlled pheasant hunting seasons are listed below; exceptions are in parentheses; with written authorization from the Director, captive-reared game bird hunting may be scheduled during the season authorized by statute (see 520 ILCS 5/2.6) on the following DNR operated areas:

Des Plaines Conservation Area (closed during the November 3-day firearm deer season) and Moraine View State Park – the Wednesday before the first Saturday of November through the ninth Sunday following

Eldon Hazlet State Park and Wayne Fitzgerrell State Park – the Wednesday following the first Saturday of November through the ninth Sunday following

Horseshoe Lake State Park-Madison County (closed New Year's Day) – the first hunting day after the close of the central zone duck season through the next following January 31

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Iroquois County Conservation Area (closed during the November 3-day firearm deer season) and Chain O'Lakes State Park – the Wednesday before the first Saturday in November through the ~~following~~ seventh and sixth Sundays, respectively

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit (closed during the November and December firearm deer seasons), Johnson-Sauk Trail State Park (closed New Year's Day), Kankakee River State Park (closed New Year's Day), Ramsey Lake State Park (closed New Year's Day), Sand Ridge State Forest ~~(closed New Year's Day)~~ – season dates are those specified in Section 530.20

Silver Springs State Park (closed New Year's Day) – the third Saturday of October through the next following January 8

b) Hunting hours are listed below, exceptions in parentheses. Hunters with reservations are required to check in at the check station on the following sites at the listed times. Hunters with reservations that check in after the required check-in time may not be allowed to hunt if the site hunter quota has been filled.

Site Name	Check-In Times	Hunting Hours
Chain O'Lakes State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)
Des Plaines Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Eldon Hazlet State Park (Carlyle Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Horseshoe Lake State Park (Madison County)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Iroquois County Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.

Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Unit)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)
Johnson-Sauk Trail State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)
Kankakee River State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)
Lee County Conservation Area (Green River State Wildlife Area)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Moraine View State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Ramsey Lake State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Sand Ridge State Forest	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)
Silver Springs State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Wayne Fitzgerrell State Park (Rend Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)

c) Except for Standing Vehicle Permittees hunting from the Department's disabled conveyance, during the controlled pheasant hunting season when daily quotas are not filled, permits shall be issued by~~:1)On a first come-first served basis until 12:00 noon at the following sites:Des Plaines Conservation AreaEldon Hazlet State ParkIroquois County Conservation AreaLee County Conservation Area (Green River)Moraine View State ParkWayne Fitzgerrell State Park 2)By~~ drawing held at the conclusion of check-in time and if daily quotas remain unfilled at the conclusion of the drawing, on a first come-first served basis until 12:00 noon at the following sites:

Des Plaines Conservation Area

Eldon Hazlet State Park

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Johnson-Sauk Trail State Park

Lee County Conservation Area (Green River)

Kankakee River State Park

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerrell State Park

d) Hunting licenses, daily usage stamps and fees:

1) During the controlled pheasant hunting season, hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.

2) At the Lee County Conservation Area (Green River) and the Iroquois County Conservation Area hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day hunters under 16 are not required to obtain a stamp.

3) At the Des Plaines Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit, Johnson-Sauk Trail State Park, Kankakee River State Park, Moraine View State Park, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerrell State Park and Sand Ridge State Forest, hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day and the

Friday between Christmas Day and New Year's Day hunters under 16 are not required to obtain a stamp.

4) Fees in the listed amounts must be paid to the public/private partnership area concessionaire at the following sites. In the event of a weather anomaly, such as drought, the listed fees may be increased.~~:~~

Chain O'Lakes State Park – not more than $22 per hunting permit

Horseshoe Lake State Park (Madison County) and Ramsey Lake State Park – not more than $20 for a 2 pheasant hunting permit, $28 for a 3 pheasant hunting permit, and $35 for a 4 pheasant hunting permit

Silver Springs State Park – not more than $22 for a 2 pheasant hunting permit, $28 for a 3 pheasant hunting permit, and $36 for a 4 pheasant hunting permit

e) During the controlled pheasant hunting season, hunters must wear a back patch issued by the check station.

f) Anyone who has killed game previously and has it in possession or in their vehicle must declare it with the person in charge of the area during check-in. All game found in a hunter's possession after hunting has started on the area shall be considered illegally taken if the hunter has not declared it prior to going afield.

g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or~~,~~ a nontoxic shot size ballistically equivalent to No. 5 lead~~tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 bismuth, No. 3 steel or tin,~~ or smaller may be used, except at Chain O' Lakes State Park, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River), Wayne Fitzgerrell State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size ballistically equivalent to No. 5 lead~~of No. 3 steel or tin, No. 4 bismuth, or No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix~~ or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.

h) Non-hunters are not allowed in the field, except at special hunts publicly announced by the Department where non-hunters authorized by the Department

shall be allowed in the field, and except for operators of Department conveyances and Standing Vehicle Permittees and a single dog handler for the Permittee.

i) Hunters under 16 years of age must be accompanied by an adult hunter.

j) Daily limits − On the following areas, hunters may obtain one permit each day; a permit authorizes the harvest of 2 pheasants of either sex per hunter; exceptions are in parentheses; with written authorization from the Director, the limits provided for in 520 ILCS 5/3.28 shall apply for Illinois Conservation Foundation sponsored hunts:

Chain O'Lakes State Park (2 pheasant permits per hunter each day)

Des Plaines Conservation Area

Eldon Hazlet State Park

Lee County Conservation Area (2 cock pheasants per permit hunter)

Horseshoe Lake State Park-Madison County (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, first day only, 4 quail and 2 rabbits per hunter)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area (additionally, 8 bobwhite quail opening day through the Sunday following Thanksgiving ~~following third Sunday only~~ and 4 rabbits per hunter)

Johnson-Sauk Trail State Park (additionally, 8 bobwhite quail, 2 Hungarian partridge and 4 rabbits per hunter)

Kankakee River State Park (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Moraine View State Park

Ramsey Lake State Park (2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, 8 bobwhite quail and 4 rabbits per hunter)

Sand Ridge State Forest (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Silver Springs State Park (2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Wayne Fitzgerrell State Park

k) Tagging of birds.
During the controlled pheasant hunting season, all pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

l) During the controlled pheasant hunting season, hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.

m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days after the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

n) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

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

Section 530.85 Youth Pheasant Hunting Permit Requirements

a) Applicants must contact the Department of Natural Resources (Department or DNR) to obtain a permit reservation. Applications for reservations will be accepted on the first Monday of August until 24~~48~~ hours before the hunt date. Methods for making reservations are available on the Department's Website at: http://dnr.state.il.us, by email at: pheasant@dnrmail.state.il.us or by writing to the

Department's Division of Parks and Recreation. Only applications for reservations submitted by Illinois residents will be accepted during the first two weeks of the application period. Reservations will be confirmed. Providing false information on the application is a Class A misdemeanor (see 520 ILCS 5/2.38).

b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

c) Methods for transferring permits will be provided on the Department's Website at: http://dnr.state.il.us, by email at: pheasant@dnrmail.state.il.us or by writing to:

Illinois Department of Natural Resources
Division of Parks and Recreation − Youth Pheasant Hunt
One Natural Resources Way
Springfield IL 62702-1271

d) Reservations for the Illinois Youth Pheasant Hunt permits will be issued for Chain O'Lakes State Park, Clinton Lake State Recreation Area, Des Plaines Conservation Area, Edward R. Madigan State Park, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River), Moraine View State Park, Wayne Fitzgerrell (Rend Lake) State Park, Mackinaw River State Fish and Wildlife Area, Horseshoe Lake State Park (Madison County), Sand Ridge State Forest, Sangchris Lake State Park and Jim Edgar Panther Creek State Fish and Wildlife Area-Controlled Unit~~Area~~.

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

Section 530.95 Youth Pheasant Hunting Regulations

a) At the following sites, the Illinois Youth Pheasant Hunt will be held on:

1) the Saturday preceding the opening of the statewide upland game season:

Clinton Lake State Recreation Area

Mackinaw River State Fish and Wildlife Area

2) the Sunday following the opening of the statewide upland game season:

Chain O'Lakes State Park

Des Plaines Conservation Area

Edward R. Madigan State Park

Lee County Conservation Area (Green River)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Moraine View State Park

Sand Ridge State Forest

Sangchris Lake State Park

3) the second Sunday following the opening of the statewide upland game season:

Eldon Hazlet State Park (Carlyle Lake)

Horseshoe Lake State Park (Madison County)

Wayne Fitzgerell State Park (Rend Lake)

b) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 11:00 a.m. to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 and 8:00 a.m. (between 10:00 and 10:30 a.m. at Sangchris Lake State Park).

c) All hunters must be between the ages of 10-15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Edward R. Madigan State Park.

d) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder must be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) card, the supervisory adult is required to have a valid FOID card. Only one supervisory adult in a hunting party is required to have a valid FOID card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID card. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.

e) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must wear a back patch issued by the check station.

f) Persons who have killed game previously and have it in their possession or in their vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after hunting has started on the area will be considered illegally taken if the hunter has not declared it prior to going afield.

g) All hunting must be done with shotguns. Only shot shells with a shot size of #5 lead~~,~~ or a nontoxic shot size ballistically equivalent to No. 5 lead~~tungsten-iron, tungsten-polymer, tungsten-matrix, #4 bismuth, or #3 steel or tin~~ or smaller may be used, except at Chain O'Lakes State Park, Eldon Hazlet State Park, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River) and Wayne Fitzgerrell State Park where only shot shells approved as nontoxic by the U.S. Fish and Wildlife Service with a shot size ballistically equivalent to No. 5 lead~~of #3 steel or tin, #4 bismuth, #5 tungsten-iron, tungsten-polymer, tungsten-matrix~~ or smaller may be used.

h) Daily limit.

1) Two pheasants of either sex at Chain O'Lakes State Park, Des Plaines Conservation Area, Eldon Hazlet State Park, Iroquois County Conservation Area, Horseshoe Lake State Park (Madison County),

Johnson-Sauk Trail State Park, Moraine View State Park, Sand Ridge State Forest, and Wayne Fitzgerrell State Park.

2) Two cock pheasants only at Clinton Lake State Recreation Area, Lee County Conservation Area (Green River) and Mackinaw River State Fish and Wildlife Area.

3) Statewide upland game limits at Sangchris Lake State Park and Edward R. Madigan State Park.

4) Two pheasants of either sex, eight quail and four rabbits at Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit.

i) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

j) Violation of this Section is a petty offense (see 520 ILCS 5/2.6).

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

Section 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites (Repealed)

~~a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.~~

~~b) All areas are closed to fee upland game hunting Mondays and Tuesdays, Christmas Day and New Year's Day.~~

~~c) Hunting hours are 9:00 a.m. to 4:00 p.m.; on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m.~~

~~d) All hunting must be done with shotgun or bow and arrow. At Johnson-Sauk Trail State Park only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of #3 steel or tin, #4 bismuth, or #5 tungsten-iron, tungsten-polymer, tungsten-matrix, or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.~~

~~e) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.~~

~~f) Hunter quota selection, daily usage stamp requirements and exemptions and hunter age requirements:~~

~~1) A drawing shall be held at the site to fill hunter quotas.~~

~~2) A daily usage stamp is required prior to hunting opening date through the day following the final game bird release.~~

~~3) Hunters under 16 are not required to obtain a daily usage stamp at Johnson-Sauk Trail State Park on the Sunday following Thanksgiving Day and on the Friday between Christmas Day and New Year's Day.~~

~~4) Hunters under 16 years of age must be accompanied by an adult hunter.~~

~~g) When daily quotas are not filled, hunters are allowed to check in on a first come-first served basis until 12:00 noon.~~

~~h) The Department shall publicly announce the registration time and quota to be filled.~~

~~i) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.~~

~~j) A back patch issued at the check station must be worn while hunting.~~

~~k) Non-hunters are not allowed in the field (except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be field).~~

~~l) Hunters must not leave the site without first checking out.~~

~~m) Daily Limit:~~

~~1) Pheasant - 2 (either sex may be harvested)~~

~~Bobwhite Quail - 8~~
~~Hungarian Partridge - 2~~
~~Rabbit - 4~~

~~2) With written authorization from the Director, the limits provided for in 520 ILCS 5/3.28 shall apply for Illinois Conservation Foundation sponsored hunts.~~

~~n) Statewide regulations as provided for in this Part apply at the following Controlled Daily Drawing Pheasant Hunting sites, except as noted above and in parentheses below. With written authorization from the Director, captive-reared game bird hunting may be scheduled during the season authorized by statute (see 520 ILCS 5/2.6) on the following DNR operated areas:~~

~~Johnson-Sauk Trail State Park~~

~~o) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.~~

~~p) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).~~

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

Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites

a) General Site Regulations

1) All regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping – apply in this Section, unless this Section is more restrictive.

2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.

3) On sites which are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.

4) On sites which are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size #3 steel or #5 bismuth shot or smaller may be used or possessed with a shot size of #3 steel or tin, #4 bismuth, #5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.

5) Site specific rules or exceptions are noted in parentheses after each site.

b) Site Specific Regulations

1) Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (1)

Apple River Canyon State Park – Salem and Thompson Units (rabbits only; closed during firearm deer season) (1)

Argyle Lake State Park (closed during firearm deer season) (1)

Banner Marsh State Fish and Wildlife Area (opens the day after the close of the central zone duck season) (1)

Big Bend State Fish and Wildlife Area (hunting for bobwhite quail will terminate at the close of legal shooting hours on December 14) (1)

Big River State Forest (closed during firearm deer season) (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters (Corps of Engineers Managed

Lands)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Chain O'Lakes State Park (open Wednesday after controlled pheasant hunting season for 5 consecutive days, closed December 25; hunting hours 8 a.m. to 4 p.m.) (1)

Crawford County Conservation Area (1)

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (1)

Eagle Creek State Park (open only January 16-22)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch only) (1)

Falling Down Prairie (1)

Ferne Clyffe State Park (1)

Fort de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Fulton County Goose Management Area (opens the day after the close of the Central Illinois Quota Zone goose season) (1)

Giant City State Park (1)

Hamilton County Conservation Area (1)

DEPARTMENT OF NATURAL RESOURCES

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Hanover Bluff State Natural Area (1)

Horseshoe Lake Conservation Area (Alexander County) (Public Hunting Area) (1)

Horseshoe Lake Conservation Area (Controlled Hunting Area; closed prior to and during the Canada goose season) (1)

Jubilee College State Park (opens second day of statewide season; pheasant and quail close the Sunday after Thanksgiving) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season; the defined Baldwin Lake Waterfowl Rest Area is closed) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Marseilles State Fish and Wildlife Area (closed during all site firearm deer seasons; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots~~the site's firearm deer season~~) (1)

Marshall Fish and Wildlife Area (closed during firearm deer season) (1)

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesdays, Christmas Day and New Year's Day) (1)

Mermet Lake Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

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

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NOTICE OF PROPOSED AMENDMENTS

Mississippi River Pools 21, 22, 24

Mt. Vernon Game Propagation Center (hunting from January 1 to the end of season; rabbits only) (1)

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West Subunit only) (1)

Pyramid State Park (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesdays during the fee pheasant season) (1)

Randolph County Conservation Area (1)

Ray Norbut State Fish and Wildlife Area (1)

Red Hills State Park (1)

Rend Lake Project Lands and Waters

Sahara Woods State Fish and Wildlife Area (1)

Saline County Conservation Area (1)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.) (1)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms (2)

Sielbeck Forest Natural Area (1)

Skinner Farm State Habitat Area (1)

Snakeden Hollow State Fish and Wildlife Area (opens the day after the close of the Central Illinois Quota zone goose season) (1) (2)

Spoon River State Forest (1)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons) (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area (Firing Line Management Area only) (1) (2)

Washington County Conservation Area (1)

Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Scripps Unit) (1)

Weinberg-King State Park (Spunky Bottoms Unit) (1)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (rabbit only; opens after second firearm deer season) (1)

Wolf Creek State Park (open only January 16-22)

2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the

site for the following year:

Chauncey Marsh (obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (4:00 p.m. daily closing; closed during firearm deer season)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit

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

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit (rabbit hunting only open Monday following the close of the controlled pheasant hunting season through the next following January 22)

Kickapoo State Park (4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters)

Middle Fork Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (rabbit hunting permitted Mondays and Tuesdays during the site controlled hunting season; hunting hours areprogram and from Wednesday after the permit pheasant season until the end of the Northern Zone Rabbit Season. Quail and pheasant hunting are permitted Wednesday through Sunday

~~following the permit pheasant season; 2 cock pheasants may be taken. All hunting is~~ 8 a.m. to 4 p.m. only~~.~~)

Newton Lake Fish and Wildlife Area (closed during firearm deer season)

Pyramid State Park – Galum Unit

Sanganois State Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area (nontoxic shot only on posted waterfowl rest areas)

3) Hunting is permitted on the following areas only on the dates listed in parentheses; or on sites indicated by (3), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November, and on each Thursday and Sunday in December, through December 24. On sites indicated by (4), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November and on each Thursday and Sunday in December, through December 24, except closed during the firearm deer seasons and open December 27 and 29. Daily hunting permits filled by drawing through DNR Permit Office. Procedures for application and drawings will be publicly announced. Illinois residents will have preference. Only one permit per person will be issued. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for the day's hunt. The permit must be returned and harvest reported by February 15 or permit holders will forfeit hunting privileges at the sites covered in this Section for the following year:

Bradford Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Clifton Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Dublin Highlands Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Eagle Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (3)

Edward R. Madigan State Park (open on Mondays from the opening of upland game season until Christmas Day; each permit authorizes the holder to bring 3 hunting partners; check in required before hunting)

Freeman Mine (open every Wednesday in November and December starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.; daily bag limit is 2 cock pheasants, 4 quail, and 2 rabbits)

Franklin Creek State Natural Area − Nachusa Prairie Sand Farm (each permit authorizes the holder to bring 3 hunting partners) (3)

Gifford Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Green River State Wildlife Area (open only November 4, 8, 9, 11, 15, 22, 25~~5, 9, 10, 12, 16, 23, 26~~ and December 6, 7, 9, 13, 14, 16, 20, 21, 23~~7, 8, 10, 14, 15, 17, 21, 22, 24~~; each permit authorizes the holder to bring 5 hunting partners) (1) (2)

Hallsville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Harry "Babe" Woodyard State Natural Area (each permit authorizes the holder to bring 3 hunting partners; 8 a.m. to 4 p.m. hunting hours) (4)

Herschel Workman Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hindsboro Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hurricane Creek Habitat Area (each permit authorizes the holder

to bring 3 hunting partners) (4)

Jim Edgar Panther Creek State Fish and Wildlife Area (Upland Game~~Quail~~ Management Area) (open every Tuesday and Saturday in November, December and January starting with opening day of upland game season except during firearm deer season and December 24 and 25; rabbit hunting only after the close of pheasant and quail season; each permit authorizes holder to bring 3 hunting partners)

Loda Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Mackinaw State Fish and Wildlife Area (each permit authorizes the holder to bring 3 hunting partners) (4)

Manito Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Maytown Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Perdueville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Pyramid State Park – Captain Unit (open only November 6, 8, 11, 15, 22, 25, 29~~5, 9, 12, 16, 23, 26, 30~~; December 6, 9, 13, 16, 20, 23, 27, 30~~7, 10, 14, 17, 21, 24, 28, 31~~; and January 3, 6, 8, 10, 13~~4, 7, 9, 11, 14~~; each permit authorizes the holder to bring 2 hunting partners)

Pyramid State Park – Denmark Unit (open only November 5, 8, 11, 15, 22, 26, 29~~6, 9, 12, 16, 23, 26, 30~~; December 6, 9, 13, 16, 20, 23, 27, 30~~7, 11, 14, 17, 21, 24, 28, 31~~; and January 3, 6, 8, 10, 13~~4, 7, 9, 11, 14~~; each permit authorizes the holder to bring 2 hunting partners)

Pyramid State Park – East Conant Unit (open only November 4, 8, 11, 15, 22, 25, 29~~5, 9, 12, 16, 23, 26, 30~~; December 6, 9, 13, 16, 20, 23, 27, 30~~7, 10, 14, 17, 21, 24, 28, 31~~; and January 3, 6, 8, 10,

134~~, 7, 9, 11, 14~~; each permit authorizes the holder to bring 2 hunting partners)

Sand Prairie Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Sand Ridge State Forest (Sparks Pond Land and Water Reserve Area) (open on Saturdays and Tuesdays from the opening of the upland game season through the end of December except during firearm deer season; each permit authorizes holder to bring 3 hunting partners)

Sangchris Lake State Park (open every Wednesday and Saturday in November and December after the opening day of upland game season except the Saturday of the second firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 11:00 a.m. to sunset; check in required before hunting)

Saybrook Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Sibley Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Siloam Springs State Park – Scripps Unit (open only the first and third days of firearm deer season and every Tuesday and Saturday thereafter until close of the statewide quail season; each permit authorizes the holder to bring 3 hunting partners)

Steward Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Victoria Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Willow Creek Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Wolf Creek State Park (each permit authorizes the holder to bring

3 hunting partners) (4)

4) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DNR before leaving sites; hunting hours are 8:00 a.m.-4:00 p.m.; hunting dates are noted in parentheses:

Des Plaines Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesdays and Christmas) (1)

Eldon Hazlet State Park (controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County Wildlife Management Area (open Wednesday through Sunday following permit pheasant season) (1)

Kankakee River State Park (no quail hunting)

Moraine View State Park (open Monday following the close of the controlled pheasant hunting season through the close of the northern zone season) (1)

c) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Late-Winter Deer Hunting Season

2) Code Citation: 17 Ill. Adm. Code 680

3)

Section Numbers:	Proposed Action:
680.20	Amendment
680.25	Repeal
680.30	Amendment
680.40	Amendment
680.50	Amendment
680.60	Amendment
680.80	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to make statewide program change to make this Part compatible with other deer hunting rules. Changes include updating statewide deer permit requirements; repealing Section 680.25 because language has been incorporated into Section 680.20; allowing standby permits to be issued at sites designated on the permit application as allowing standby hunting; allowing hunters to use firearm and muzzleloader permits that they did not fill during the previous firearm/muzzleloading deer season.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

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

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a

period of 45 days following publication of this Notice to:

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

217/782-1809

13) 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

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 680
LATE-WINTER DEER HUNTING SEASON

Section
680.10 Statewide Season
680.20 Statewide Deer Permit Requirements
680.25 Deer Permit Requirements – Free Landowner/Tenant Permits (Repealed)
680.30 Deer Permit Requirements – Group Hunt
680.40 Statewide Firearm Requirements for Late-Winter Deer Hunting
680.50 Statewide Deer Hunting Rules
680.60 Reporting Harvest
680.70 Rejection of Application/Revocation of Permits
680.80 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective August 3, 1998; amended at 24 Ill. Reg. 8975, effective June 19, 2000; amended at 26 Ill. Reg. 13820, effective September 5, 2002; emergency amendment at 28 Ill. Reg. 1032, effective January 6, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 2197, effective January 26, 2004; amended at 28 Ill. Reg. 15503, effective November 19, 2004; amended at 29 Ill. Reg. 20462, effective December 2, 2005; amended at 30 Ill. Reg. _____, effective _____.

Section 680.20 Statewide Deer Permit Requirements

a) Illinois resident hunters must have a current, valid Late-Winter Deer Season Permit ($15), or an unfilled firearm or muzzleloader deer permit valid for the previous firearm or muzzleloader deer season and valid for one of the open counties. Nonresident hunters must have an unfilled firearm or muzzleloader deer permit valid for the previous firearm or muzzleloader deer season and valid for one of the open counties. A Late-Winter Deer Season Permit is issued for one

county or special hunt area and is valid only in the county or special hunt area stated on the permit. Unfilled firearm or muzzleloader deer permits are valid only for the county for they were originally issued, except that unfilled landowner property-only hunting firearm deer permits are valid only for the farmlands that the person to whom it was issued owns, leases, or rents within the open counties/portions of counties. Unfilled firearm or muzzleloader deer permits that were originally issued for special hunt areas are not valid during the Late-Winter Deer Season ~~or an unused free landowner/tenant permit. A permit is issued for one county and is valid only in the county stated on the permit~~. For permit applications and other information write to:

Department of Natural Resources
(Late-Winter Deer Season)
Deer Permit Office
Post Office Box 19227
Springfield IL 62794-9227

b) Applications shall be accepted as soon as they are available through the tenth weekday in November for the Late-Winter Deer Season in the following January. Applications received after the tenth weekday in November shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless-only.

c) In-person, ~~and~~ mail-in and electronic applications shall receive equal treatment in the drawings.

d) Each applicant must apply using the official agency Late-Winter Deer Permit Application, and must complete all portions of the form. ~~No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, Late-Winter, archery, and free or paid landowner/tenant permits.~~

e) For the applicant to be eligible to receive a Late-Winter Deer Permit ($15), he must be an Illinois resident and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].

f) It shall be unlawful to apply for or receive more than one permit for the Late-

Winter Deer season.

g) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.

h) Recipients of the Late-Winter Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.

i) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

j) A $3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

~~k) Each applicant must enclose a separate $15 (check or money order) payable to the Department of Natural Resources, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.~~

k)~~l)~~ Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

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

Section 680.25 Deer Permit Requirements – Free Landowner/Tenant Permits (Repealed)

~~a) Unfilled free landowner and tenant firearm deer permits issued pursuant to 17 Ill. Adm. Code 650.21 shall be valid only on lands owned/leased by the permit holder during the Late-Winter Deer Season and only for antlerless deer.~~

~~b) Violation of this Section is a Class B Misdemeanor (see 520 ILCS 5/2.24).~~

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

Section 680.30 Deer Permit Requirements – Group Hunt

a) Up to six individuals may apply to hunt as a group. ~~If applicants are applying in a group, all applications for the group must be sent to the Department in the same~~

~~envelope. All applications for the group shall be processed together only if they are received in the same envelope. Any applications indicating participation in a group that are not received in the same envelope shall be processed separately.~~

b) Each individual must sign his or her own application.

c) Applicants applying as a group shall be rejected if they do not list the same county choice and complete the group leader information listing the identical group leader.

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

Section 680.40 Statewide Firearm Requirements for Late-Winter Deer Hunting

a) The only legal firearms to take, or attempt to take, deer are:

1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or

2) A single or double barreled muzzleloading rifle of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length; or

3) centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches and single-shot muzzleloading handguns (blackpowder handguns that are incapable of being loaded from the breech end) of .50 caliber or larger capable of producing at least 500 foot pounds of energy at the muzzle according to published ballistic tables of the manufacturer.

b) Standards and specifications for legal ammunition are:

1) For shotguns and muzzleloading firearms, the minimum size of the projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.

2) The only legal ammunition for a centerfire handgun is a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches, or a straight-walled centerfire cartridge of .30 caliber or larger, both of which must be available with the published

ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle. Single-shot muzzleloading handguns must use a projectile of .44 caliber or larger with sufficient blackpowder or "blackpowder substitute" (such as Pyrodex) to produce at least 500 foot pounds of energy at the muzzle. A wad or sleeve is not considered a projectile or part of a projectile.

3) Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.

c) Standards and specifications for use of muzzleloading firearms are as follows:

1) A muzzleloading firearm is defined as a firearm that is incapable of being loaded from the breech end.

2) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) are an approved blackpowder substitute only in muzzleloading firearms that are specifically designed for their use.

3) Percussion caps, wheel lock, matchlock or flint type ignition only may be used.

4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.

d) Hunters using unfilled muzzleloader deer permits may only use muzzleloading rifles as specified in Section 680.40(a)(2). Hunters using unfilled firearm deer permits, or Late-Winter Deer Season Permits, may use all firearms specified in subsection (a).

e)~~d)~~ It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the Late-Winter Deer Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than deer hunters shall not be prohibited during the Late-Winter deer season as set in Section 680.10. Violation is a Class B

misdemeanor (see 520 ILCS 5/2.24).

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

Section 680.50 Statewide Deer Hunting Rules

a) The bag limit is one antlerless deer per legally authorized permit. Persons using an unfilled firearm or muzzleloader deer permit valid for the previous firearm or muzzleloader deer season (including landowner permits) may only harvest antlerless deer even when using an either-sex permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long.

b) The harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the harvest tag to the deer in the manner prescribed in Section 680.60 and on the permit.

c) Hunters shall not have in their possession, while in the field during the Late-Winter deer season, any deer permit issued to another person (permits are non-transferrable).

d) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in the Department's Chronic Wasting Disease Surveillance Program, a free permit for the same county or special hunt area will be made available the subsequent year if their tested deer is determined to have chronic wasting disease.

e) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24), except unlawful take or possession of 2 or more deer within 90 days is a Class 4 felony, and unlawful take of 2 or more deer as a single act or possession or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36(a)).

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

Section 680.60 Reporting Harvest

a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at

http://dnr.state.il.us/vcheck. They will be provided with a confirmation number to verify that they checked in their harvest. This number must be written by the hunter on the harvest tag (leg tag). If the condition of the tag precludes writing on the tag in the appropriate space (i.e., bloody, etc.), the confirmation number shall be written elsewhere on the tag or onto a piece of paper and attached to the deer along with the temporary harvest tag. The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:

1) For a buck: head with antlers attached to carcass or attached testicle, scrotum, or penis.

2) For a doe: head attached to carcass or attached udder (mammary) or vulva.

b) The harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist's. If the carcass is taken to a meat processor, the harvest tag (leg tag) with confirmation number must remain with the deer while it is processed and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.

c) Site specific reporting requirements must be followed in addition to this Section.

d) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

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

Section 680.80 Regulations at Various Department-Owned or -Managed Sites

Sites will be opened to Late-Winter deer hunting only if the site is announced as being open via a

public announcement and/or the site is listed as being open on the Late-Winter deer season application. Sites allowing standby hunting, along with the required check-in time, will be designated on the Late-Winter Deer Season application. Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.24).

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Taking of Wild Turkeys – Fall Gun Season

2) Code Citation: 17 Ill. Adm. Code 715

3)

Section Numbers:	Proposed Action:
715.20	Amendment
715.25	Amendment
715.40	Amendment

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

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update application requirements, including adding language regarding electronic point-of-sale, and to remove Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit) from Section 715.40 because the site will now be treated as a single unit.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

217/782-1809

13) 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

14) Regulatory Agenda on which this rulemaking was summarized: January 2006

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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. 15542, effective September 27, 2005; amended at 29 Ill. Reg. 18938, effective November 4, 2005; amended at 30 Ill. Reg. _____, effective _____.

Section 715.20 Statewide Turkey Permit Requirements

a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of $15. Non-resident turkey hunters shall be charged the maximum fee allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for each turkey hunting permit. All hunters, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1], are required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in

the county or area designated on the permit. Hunting without a valid turkey permit is a Class B misdemeanor (see 520 ILCS 5/2.9). Applications for wild turkey permits shall be completed and submitted by visiting one of the Illinois Department of Natural Resources' DNR-Direct License vendors, by applying on-line at www.dnr.state.il.us or by calling DNR-Direct License sales at 1-888-6PERMIT (1-888-673-7648).~~must be mailed to:~~

~~Illinois Department of Natural Resources~~
~~Fall Shotgun Wild Turkey Permit~~
~~One Natural Resources Way~~
~~P.O. Box 19446~~
~~Springfield IL 62794-9446~~

b) Applicants must supply all information necessary to complete the application~~Applicants must complete all portions of the permit application form~~. Incomplete applications shall be rejected and fees returned. Each applicant must submit payment~~a personal check or money order~~ for his/her individual application at the time of application. Not more than 6 applications may be submitted for group hunters. Applicants submitting applications within three weeks prior to the season shall not be guaranteed receipt of permit by start of season.

c) Applications shall be accepted from residents only from the date on which they became available through the first Monday in July.~~ All requests must be on an official application form.~~ Permits are not transferable and refunds shall not be granted. Permits shall be allocated in a computerized drawing to be held in Springfield. Applications received after the first Monday in July shall not be included in the drawing.

d) Permits not issued during the first computerized drawing shall be available in a second computerized lottery drawing. Applications for this drawing will be accepted through the seventh Monday after the initial lottery deadline. Applications received after this date will not be included in the drawing. All hunters not receiving a permit in the first computerized drawing and non-residents may apply at this time for the available permits. Illinois residents will be given preference for permits allocated in the second lottery drawing.

e) Permits remaining after the two lotteries will be available in a random daily drawing that begins on the fourth Monday after the second lottery deadline. All applications received on or before this date will be processed in the first daily drawing. This drawing period is open to hunters applying for their first or second

permits. Hunters may obtain a maximum of two permits for the fall gun season.

f) A $3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, no charge will be made.

g) It shall be unlawful to:

1) Submit applications before the second computerized lottery drawing for more than one permit for the same person. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);

2) Apply for or receive more than two permits for the fall gun turkey season. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9); or

3) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited. Violation is a Class A misdemeanor (see 520 ILCS 5/2.38).

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

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.

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) Applicants for Landowner/Tenant permits must apply using the official application form. Applications for Landowner/Tenant wild turkey permits must be submitted to:

Illinois Department of Natural Resources
POH Fall Shotgun Wild Turkey Permit
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227

e~~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.

f~~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).

g~~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.

h~~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.

i~~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.

j~~i~~) Shareholder Landowner Permits

1) Bona fide equity shareholders of corporations owning 40 or more acres of land in a county may apply for one permit to hunt the corporation 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. Lands leased to corporations shall not be considered as a basis for a permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a permit by the shareholders of the trustee. If application is made for a permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder as defined in subsection (i)(2), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder turkey permit shall be free to resident shareholders and the cost to nonresident shareholders shall be $37.50.

2) 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.

k~~j~~) Providing false or deceptive information is a Class A misdemeanor (see 520 ILCS 5/2.38).

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

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

a) Statewide regulations shall apply for the following sites:

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

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

Mississippi River Pools 16, 17, 18

Mississippi River Pools 21, 22, 24

Nauvoo State Park (Max Rowe Unit only)

Rend Lake Project Lands (portion in Jefferson County only)

Weinberg-King State Park (Cecil White Unit)

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

Argyle Lake State Park

Big River State Forest

Cache River State Natural Area (Johnson County portion only)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Cypress Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area

Falling Down Prairie

Ferne Clyffe State Park

Fort de Chartres Historic Site (muzzleloading shotguns only)

Giant City State Park

Hanover Bluff State Natural Area

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

Kinkaid Lake Fish and Wildlife Area

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

Ray Norbut State Fish and Wildlife Area

Sahara Woods State Fish and Wildlife Area

Saline County Conservation Area

Siloam Springs State Park

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

Skinner Farm State Habitat Area

Spoon River State Forest

Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area – Firing Line Management Unit Only

Weinberg-King State Park

Weinberg-King State Park – Scripps Unit

Weinberg-King State Park – Spunky Bottoms Unit

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

Apple River Canyon State Park – Salem and Thompson Units

Crawford County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

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

Meeker State Habitat Area

Newton Lake Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest

Witkowsky State Wildlife Area

d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt (refer to 17 Ill. Adm. Code

650.67 for hunt dates). Permits will be $15 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Any additional availability will be publicly announced.

Rock Cut State Park

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

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Electronic Commerce Security Act

2) Code Citation: 14 Ill. Adm. Code 100

3)

Section Numbers:	Proposed Action:
100.10	Amendment
100.40	Amendment
100.70	Amendment
100.80	Amendment
100.110	Amendment
100.120	Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Electronic Commerce Security Act [5 ILCS 175].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is intended to define and differentiate the roles of the Office of the Secretary of State and the Department of Central Management Services while acting as "certifying authorities" as prescribed by the Illinois Electronic Commerce Security Act [5 ILCS 175].

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace an emergency rulemaking currently in effect? No

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site, www.sos.state.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Secretary of State
Nathan Maddox, Senior Legal Advisor
298 Howlett Building
Springfield, IL 62701

217-785-3094

13) 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

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: The need for this rulemaking was not anticipated at the time the agendas were prepared.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 100
ILLINOIS ELECTRONIC COMMERCE SECURITY ACT

Section
100.10 Scope and Definitions
100.20 Certification of a Qualified Security Procedure for Electronic Records and Signature
100.30 Criteria for Acceptance of Electronic Signatures
100.40 Recognition of Qualified Security Procedures
100.50 Suitable Guaranty
100.60 Audit Requirements
100.70 Certification Authorities
100.80 Decertification of Certification Authorities
100.90 Performance of Services
100.100 Records Retention
100.110 Provisions for Promoting Uniformity
100.120 Foreign and Other Jurisdictional Certificates

AUTHORITY: Implementing and authorized by the Illinois Electronic Commerce Security Act [5 ILCS 175].

SOURCE: Adopted at 25 Ill. Reg 7935, effective June 14, 2001; amended at 30 Ill. Reg. _____, effective _____.

Section 100.10 Scope and Definitions

a) The purpose of this Part is to provide maximum flexibility to the implementation of digital signature technology for the private sector under the Illinois Electronic Commerce Security Act [5 ILCS 175]. The Act sets forth procedures by which the Secretary of State may certify security procedures for digital signature technology. However, the Act does not *require any person to create, store, transmit, accept, or otherwise use or communicate information, records, or signatures by electronic means or in electronic form; or prohibit any person engaging in an electronic transaction from establishing reasonable requirements regarding the medium on which it will accept records or the method and type of symbol or security procedure it will accept as a signature.*

b) For the purposes of this Part, and unless the context expressly indicates otherwise, definitions are as follows:

"Act" means the Illinois Electronic Commerce Security Act [5 ILCS 175].

"Applicant" means a person or entity other than a State agency or non-State agency~~the person, organization or entity~~ seeking certification by the Secretary as a certification authority in the State of Illinois.

"Asymmetric cryptosystem" means a computer-based system capable of generating and using a key pair consisting of a private key for creating a digital signature and a public key to verify the digital signature.

"Certificate" means a record that at a minimum:

identifies the certification authority issuing it;

names or otherwise identifies its subscriber or a device or electronic agent under the control of the subscriber;

contains a public key that corresponds to a private key under the control of the subscriber;

specifies its operational period; and

is digitally signed by the certification authority issuing it.

"Certification authority" or "CA" means a person or entity who authorizes and causes the issuance of a certificate.

"Certification practice statement" or "CPS" is a statement published by a certification authority that specifies the policies or practices that the certification authority employs in issuing, managing, suspending, and revoking certificates and providing access to them.

"Certificate policy" or "CP" is a statement published by a certification authority that specifies the policies of the certification authority.

"Digital signature" means a type of electronic signature created by

transforming an electronic record using a message digest function and encrypting the resulting transformation with an asymmetric cryptosystem using the signer's private key such that any person having the initial untransformed electronic record, the encrypted transformation, and the signer's corresponding public key can accurately determine whether the transformation was created using the private key that corresponds to the signer's public key and whether the initial electronic record has been altered since the transformation was made. A digital signature is a security procedure.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

"Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

"Key pair" means, in an asymmetric cryptosystem, 2 mathematically related keys, referred to as a private key and a public key, having the properties that:

one key (the private key) can encrypt a message that only the other key (the public key) can decrypt; and

even knowing one key (the public key), it is computationally unfeasible to discover the other key (the private key).

"Message digest function" means an algorithm that maps or translates the sequence of bits comprising an electronic record into another, generally smaller, set of bits (the message digest) without requiring the use of any secret information, such as a key, so that an electronic record yields the same message digest every time the algorithm is executed using such record as input and it is computationally unfeasible that any 2 electronic records can be found or deliberately generated that would produce the same message digest using the algorithm unless the 2 records are precisely identical.

"Non-State Agency" means a person other than a State agency that is a public sector entity of any government, including without limitation, a unit of local government, school district or board of elections created by or pursuant to the statutes of the State of Illinois, or any officer, commissioner, administrative unit or corporate outgrowth of the public sector entity. A non-State agency shall be deemed to be a person conducting business or other transactions with a State agency for purposes of the Act and this Part if it seeks certification of a security procedure by the State CA or is a foreign public sector CA that seeks recognition under Section 100.120 of this Part.

"Operational period of a certificate" begins on the date and time the certificate is issued by a certification authority (or on a later date and time certain if stated in the certificate) and ends on the date and time it expires as noted in the certificate or is earlier revoked, but does not include any period during which a certificate is suspended.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited partnership, limited liability partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

"Private key" means the key of a key pair used to create a digital signature.

"Public key" means the key of a key pair used to verify a digital signature.

"Record" means information that is inscribed, stored, or otherwise fixed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Repository" means a system for storing and retrieving certificates or other information relevant to certificates, including information relating to the status of a certificate.

"Revoke a certificate" means to permanently end the operational period of a certificate from a specified time forward.

"Secretary" means the Secretary of State of Illinois.

"Security procedure" means a methodology or procedure used for the purpose of:

verifying that an electronic record is that of a specific person; or

detecting error or alteration in the communication, content, or storage of an electronic record since a specific point in time.

A security procedure may require the use of algorithms or codes, identifying words or numbers, encryption, answer back or acknowledgment procedures, or similar security devices.

"Signature device" means unique information, such as codes, algorithms, letters, numbers, private keys, or personal identification numbers (PINs), or a uniquely configured physical device that is required, alone or in conjunction with other information or devices, in order to create an electronic signature attributable to a specific person.

"Signed" or "signature" includes any symbol executed or adopted, or any security procedure employed or adopted, using electronic means or otherwise, by or on behalf of a person with intent to authenticate a record.

"State agency" means and includes all officers, boards, commissions, courts, and agencies created by the Illinois Constitution, whether in the executive, legislative or judicial branch; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government that are created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners; all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor.

"Subscriber" means a person who is the subject named or otherwise identified in a certificate, who controls a private key that corresponds to the public key listed in that certificate, and who is the person to whom digitally signed messages verified by reference to such certificate are to be attributed.

"Suspend a certificate" means to temporarily suspend the operational period of a certificate for a specified time period or from a specified time forward.

"Trustworthy manner" means through the use of computer hardware, software, and procedures that, in the context in which they are used:

can be shown to be reasonably resistant to penetration, compromise, and misuse;

provide a reasonable level of reliability and correct operation;

are reasonably suited to performing their intended functions or serving their intended purposes;

comply with applicable agreements between the parties, if any; and

adhere to generally accepted security procedures.

"Valid certificate" means a certificate that a certification authority has issued and that the subscriber listed in the certificate has accepted.

"Verify a digital signature" means to use the public key listed in a valid certificate, along with the appropriate message digest function and asymmetric cryptosystem, to evaluate a digitally signed electronic record, such that the result of the process concludes that the digital signature was created using the private key corresponding to the public key listed in the certificate and the electronic record has not been altered since its digital signature was created.

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

Section 100.40 Recognition of Qualified Security Procedures

a) The security structure of technology known as public key cryptography~~Public Key Cryptography~~ is certified by a CA as a qualified security procedure for use by ~~public and~~ private entities in Illinois, provided that the digital signature is created consistent with this Section. Cryptography is a commercially reasonable standard and procedure for use by ~~public and~~ private industries in Illinois,

provided that the digital signature is created consistent with this Section.

b) The ~~Illinois~~ Electronic Commerce Security Act requires that a digital signature be unique to the signer within the context in which it is used. A public key-based digital signature may be considered unique to the signer using it if:

1) the digital signature is created using an asymmetric algorithm;

2) the private key used to create the signature on the document is known only to the signer;

3) the digital signature can be verified by reference to the public key listed in a CA certificate;

4) the digital signature is created during the operational period of a valid CA certificate;

5) it is computationally infeasible to derive the private key from knowledge of the public key; and

6) the digital signature is created within the scope of any other restrictions specified or incorporated by reference in the CA certificate.

c) The Act requires that a digital signature can be used to objectively identify the person signing the electronic record. A public-key based digital signature is capable of objectively identifying the person signing the electronic record if:

1) the acceptor of the digitally signed document can verify the document was digitally signed by using the signer's public key and message digest function to decrypt the message; and

2) the issuing certification authority, through a process defined in the CP or CPS, authenticates the subscriber and the subscriber's public key and identifies the forms of identification required of the signer prior to issuing the CA certificate.

d) The Act requires that the digital signature be reliably created by an identified person and cannot be readily duplicated or compromised. The signer and all other persons that rightfully have access to signature devices assume a duty to exercise reasonable care to retain control and maintain secrecy of the signature device and

to protect it from any unauthorized access, disclosure, or use during the period when reliance on a signature created by such device is reasonable.

e) The Act requires that the digital signature be created, and be linked to the electronic record to which it relates, in a manner that, if the record or the signature is intentionally or unintentionally changed after signing, the electronic signature is invalidated.

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

Section 100.70 Certification Authorities

Certification authorities certified by the Secretary shall:

a) inform each subscriber of its agreement to be bound by the CPS and CP before obtaining a CA certificate;

b) provide each subscriber with a copy of the CPS and CP, or the Universal Resource Locator where the CPS and CP can be obtained;

c) include warranty disclaimers, liability limitations and indemnification provisions in their CPS or CP;

d) inform each subscriber as to changes made to the CPS or CP on a timely basis;

e) inform each subscriber as to its responsibility to maintain the confidentiality of its private key; and

f) inform each subscriber as to the applicant's responsibility to maintain a private key and utilize a trustworthy system.

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

Section 100.80 Decertification of Certification Authorities

a) The Secretary may decertify a security procedure employed by a certification authority that was certified by the Secretary, in accordance with 5 ILCS 175/10-135d, for failure to comply with any requirement of this Part, for failure to remain qualified for the Secretary's certification, for failure to revoke a CA certificate pursuant to 5 ILCS 175/15-320, or for failure to comply with a lawful order of the

Secretary.

b) Certification authorities in the State of Illinois that have been certified by the Secretary shall notify the Secretary in writing, within 10 days, if the certification authority has had its accreditation, licensing, Secretary's certification or approval revoked, lapsed or terminated by any other means by another state or authority.

c) The Secretary may order the summary suspension of the Secretary's certification of a certification authority following an appropriate investigation or review.

d) Any applicant or certification authority adversely affected by a decision of the Secretary of State pursuant to this Part may seek administrative review of that decision pursuant to the administrative hearings procedure set forth at 92 Ill. Adm. Code 1001.10-1001.130.

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

Section 100.110 Provisions for Promoting Uniformity

a) The Secretary or~~,~~ the Department of Central Management Services ~~or designated State agencies~~ may act as a certification authority under the Act.

b) The Secretary or~~,~~ the Department of Central Management Services ~~or designated State agencies~~ may contract with an outside vendor to acquire the certification authority services required by this Part.

c) The Secretary's Electronic Signature Steering Committee, after review, may recognize proposed technologies as a qualified security procedure for the purpose of the Secretary's certification.

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

Section 100.120 Foreign and Other Jurisdictional Certificates

a) The Secretary of State may recognize foreign private sector certification authorities, provided that the foreign private sector certification authority:

1) is certified:

A) as a certification authority by the Secretary; or

B) licensed by another state of the United States; or

C) licensed by the federal government or a federal government agency; and

2) the foreign private sector certification authority agrees to be bound to the terms of the Secretary's~~Illinois~~ CP and CPS.

b) A foreign private sector certification authority shall provide to the Secretary a certified copy of a license or certification issued by a government entity. A license or certification recognized under this subsection (b) shall be valid in Illinois only during the time it is valid in the issuing jurisdiction.

c) A foreign private sector certification authority recognized in the State of Illinois shall provide notification, within 10 days, to the Secretary in writing if the certification authority has had its accreditation, licensing, certification or approval revoked, lapsed or terminated by any other means by another state or authority.

d) Certification authorities certified by the Secretary shall not be required to accept certificates issued by international entities.

e) A foreign private sector certification authority doing business in the State of Illinois shall be subject to the laws of Illinois.

f) The CPS of a certification authority certified by the Secretary~~certification authority's CPS~~ shall indicate whether the CA accepts foreign certificates.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois State Library, Library Division Services

2) Code Citation: 23 Ill. Adm. Code 3010

3)

Section Numbers:	Proposed Action:
3010.EXHIBIT C	Amend
3010.EXHIBIT D	New Section

4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320].

5) A Complete Description of the Subjects and Issues Involved: To maintain the privacy of users, State Library courtesy card applicants will not be asked their Social Security number in Exhibit C, and a new Section, Exhibit D, is an application for a regular borrower's card.

6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: None

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

8) Does this rulemaking contain any automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objectives: Provide library service to state government and other users of the Illinois State Library.

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

Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
Springfield, IL 62701-1796

217-558-4185; jnatale@ilsos.net

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which these amendments were summarized: January 2006

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3010
ILLINOIS STATE LIBRARY, LIBRARY SERVICES DIVISION

SUBPART A: USE OF THE ILLINOIS STATE LIBRARY

Section
3010.10 Definitions
3010.20 Service Populations
3010.30 Hours of Service
3010.40 Library Stack Area
3010.50 Use by the General Public
3010.60 Copies

SUBPART B: COLLECTION ACCESS SECTION (CIRCULATION)

Section
3010.110 Circulation of Materials
3010.120 Materials for Loan
3010.130 Loan Periods
3010.140 Holds, Recalls and Renewals
3010.150 Return of Materials
3010.160 Replacement of Lost and/or Damaged Materials
3010.170 Theft of Materials
3010.180 Photocopies (Repealed)

SUBPART C: PUBLIC SERVICES SECTION

Section
3010.210 Reference Service

SUBPART D: RESOURCE SHARING SECTION
(INTERLIBRARY LOAN)

Section
3010.310 Interlibrary Loan
3010.320 Resource Sharing Agreements

3010.EXHIBIT A	Temporary Stack Pass Application
3010.EXHIBIT B	Use of the Public Services Areas of the Illinois State Library: General Policies and Guidelines
3010.EXHIBIT C	Illinois State Library Card Application Form: Courtesy Card
3010.EXHIBIT D	Illinois State Library Card Application Form: Regular Card

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

SOURCE: Amended July 18, 1973; rules repealed, new rules adopted and codified at 7 Ill. Reg. 13679, effective October 4, 1983; amended at 25 Ill. Reg. 5412, effective April 1, 2001; amended at 30 Ill. Reg. _____, effective _____.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 3010.EXHIBIT C Illinois State Library Card Application Form: Courtesy Card

ILLINOIS STATE LIBRARY
CIRCULATION
300 S. SECOND ST.
SPRINGFIELD, IL 62701-1796

ILLINOIS STATE LIBRARY CARD APPLICATION FORM – COURTESY CARD

DATE: _____ NAME _____
(last) (first) (m.i.)

HOME INFORMATION
STREET
CITY
ZIP
PHONE
WORK INFORMATION
BUSINESS
STREET
CITY
ZIP
PHONE

PUBLIC LIBRARY CARD INFORMATION
LIBRARY
CARD #
EXPIRATION
STAFF USE ONLY
Library Card Expiration Date:

I HEREBY PROMISE TO ASSUME FULL RESPONSIBILITY FOR ANY LIBRARY MATERIALS BORROWED ON THIS CARD. I WILL RETURN THE MATERIALS ON OR BEFORE THE DATE DUE, PAY RETURN POSTAGE OR EXPRESS, AND APY FOR ANY LOSSES OR DAMAGES. I FURTHER ACKNOWLEDGE THAT DISCLOSURE OF MY SOCIAL SECURITY ACCOUNT NUMBER IS VOLUNTARY AND REQUESTED PURSUANT TO 5 ILCS 320/10 FOR THE PURPOSE OF MAINTAINING A REGISTRY OF ALL BOOKS AND OTHER MATERIALS LOANED BY THE ILLINOIS STATE LIBRARY. ALL PATRON RECORDS ARE KEPT STRICTLY CONFIDENTIAL.

SIGNATURE _____ ~~SOCIAL SECURITY #~~

SIGNATURE OF RESPONSIBLE
PARTY FOR CHILDREN UNDER 13: _____

STAFF USE ONLY			
Barcode		Staff Initials	

This application is subject to review by the Illinois State Library Circulation Staff. Applicant will be contacted for further information if necessary.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 3010.EXHIBIT D Illinois State Library Card Application Form: Regular Card

ILLINOIS STATE LIBRARY
CIRCULATION
300 S. SECOND ST.
SPRINGFIELD IL 62701-1796

ILLINOIS STATE LIBRARY CARD APPLICATION FORM – REGULAR CARD

DATE _____ NAME _____
(last) (first) (m.i.)

AGENCY INFORMATION	HOME ADDRESS INFORMATION
AGENCY	STREET
DIV.	CITY
ROOM #	STATE
STREET	ZIP
CITY	PHONE
ZIP	**PLEASE CHECK TYPE OF EMPLOYMENT:**
PHONE	☐ Full time
FAX	☐ Contractual Ending Date _____
EMAIL	☐ Temporary Ending Date _____
STAFF USE ONLY: GOVERNMENT AFFILIATION	☐ Intermittent Ending Date _____
1. ☐ GS	☐ Other Ending Date _____
2. ☐ GV	**STAFF USE ONLY**
3. ☐ LS	Library Card Expiration Date:

I HEREBY PROMISE TO ASSUME FULL RESPONSIBILITY FOR ANY LIBRARY MATERIALS BORROWED ON THIS CARD. I WILL RETURN THE MATERIALS ON OR BEFORE THE DATE DUE, PAY RETURN POSTAGE OR EXPRESS, AND PAY FOR ANY LOSSES OR DAMAGES. ALL PATRON RECORDS ARE KEPT STRICTLY CONFIDENTIAL.

SIGNATURE _____

STAFF USE ONLY

Barcode		Staff Initials	

This application is subject to review by the Illinois State Library Circulation Staff. Applicant will be contacted for further information if necessary.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Special Education Facilities Under Section 14-7.02 of the School Code

2) Code Citation: 23 Ill. Adm. Code 401

3)

Section Numbers:	Adopted Action:
401.5	Amendment
401.10	Amendment
401.20	Amendment
401.30	Amendment
401.110	Amendment
401.120	Amendment
401.130	Amendment
401.140	Amendment
401.150	Amendment
401.210	Amendment
401.220	Amendment
401.230	Amendment
401.240	Amendment
401.250	Amendment
401.260	Amendment
401.270	Amendment
401.280	Amendment

4) Statutory Authority: 105 ILCS 5/14-7.02 and 14-8.01

5) Effective Date of Amendments: April 25, 2006

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: December 9, 2005; 29 Ill. Reg. 19740

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 401.10(a)(4) and Section 401.220(a) were amplified to distinguish among the health/life safety requirements that apply in various cases and among the forms of evidence of compliance that would be available.

Provisions were added to Section 401.10(e)(2) to establish the same review cycle for all programs operated by each provider.

Section 401.240(a) was expanded to distinguish between requirements for various types of professional personnel and to identify the sources of those requirements more precisely. To avoid redundancy with this provision, the first sentence of Section 401.140 was shortened.

Minor nonsubstantive, technical corrections were also 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? No

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

15) Summary and Purpose of Amendments: This rulemaking results from the comprehensive review of the agency's rules. Part 401 has been streamlined to the extent possible and updated as needed. Changes that are worthy of mention include the following:

- The title of Part 401 has been changed to acknowledge that not only nonpublic entities may establish facilities under Section 14-7.02 of the School Code. Part 401's applicability also includes public out-of-state schools, as well as facilities owned or operated by public authorities such as regional superintendents of schools.
- A number of provisions have been streamlined by referring to statements in Part 226 of ISBE's rules (Special Education), while in other cases, language has been added for purposes of clarification.
- Specific provisions have been added to express the approach to be used in approving out-of-state programs.
- A two-year approval cycle has been instituted for purposes of efficiency.
- The timeframe for notification regarding changes in personnel has been liberalized in cases where the changes do not affect compliance with the relevant requirements.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

Beth Hanselman
Special Education Services
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217)782-5589

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER l: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 401
~~NONPUBLIC~~ SPECIAL EDUCATION FACILITIES UNDER SECTION 14-7.02 OF THE SCHOOL CODE

SUBPART A: APPROVAL OF PROGRAMS~~NONPUBLIC FACILITIES~~

Section
401.5 Definitions
401.10 Application for Eligibility
401.20 Notification Requirements
401.30 Changes in Approval Status

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section
401.110 Use by School Districts
401.120 Placement Procedures
401.130 Operating Schedule
401.140 Provision of Instructional Program
401.150 Classroom Records

SUBPART C: OPERATIONAL REQUIREMENTS

Section
401.210 General Requirements
401.220 Health and Safety Requirements
401.230 Student Progress Reports and Reviews
401.240 Staffing Requirements
401.250 Staff Training
401.260 Staff Records
401.270 Student Records
401.280 Fiscal Provisions

AUTHORITY: Implementing and authorized by Sections 14-7.02 and 14-8.01 of the School Code [105 ILCS 5/14-7.02 and 14-8.01].

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted July 25, 1973; emergency amendment at 4 Ill. Reg. 39, p. 323, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 4576, effective April 9, 1981; codified at 7 Ill. Reg. 14966; Part repealed, new Part adopted at 19 Ill. Reg. 7185, effective May 10, 1995; amended at 30 Ill. Reg. 8818, effective April 25, 2006.

SUBPART A: APPROVAL OF PROGRAMS~~NONPUBLIC FACILITIES~~

Section 401.5 Definitions

~~"Exceptional Children" means all children designated eligible for services under Article 14 of the School Code [405 ILCS 5/Art. 14].~~

"Individualized Education Program (IEP)" is~~means~~ a written statement for a student with a disability~~an exceptional child~~ that conforms to the requirements of 23 Ill. Adm. Code 226.230 (Content of the IEP).~~provides at least a statement of: the child's present levels of educational performance; annual goals and short-term instructional objectives; specific special education and related services; the extent of participation in the regular education program; the projected dates for initiation of services; anticipated duration of services; appropriate objective criteria and evaluation procedures; and a schedule for annual determination of short-term objectives.~~

~~"Instructional Programs" means those activities which are intended to meet the annual goals and the instructional objectives set forth in the individualized education programs for exceptional children.~~

"Professional Staff" means administrators, supervisors, teachers, and providers of related services who either provide or direct the provision of instruction or related services specified in the IEPs~~IEP's~~ of students served, or who evaluate student progress or evaluate the provision of such instruction or related services. Professional staff does not include persons providing services other than instructional and related services specified in the IEP or whose duties are limited to assisting professional staff.

"Provider" is any organization that offers special education and/or residential services to students with disabilities under contract to one or more Illinois school districts and pursuant to Section 14-7.02 of the School Code.

"Facility" is the physical premises where a provider offers services.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

"Program" is a set of educational and/or residential services designed to serve students who have similar educational needs~~means either an instructional program or a residential program~~.

A "combination program" is one that includes both educational and residential services.

An "educational program" is one that consists of instruction and other activities intended to meet the annual goals and the short-term objectives set forth in IEPs for students with disabilities.

A "residential-only program" is one that provides room and board and may also include related services but provides no educational services.

"Related Services" has the meaning given to that term in the rules of the State Board of Education for special education (see 23 Ill. Adm. Code 226.75)~~means the developmental, corrective, and other supportive services provided by qualified personnel such as social workers, psychologists, guidance counselors, or other qualified personnel, which services are required to assist a handicapped child to benefit from special education and may include: speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, medical services for diagnostic or evaluation purposes, transportation, school health services, social work services, and parent counseling and training~~.

~~"Residential Programs" means programs to provide placements pursuant to 23 Ill. Adm. Code 226.420 which do not include services included in instructional programs.~~

"Special Education" has the meaning given to that term at 23 Ill. Adm. Code 226.75~~means those instructional and resource programs and related services, unique materials, physical plant adjustments, and other special educational facilities described or implied in Article 14 of the School Code which, to meet the unique needs of exceptional children, modify, supplement, support, or are in the place of the standard educational program of the public schools. The term includes speech pathology and vocational education~~.

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 401.10 Application for Eligibility

Each provider~~nonpublic facility~~ seeking to become eligible to contract with Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code [105 ILCS 5/14-7.02] shall be subject to the approval process described in this Section. Approval shall be specific to individual programs offered by a provider, and the same type of program conducted at two separate facilities shall be treated as two separate programs for purposes of approval. A program not approved in accordance with the requirements of this Part shall not be used by school districts to serve students with disabilities under Section 14-7.02 of the School Code. ~~The requirements of this Part shall also apply to the use of nonpublic facilities by public school districts pursuant to Section 14-7.03a of the School Code [105 ILCS 5/14-7.03a].~~

a) An application for initial approval of educational programs~~program(s)~~ and/or residential programs~~program(s)~~, presented on forms supplied by the State Board of Education and containing all the items enumerated in this subsection (a), shall be submitted to the State Board. Each application shall include:

1) An accurate, written description of each program for which approval is requested, which shall indicate the categories and ages of students with disabilities for whom it is specifically intended and the maximum number of students the program is intended to accommodate.

2) A written plan for the administration and organization of the programs~~program(s)~~, including but not limited to:

A) The stated purpose and scope of the ~~nonpublic~~ facility and its programs;

B) A plan for the allocation of space solely for program purposes; and

C) An organizational chart that reflects the provider's governance, administrative, and educational structures ~~of the nonpublic facility~~.

3) The provider's~~facility's~~ proposed calendar for the program for which approval is sought, setting forth an operating schedule reflecting at least 176 days of operation, for at least five hours per school day during the regular school year and, with respect to a summer session, if any is to be offered, at least 120 hours of operation.

4) A copy of the State Fire Marshal's most recent inspection report for the facility, which shall be no more than 24 months old at the time of application and shall indicate no violations, or, as applicable:

A) for an Illinois facility that is subject to the provisions of 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools), the report of the regional superintendent's most recent inspection conducted pursuant to Section 3-14.21 of the School Code [105 ILCS 5/3-14.21]; or

B) for an out-of-state facility, equivalent, current documentation of compliance with applicable state fire codes, or if there is no state fire code the applicable local fire code, clearly identifying the issuing authority.

5) Assurances, signed by the facility's chief administrator, conveying such information as the State Board of Education may require regarding the facility's compliance with other applicable federal, state, and local laws, ordinances, and regulations (such as public health and safety codes, building codes, and licensure requirements).

6) If the facility is located in Illinois and offers a residential component, evidence of the facility's current licensure or approval by the responsible agency of Illinois government~~the Department of Children and Family Services, the Department of Mental Health and Developmental Disabilities, or the Department of Public Health~~, if applicable.

7) If the facility is located outside Illinois, evidence of the facility's current licensure, certification, or approval to operate its educational and/or residential programs~~program(s)~~ in the state where it is located, including a copy of the standards or criteria used by the responsible agency in that state.

8) For instructional programs, summary information about all professional staff positions, and copies of the relevant credentials of persons employed in those positions, which demonstrate that the facility has sufficient staff available who are qualified pursuant to the requirements of Section 401.240 of this Part in order to operate the program.

9) For instructional programs, summaries of related services provided by the

facility's professional staff or available to the provider~~facility~~ under contract, demonstrating ~~which demonstrate~~ that the provider~~facility~~ has sufficient related services available to operate the program.

~~10) A copy of the facility's policy and procedures for safeguarding students' privacy and dignity, as required by Section 401.220(b) of this Part.~~

b) If the application is complete and the facility is located in Illinois or within 50 miles of Illinois, State Board staff ~~or, in the case of an out-of-state facility, a designee~~ shall conduct an on-site review~~visit~~ and evaluate the facility and the programs offered for the purpose of verifying the accuracy of the application, evaluating their~~the facility's~~ conformance with the other requirements of this Part, and recommending approval or disapproval of the programs~~its program(s)~~.

1) An out-of-state program conducted more than 50 miles outside of Illinois shall be approved without a site visit from an Illinois representative if:

A) the educational program is an approved special education program in the state where the facility is located and this approval was granted in light of the information gathered during a site visit by a representative of the responsible agency;

B) the residential component, if any, is licensed by the responsible agency in the state where the facility is located; and

C) the application provides evidence that the requirements of Section 410.140 of this Part will be met.

2) An out-of-state program conducted more than 50 miles outside of Illinois that was approved in the state where the facility is located without a site visit by the responsible agency shall be visited by a representative of the Illinois State Board of Education in order to verify the accuracy of the application and determine whether the requirements of this Part have been met so that Illinois approval can be granted.

c) A program determined to comply with the requirements of this Part shall be designated as "Approved" and shall be available to Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code beginning on the day the application is approved, provided that the other requirements of Section 401.110 of this Part have also been met. The provider

operating the facility shall be notified in writing of the date of program approval.

1) Initial~~Such~~ approval shall end on the last day of the program's approved calendar for the school year in question, unless approval is changed pursuant to Section 401.30 of this Part.

2) A program shall serve only the specific student populations~~population(s)~~ described in the approved application.

d) The nonapproval of an initial application shall include a notice of the specific deficiencies that~~which~~ caused the nonapproval and the opportunity for the provider to request a hearing pursuant to the Illinois Administrative Procedure Act [5 ILCS 100] and the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475).

e) An application for renewal of approval, consisting of all the components set forth in subsection (a) of this Section, must be submitted for any subsequent period~~year~~ in which a provider~~facility~~ seeks to contract with Illinois public school districts to serve students with disabilities in the facility under Section 14-7.02 of the School Code. The submission deadline shall be the April 15 prior to the beginning of the school year in question. If April 15 is not a business day, the deadline shall fall on the next business day. The approval process for any such subsequent period~~year~~ may also involve on-site reviews~~site visits~~, at the sole discretion of the State Board of Education.

1) The denial of an application for renewal of approval shall cause the program approval status to change to "nonapproved" subject to the procedures set forth in Section 401.30(c) of this Part.

2) Renewed approval granted for the 2006-2007 school year or later shall generally be valid for two school years, ending on the last day of the program's approved calendar for the second school year, unless approval is changed pursuant to Section 401.30 of this Part. However, the State Board of Education shall approve approximately half the renewal applicants for the 2006-2007 school year for one year only, in order to stagger the two-year renewal process for subsequent periods.

A) Applications shall be selected at random, provided that, once one program offered by a particular provider has been selected, all that provider's programs will be placed on the same renewal schedule.

B) The first renewal of approval for a new program offered by a provider that already operates other approved programs shall be granted for the number of years that will place it on the cycle already established for that provider.

3) A program shall not be eligible for two-year renewed approval if it was not approved for the immediately preceding year, or if it was approved "pending further review" at any time during the immediately preceding period of approval. Applications for approval of such programs shall be treated as for initial approval.

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

Section 401.20 Notification Requirements

a) A provider that operates a ~~nonpublic~~ facility subject to the requirements of this Part and~~which~~ intends to cease operations, to move to a new location, or to discontinue any of the facility's~~its~~ approved programs shall ensure that the State Board of Education and each school district with which it has entered into contracts for services receive no less than 60 calendar days' written notice of such an intention.

b) A provider~~nonpublic facility~~ shall also notify the State Board of Education in writing, so that such notification is reasonably calculated to be received at the State Board's office at 100 North First Street, Springfield, Illinois 62777, within 60~~five~~ calendar days~~,~~ after~~of~~:

1) Any change in a special education program described in its approved application;

2) Any change in its educational administration and organization, as described in its approved application; and

3) Any change in the number, type or duties of the professional positions identified as part of the application for approval or in the licensure status or credentials of any individual employed in such a position, provided that the change does not affect the program's or facility's compliance with the requirements of this Part.

b) A provider shall notify the State Board of Education in writing, so that such notification is reasonably calculated to be received at the State Board's office at 100 North First Street, Springfield, Illinois 62777, within five calendar days after:

1~~3~~) Any change in the facility's compliance with applicable fire prevention regulations or other federal, state, and local laws, ordinances, or regulations, as described in its approved application pursuant to Section 401.10(a)(5) of this Part, or in the physical facilities used;

2~~4~~) Any change in the facility's approval or licensure to provide a residential program as described in its approved application, if applicable;

3~~5~~) Any change in the facility's approval or licensure to operate in a state other than Illinois as described in its approved application, if applicable;

4~~6~~) Any~~For instructional programs, any~~ change in the number, type or duties of the professional or paraprofessional positions identified as part of the ~~facility's~~ application for approval of an educational program or the education component of a combination program, or in the licensure status/credentials of any individual employed in such a position, if the change will affect the program's compliance with the requirements of this Part.

A) If any professional position subject to the notification requirements of this subsection (b)(4)~~Section~~ remains vacant, the provider~~nonpublic facility~~ must provide written notification to the State Board and to the placing school districts after 30 calendar days and again after 60 calendar days of its attempts to permanently fill such positions and of other efforts, including the use of substitutes, undertaken in order to provide necessary instruction and related services to the students enrolled.

B) If the State Board determines that the provider~~facility~~ has not reported staffing changes in a program as required, the State Board shall change the approval status of the program accordingly, pursuant to the provisions of Section 401.30 of this Part.

c) Should a provider elect to terminate a student's placement in a facility under this Part, the provider shall give written notice to this effect to the placing school district at least 30 calendar days prior to the date of termination, unless the health

and safety of any student are endangered. The notice shall include the reasons for the termination.

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

Section 401.30 Changes in Approval Status

Programs approved to serve students with disabilities under Section 14-7.02 of the School Code, whether located in Illinois or out of state, shall be evaluated periodically by the State Board of Education. Such evaluation may take place for any reason, with or without prior notice to the provider~~facility~~, and at the sole discretion of the State Board of Education and may or may not involve an on-site review~~a site visit~~. Such evaluation shall result in either retention of approved status or assignment of one of the following.

a) A status of "Approved with Administrative Review" shall be assigned when an instance of noncompliance by an approved program is first identified during a school year and the State Superintendent~~Board~~ determines that such noncompliance does not substantially affect the safety of, or provision of appropriate education to, the students enrolled. The provider~~facility~~ shall have 60 calendar days to remedy the noncompliance.

1) No more than 30 calendar days after notification that it is approved with administrative review, an affected provider~~facility~~ shall file with the State Superintendent~~Board~~ of Education a progress report describing actions taken to correct the instances~~instance(s)~~ of noncompliance identified.

2) If the State Superintendent~~Board~~ determines that the provider~~nonpublic facility~~ has corrected the instances of noncompliance within the time allotted, the program's "Approved" status shall be restored.

3) If the State Superintendent~~Board~~ determines that the provider~~nonpublic facility~~ has failed to correct the instances of noncompliance within the time allotted, the provider~~facility~~ shall not accept any new students from public school districts into the affected programs~~program(s)~~, nor shall it be approved for any programs for the next school year unless the noncompliance has been resolved.

b) A status of "Pending Further Review" shall be assigned whenever a program is determined to be in noncompliance with one or more requirements of this Part that~~which~~ may substantially affect the safety of or provision of appropriate

education to students but that~~which~~ does not constitute imminent danger, or exhibits recurrent instances of minor noncompliance. The provider~~facility~~ shall have 30 calendar days to remedy the noncompliance.

1) No more than seven calendar days after receipt of notification from the State Superintendent~~Board~~ of Education that program approval status is pending further review, an affected provider~~facility~~ shall submit a written report to the State Superintendent~~Board of Education~~ describing its plans for correcting the noncompliance identified and the actions taken to correct it.

2) If the provider~~facility~~ demonstrates that it has corrected the instances of noncompliance within the time allotted, its "Approved" status shall be restored.

3) If the provider~~facility~~ fails to demonstrate that it has corrected the instances of noncompliance within the time allotted, its status shall be changed to "Nonapproved."

4) A provider that is subject to the requirements of this Part~~nonpublic facility~~ shall not accept any new students from public school districts into any program whose status is "Pending Further Review" and public school districts shall not make new placements into such programs. Upon notification of the designation of "Pending Further Review" status, a public school district shall identify alternative arrangements for its students in the program, for implementation in the event that the State Superintendent~~Board~~ of Education notifies the district that the violations are not remedied. Notification of "Pending Further Review" status shall not be used as a basis for removing students from the program by the public school district.

c) A status of "Nonapproved" shall be assigned to a program or programs previously assigned a status of "Approved with Administrative Review" or "Pending Further Review" when the ~~nonpublic~~ facility or any of its programs exhibits substantial and/or recurrent instances of noncompliance, showing that the provider~~facility~~ is consistently unable to meet the approval requirements of this Part. A program may be determined "Nonapproved" without previously having been assigned a status of "Approved with Administrative Review" or "Pending Further Review~~;~~", if any instances of noncompliance that~~which~~ present imminent danger to the students exist or if the State Superintendent~~Board~~ verifies that the provider~~facility~~

has unilaterally and intentionally ceased providing appropriate education pursuant to a school district's contracts~~contract(s)~~ and one or more students' IEPs~~IEP's~~.

1) A status of "Nonapproved" voids the provider's~~facility's~~ eligibility to contract with Illinois public school districts to serve students and receive funds under Section 14-7.02 of the School Code in the nonapproved programs~~program(s)~~ for the remainder of that school year.

2) Providers~~Facilities~~ shall be given ten business days' notice by the State Superintendent~~Board~~ before nonapproval becomes effective, unless imminent danger to students precludes such notice. The State Superintendent~~Board~~ shall also give ten business days' notice to affected school districts to enable them to implement other arrangements prior to the effective date of nonapproval, as required.

3) The provider of any~~Any~~ previously approved program placed on nonapproved status shall be afforded an opportunity for a hearing pursuant to the Illinois Administrative Procedure Act and the State Board's rules for Contested Cases and Other Formal Hearings. Unless the State Superintendent~~Board~~ identifies that the reasons for nonapproved status are a danger to student health or safety, a request for a hearing shall stay the effect of the change in status and the program shall remain approved pending the hearing.

d) Any provider~~facility~~ whose license or approval to operate a residential program is revoked shall immediately have its residential programs~~program(s)~~ nonapproved and will be ineligible to provide residential services to students under Section 14-7.02 of the School Code.

e) Any out-of-state provider~~facility~~ whose license or approval to operate a program is revoked by the responsible authority in the state where its facility~~it~~ is located shall immediately have its affected programs~~program(s)~~ nonapproved and will be ineligible to contract with Illinois public school districts to serve students under Section 14-7.02 of the School Code.

f) Nonapproval of a program during a school year shall be cause for termination of all the provider's~~facility's~~ contracts with Illinois school districts for that program, and the provider~~facility~~ shall be ineligible to contract with Illinois public school districts for the nonapproved program for the remainder of the school year in question.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section 401.110 Use by School Districts

Each school district shall be responsible for monitoring the performance of each ~~nonpublic~~ facility where its students are placed, to ensure that the implementation of each student's Individualized Education Program (IEP) conforms to the applicable requirements of 23 Ill. Adm. Code 226 (Special Education). In addition, no school district shall place any student in a ~~nonpublic~~ special education program that is subject to the requirements of this Part, nor shall the provider of any such program accept placement of any student under Section 14-7.02 of the School Code, unless all the following conditions have been met.

a) The program has been approved by the State Board of Education for the school year for which placement is sought.

b) The allowable costs for the program have been established pursuant to Section 14-7.02 of the School Code.

c) The district has made the certification of inability to meet the student's needs to the State Superintendent of Education, if required pursuant to Section 14-7.02 of the School Code, and the State Superintendent has found the district in substantial compliance with Section 14-4.01 of the School Code [105 ILCS 5/14-4.01].

d) The program has been approved by the State Board of Education for all of the categories of impairment applicable to the student and requiring services as identified in the IEP.

e) The program has been approved by the State Board of Education for the age range that includes the age of the student.

f) The district has determined that ~~all~~ educational programming and related services specified on the student's IEP will be provided to the student ~~by the facility~~. The use of a ~~nonpublic~~ facility or program in accordance with this Part does not relieve the district of the responsibility for ensuring that the student will receive~~providing~~ all programming and related services required by the IEP, whether from one source or from multiple sources.

g) The district and the provider~~facility~~ have entered into the contractual agreement called for in 23 Ill. Adm. Code 226.330~~226.440~~.

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

Section 401.120 Placement Procedures

Placement of students shall conform to the applicable requirements of 23 Ill. Adm. Code 226, Subpart D (Placement)~~Subparts H (State Operated or Private Programs) and I (Identification, Evaluation and Placement of Exceptional Children)~~.

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

Section 401.130 Operating Schedule

Each ~~nonpublic~~ facility's operating schedule shall ensure that 176 school days and, if a summer program is operated, 120 hours of instruction, are provided for each program.

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

Section 401.140 Provision of Educational~~Instructional~~ Program

Each educational~~instructional~~ program shall be conducted in accordance with the requirements of 23 Ill. Adm. Code 226.720 and 226.730.~~226, Subpart D (Special Education Instructional Programs and Resource Programs).~~ All students placed in facilities that are subject to this Part are considered to require a student-staff ratio that is no greater than the ratio specified in 23 Ill. Adm. Code 226.730(a)(2), regardless of age or primary disability, subject also to the provisions of Section 226.730(a)(7). Deviations from this ratio or from the age range ~~and class size~~ requirements of Section 226.720~~Sections 226.220 and 226.225~~ may be requested in writing. A rationale for the request and plan for evaluation of the deviations shall be submitted with the request. Initial denial of a request for deviation may be appealed to the State Superintendent of Education.

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

Section 401.150 Classroom Records

In addition to records meeting the requirements of 23 Ill. Adm. Code 226.740~~226.135~~, there shall be an educational file for each student, maintained by the classroom teacher on a daily basis and updated as circumstances may require. This file shall contain at least the following:

a) The student's IEP, including a copy of any behavior management plan;

b) Documentation of ongoing evaluation procedures, indicating the student's progress toward fulfillment of the objectives set forth in the IEP according to the criteria specified therein;

c) A schedule that accurately reflects the type and frequency of all related services received;

d) Medically related information necessary to ensure the student's health and safety.

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

SUBPART C: OPERATIONAL REQUIREMENTS

Section 401.210 General Requirements

a) Every provider with one or more facilities or programs~~facility~~ subject to this Part shall maintain the written program descriptions and the educational administration and organization plans described in Section 401.10 of this Part, as well as the current, approved application for each affected program, and shall make these available to the public schools, parents and guardians of students, and other interested individuals and organizations upon request.

b) Every provider~~facility~~ subject to this Part shall maintain copies of this Part and the State Board's rules for Special Education (23 Ill. Adm. Code 226) and make these available to staff and parents or guardians of students enrolled, so that these parties may be aware of rules that pertain to the education of students with disabilities served ~~in nonpublic facilities~~ under Section 14-7.02 of the School Code.

c) Every provider~~facility~~ subject to this Part shall maintain a separate and current roster of students served in that provider's facility and programs~~there~~ pursuant to Section 14-7.02 of the School Code.

d) Every provider~~facility~~ subject to this Part shall maintain records of and report changes in its administration, staff, instructional programs, and physical facilities, as required pursuant to Section 401.20 of this Part.

e) All facilities, programs, and records required, established, or maintained pursuant to this Part shall be made available by the provider~~nonpublic facility~~ at any time, with or without prior notification, for inspection and evaluation by official representatives of the State Board of Education.

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

Section 401.220 Health and Safety Requirements

a) Responsible staff at every~~Every~~ Illinois facility subject to this Part shall maintain and make available for review a copy of the most recent inspection report issued by the State Fire Marshal. (For purposes of this subsection (a), a program operated within a facility that houses public school students or is otherwise used for public school purposes shall not be considered to be located in a "facility subject to this Part" because 23 Ill. Adm. Code 180 applies.) To the extent that evidence of compliance is routinely issued by state or local fire, building, or health authorities, or is required to be issued by the regional superintendent of schools, Illinois and out-of-state facilities' staff~~facilities~~ shall maintain and make available such evidence of compliance with applicable codes. Any such documentation shall clearly identify the issuing authority.

b) Responsible staff at every ~~Every~~ facility subject to this Part shall develop a written policy and procedures for safeguarding students' privacy and dignity during toileting, diapering, and other activities of personal care, as appropriate for the student population served. Facility staff shall adhere to such policy and procedures at all times and shall make copies available upon request.

c) Responsible staff at every ~~Every~~ facility subject to this Part shall develop a written policy addressing the administration of medication to students who may require it. Each facility's policy shall conform to the requirements set forth in Sections 10-20.14b and 10-22.21b of the School Code [105 ILCS 5/10-20.14b and 10-22.21b]. Facility staff shall adhere to this policy at all times and shall make copies available upon request.

d) Every facility subject to this Part and all materials used by students shall be maintained in a clean, sanitary, and safe condition.

e) Smoking and the use of tobacco products by students shall not be permitted on the campus of any facility subject to this Part.

f) The policies of every~~Every~~ facility subject to this Part shall allow visitation at any time, with or without prior notice, by personnel from the State Board of Education or the school district of residence of any enrolled student.

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

Section 401.230 Student Progress Reports and Reviews

a) Responsible staff at each~~Each~~ facility shall maintain attendance records for each student served pursuant to Section 14-7.02 of the School Code.

1) Each student's attendance shall be reported in writing or electronically to the public school district of residence by the 15th of each month for the preceding month.

2) A student's public school district of residence shall be notified immediately in writing or electronically after five consecutive days of unexcused absence, unless the district requires a more frequent reporting schedule.

3) Attendance records shall be retained as long as the student is placed at the facility.

b) Each student's progress shall be reviewed with his or her parent or guardian and school district of residence in accordance with 23 Ill. Adm. Code 226.230~~226, Subparts H (State Operated or Private Programs) and I (Identification, Evaluation and Placement of Exceptional Children)~~.

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

Section 401.240 Staffing Requirements

a) The composition and qualifications of each ~~nonpublic~~ facility's professional and paraprofessional staff shall be in accordance with the needs and requirements of the ~~categories of~~ students with disabilities placed under Section 14-7.02 of the School Code. Each provider~~facility~~ subject to this Part shall employ sufficient professional staff, including staff having professional expertise and training in the disability-related educational needs of the students served, to meet the applicable requirements of 23 Ill. Adm. Code 226, Subpart I (Personnel), as those requirements are affected by Section 10-21.4a of the School Code [105 ILCS

5/10-21.4a], if applicable, and by the policies of the State Board of Education regarding the certification of personnel in special education that took effect on July 1, 2001, pursuant to a federal court order in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.~~226.225~~. A head teacher serving in place of a principal as permitted by Section 10-21.4a of the School Code shall be required to hold a supervisory endorsement. Paraprofessionals employed by facilities under this Part shall be subject to the requirements of 23 Ill. Adm. Code 25.510 (Paraprofessionals; Teacher Aides).

b)~~For applications for approval for the 1995-96 school year submitted after July 1, 1995, at least 67 percent of the professional staff members who are teachers providing direct instruction shall be qualified in accordance with applicable State Board certification requirements. All professional staff who are administrators, supervisors, or providers of related services who either provide or direct the provision of related services specified in the IEPs of students served, or who evaluate student progress or evaluate the provision of such instruction or related services, but who do not provide direct instruction, shall either be qualified in accordance with State Board certification requirements or have credentials or licensure appropriate to their duties. Until April 15, 1999, "qualified in accordance with applicable State Board certification requirements" shall include persons who have experience in providing instruction to students with disabilities appropriate to the students being served and who hold an Early Childhood Education (Type 02 or 04), Elementary (Type 03), High School (Type 09), or Special (Type 10) certificate.~~

~~c)Beginning with the 1996-97 school year, 100% of the professional staff members who are teachers providing direct instruction shall be qualified in accordance with requirements of subsection (b) of this Section.~~

~~d)~~ Substitute teachers holding valid early childhood, elementary, secondary, special K-12, special preschool-age 21,~~certificates, special education approvals,~~ or substitute certificates shall be employed to replace absent teachers. Only teachers holding certification or teaching approval in special education, as applicable to the students to be taught, shall~~Substitute teachers may not~~ be used to open new classrooms, begin a school year, or meet the staffing requirements set forth in this Section for purposes of approval of an~~a facility's~~ application for eligibility.

c~~e~~) Facilities~~Nonpublic facilities~~ located outside Illinois shall employ personnel who possess the specific qualifications comparable to those issued in Illinois in connection with the positions in question.

d~~f~~) If the State Superintendent~~Board~~ determines that a program has been operated for more than 60 consecutive calendar days in noncompliance with the requirements

of this Section, the State Superintendent~~Board~~ shall change the provider's approval status ~~of the facility~~ accordingly, pursuant to the provisions of Section 401.30 of this Part.

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

Section 401.250 Staff Training

Each provider~~nonpublic facility~~ subject to this Part shall develop and implement ongoing inservice training programs related to the duties of all staff.

a) Training sessions shall be planned and designed to assist staff members in improving their ability to fulfill their duties as defined in their job descriptions, as necessary to educate the student population served.

b) As appropriate to the student population served, each provider~~facility~~ shall provide specific training to all personnel, including but not limited to:

1) the ~~facility's~~ policy and procedures regarding the maintenance of student privacy and dignity;

2) disposal of hazardous waste materials;

3) procedures for preventing the transmission of blood-borne pathogens;

4) the use of physical restraint, if any, subject to the requirements of 23 Ill. Adm. Code 1.285;

5) behavior management procedures; and

6) the administration of medication.

c) Each provider~~facility~~ shall provide training to all assistants and aides before they assume their duties.

d) Each provider~~facility~~ shall maintain accurate, written and dated records of all training provided, as described in Section 401.260 of this Part.

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 401.260 Staff Records

a) AFacilities subject to this Part shall maintain a separate, current record shall be maintained for each staff member employed either full-time or part-time who provides direct services or who is directly involved in the development and implementation of instructional and related services for students enrolled under Section 14-7.02 of the School Code. All staff files shall be available on site for inspection by representatives of the State Board of Education and placing public school districts and shall include the following:

1) Individual job descriptions thatwhich reflect the duties to be performed and the qualifications required and thatwhich are updated as this information changes;

2) Reports of initial physical examinations, records indicating freedom from tuberculosis, and reports of such subsequent medical examinations as may be required by the facility;

3) Copies of high school, college, or university transcripts indicating graduation, degrees, or special training or education completed, and/or copies of state certificates, approvals, licenses, or registrations, as applicable to the individual staff member and position;

4) Copies of the criminal background investigation reports completed for all personnel pursuant to Section 10-21.9 of the School Code [105 ILCS 5/10-21.9];

5) Records of the transmission of all criminal background investigation reports to each public school district currently contracting with the providernonpublic facility.

b) Responsible staff at eachEach facility shall maintain a separate file containing a record of all inservice training. This file shall be available for inspection and shall include at least the following:

1) Records of initial orientation and training for new staff members, showing that each received training appropriate to the position held at the site;

2) The agenda of each formal staff training session conducted at the facility, showing the datesdate(s) and amount of time used;

3) Records of seminars, conferences, lectures, and other training events attended by staff members off the facility's premises;

4) Records of ongoing training offered as a part of the assignment of professional support personnel; and

5) The signatures of the staff members who attended each session or event referred to in subsections (b)(1) through (4) of this Section.

c) The training file referred to in subsection (b) of this Section may also contain such similar records as may be required by other state or federal agencies.

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

Section 401.270 Student Records

a) A~~Each facility subject to this Part shall maintain a~~ separate student record file shall be maintained for each student served under Section 14-7.02 of the School Code. Such files shall be maintained in a central location on the premises of the facility. Each student's file shall contain the information listed below, or the information shall be made readily accessible for inspection.

1) Documentation of the date of the student's most recent enrollment in the program in question under Section 14-7.02 of the School Code.

2) Copies of the most recent~~all~~ reports that address the domains covered in~~used by the public school district of residence as part of~~ the student's most recent case study evaluation, documentation of the IEP Team's determination of the domains that would be included (see 23 Ill. Adm. Code 226.120), and a copy of the most recent eligibility determination~~including a copy of the case study evaluation report~~.

3) Evidence of compliance with 23 Ill. Adm. Code 226.330(d)~~226.440~~.

4) The student's current IEP developed for the ~~nonpublic~~ placement in accordance with 23 Ill. Adm. Code 226, Subpart C (The Individualized Education Program (IEP))~~226.560~~.

5) ~~Accurate, current attendance records, and evidence that the student's~~

~~attendance has been reported to the public school district of residence as required by Section 401.230 of this Part. 6)~~Reports of review procedures conducted with respect to the student's progress as specified in Section 401.230(b)~~401.230~~ of this Part, including copies of all progress reports provided to parents and the sending school district.

~~7) Copies of all progress reports to the public school district of residence.~~

~~8) Copies of all progress reports to parents.~~

~~9) Termination records, when applicable.~~

b) All material in the student record file shall be signed as required, dated, and placed in chronological order for the purpose of inspection and evaluation by representatives of the State Board of Education and the public school district of the student's residence.

c) The record of a student enrolled in a program at a facility subject to this Part pursuant to Section 14-7.02 of the School Code shall be the property of the student's public school district of residence and shall be subject to the policies and procedures established by that school district to govern school student records and to the provisions of the Illinois School Student Records Act [105 ILCS 10] regarding confidentiality of such records.

d) When a student is no longer served in a ~~nonpublic~~ facility under this Part for any reason, and regardless of any monetary amount due to the provider~~nonpublic facility~~ from the public school district that placed the student, all the student's records shall be returned or provided to the district within 30 calendar days, and staff of the facility shall maintain a record of having returned them. The records to be returned include, but are not limited to:

1) The temporary public school records that were provided by the district at the time of the student's placement.

2) Other records of an academic or instructional nature that have accumulated during the student's enrollment at the nonpublic facility, including:

A) Records of behavior management plans; and

B) Records of all psychological and social work and any therapeutic tests related to goals and objectives included in the student's IEP.

3) A transcript of any academic credits earned while the student was served at the ~~nonpublic~~ facility.

4) Records of the student's attendance while served at the ~~nonpublic~~ facility.

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

Section 401.280 Fiscal Provisions

a) Tuition charged a public school district by a provider~~nonpublic facility~~ for the term specified in an individual student's placement agreement shall not exceed the allowable costs approved pursuant to Section 14-7.02 of the School Code.

b) A status of "Nonapproved" shall be assigned to any program whose provider ~~which~~ has not accepted the allowable costs approved pursuant to Section 14-7.02 of the School Code within 60 days after their approval or within 60 days after approval of the ~~facility's~~ application for eligibility by the State Board of Education, whichever occurs later.

c) The tuition charge for all students with disabilities who, pursuant to the IEP, are served in a facility less than full-time shall be prorated according to the percentage of the time the students are actually served in the program.

d) Providers~~Nonpublic facilities~~ shall not charge parents for special education, related services, or room and board provided to students placed by Illinois public school districts.

e) Nothing in this Part shall be construed as prohibiting a provider~~facility~~ from contracting with any local school district for individual student services, transportation, diagnosis and evaluation, or other services that~~which~~ are not included in the determination of allowable costs.

1) Contracts for any such services must be separate from individual placement agreements.

2) All costs and revenues resulting from such contracts shall be included in the facility's rate calculations under Section 14-7.02 of the School Code.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 8818, effective April 25, 2006)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Specialized Health Care Delivery Systems

2) Code Citation: 89 Ill. Adm. Code 146

3)

Section Numbers:	Adopted Action:
146.200	Amendment
146.205	Amendment
146.215	Amendment
146.220	Amendment
146.230	Amendment
146.235	Amendment
146.245	Amendment
146.265	Amendment
146.295	Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: May 1, 2006

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: December 9, 2005; 29 Ill. Reg. 19775

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences Between Proposal and Final Version:

Section 146.215

In Section 146.215 (c)(4)(A), an incorporation by reference has been added as follows: "…2000 National Fire Protection Association Life Safety Code (NFPA) 101, Chapter 32, Residental Board and Care Occupancies, National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269 (March 11, 2003) (this incorporation by reference does not include any later amendments or editions);….".

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 146.295

In Section 146.295 (a)(7), the following text has been added at the end: "The emergency response entities shall direct recommendations to the SLF concerning the SLF's plan and any issues that could be life threatening, and the SLF shall make changes to the plan, as appropriate."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace any emergency amendments currently in effect? No

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

15) Summary and Purpose of Amendments: A number of changes are made to the administrative rules concerning Supportive Living Facilities (SLFs). The changes include the following:

Section 146.200(a) - Under Public Act 94-0342, the Supportive Living Program is no longer a demonstration project.

Section 146.215(n) – SLF requirements are specified concerning instances when an identified sex offender is admitted to the facility. This change reflects Public Act 94-163, which pertains to nursing facilities.

Section 146.220 – These changes eliminate the screening requirements for residents who transfer between SLFs or who transfer from a nursing facility to an SLF.

Section 146.235 - Infection control is being added to the list of subjects that must be covered in SLF staff training. Under the Health Care Worker Background Check Act (Public Act 94-665), changes are made to expand the definition of staff who must undergo background checks.

Section 146.265 – The requirement on Utilization Data Reports is stricken because the necessity for such reports was related to the demonstration project status of SLFs.

Section 146.295 – Changes are made on SLF emergency contingency plans that require review of the plans by local emergency response entities.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

(217) 524-0081

The full text of the 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
SUBCHAPTER d: MEDICAL PROGRAMS

PART 146
SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

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

SUBPART B: SUPPORTIVE LIVING FACILITIES

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

146.300 Waivers

SUBPART C: STATE HEMOPHILIA PROGRAM

Section
146.400 Definitions
146.410 Patient Eligibility
146.420 Hemophilia Treatment Centers
146.430 Comprehensive Care Evaluation
146.440 Home Transfusion Arrangements
146.450 Obligations of the Department

SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERS

Section
146.500 General Description
146.510 Definitions
146.520 Participation Requirements
146.530 Records and Data Reporting Requirements
146.540 Covered Children's Community-Based Health Care Center Services
146.550 Reimbursement for Services
146.560 Individuals Eligible for Services Provided in a Children's Community-Based Health Care Center
146.570 Prior and Post Approval of Services

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

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

days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. 14127, effective March 7, 2005; amended at 29 Ill. Reg. 6967, effective May 1, 2005; amended at 29 Ill. Reg. 14987, effective September 30, 2005; amended at 30 Ill. Reg. 8845, effective May 1, 2006.

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section 146.200 General Description

a) The Public Aid Code [305 ILCS 5/5-5.01a] calls for the Department to establish and provide oversight for a program~~a demonstration project to determine the viability~~ of supportive living facilities (SLFs) that seeks~~seek~~ to promote independence, dignity, respect and well-being for residents in the most cost effective manner. When submitting an application for participation in the Supportive Living Program, each SLF shall designate which population it will serve, either:

1) persons with a disability who are 22 to 64 years of age; or

2) persons who are 65 years of age and over who meet the requirements described in Section 146.220.

b) An SLF is a residential setting in Illinois that provides or coordinates flexible personal care services, 24 hour supervision and assistance (scheduled and unscheduled), activities, and health related services with a service program and physical environment designed to minimize the need for residents to move within or from the setting to accommodate changing needs and preferences; has an organizational mission, service programs and a physical environment designed to maximize residents' dignity, autonomy, privacy and independence; and encourages family and community involvement.

(Source: Amended at 30 Ill. Reg. 8845, effective May 1, 2006)

Section 146.205 Definitions

For purposes of this Part, the following terms shall be defined as follows:

"Activities of Daily Living" means eating, bathing, dressing, transferring,

toileting, walking and grooming.

"Bank Nursing Facility Beds" means a choice by SLF providers ~~that choose~~ to participate by converting a distinct part of a nursing facility. Such facilities shall be allowed to retain the Certificate of Need for nursing beds that were converted.

"Complaint" means a phone call, letter or personal contact to the Department from a resident, family member, resident representative or any other interested person expressing a concern related to the health, safety or well-being of one or more SLF residents.

"Comprehensive Resident Assessment Instrument" or "RAI" means the Department designated resident assessment instrument designed for use in SLFs.

"Department" means the Illinois Department of Healthcare and Family Services~~Public Aid~~.

"Direct Care Staff" means staff who provide professional nursing services, assistance with activities of daily living or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual.

"Distinct Part" means a separate building or an entire wing or other physically identifiable space of an existing nursing facility licensed under the Nursing Home Care Act or the Hospital Licensing Act that is operated as an SLF distinguishable~~distinguishably~~ from the rest of the facility. The distinct part of a nursing facility will not be subject to provisions of the Nursing Home Care Act. The distinct part of a hospital will be subject to provisions of the Hospital Licensing Act while complying with provisions of this Subpart B. Distinct part does not include the conversion of an entire nursing facility or hospital.

"Follow-up Care" means the response to, and documentation of, the service plan that is discussed with, and agreed to by, the resident and/or the resident's guardian~~designee~~. It may include, but is not limited to, physician referrals, revision of the service plan to incorporate nursing services, health promotion counseling and teaching self care in meeting health~~heath~~ needs.

"Freestanding Facility" means a separate building that is not part of an existing nursing facility or hospital. Freestanding facility includes new construction, an existing building or conversion of an entire nursing facility or hospital into an

SLF.

"Licensed Nurse" means a person whose services are paid for by an SLF and who is licensed as a registered nurse, registered professional nurse, practical nurse or licensed practical nurse under the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

"Medicaid" means the Department's Medical Assistance Program.

"Medicaid Resident" means a person with a disability (as determined by the Social Security Administration) age 22 years and over, or a person who is age 65 years and over who has been determined eligible for Medicaid payment for SLF services. Eligibility for a person residing in an SLF shall be determined in accordance with 89 Ill. Adm. Code 120.10 and 120.61 (excluding subsection (f) of Section 120.61). Provisions for property transfers as described at 89 Ill. Adm. Code 120.387 shall apply to a person residing in an SLF. Provisions for the prevention of spousal impoverishment as described at 89 Ill. Adm. Code 120.379 shall apply to a person residing in an SLF.

"Medical Assistance Program" means the program administered under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V] or successor programs and Title XIX of the Social Security Act (42 USC 1396) and related federal and State rules and regulations.

"Personal Allowance" means the $90 minimum protected monthly amount that is retained by Medicaid-eligible residents for their personal use.

"Rehabilitated Nursing Facility" means the conversion of a distinct part of an existing nursing facility into an SLF.

"Related Parties" means affiliates of an SLF; entities for which investments are accounted for by the equity method by the entire enterprise; trusts for the benefit of employees, such as pensions and profit-sharing trusts that are managed by or under the trusteeship of management; any general partner; management of the SLF; members of the immediate families of principal owners of the SLF or its management; and other parties with which the SLF may deal if one party controls or can significantly influence management or operating policies of the other to an extent that one of the transacting parties might be prevented from fully pursuing its own separate interests. An entity or person shall be deemed by the Department to be a related party if it can significantly influence management or operating

policies of the transacting parties or if it has an ownership interest in one of the transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests.

"Resident" means a person living in an SLF, including Medicaid residents as defined in this Section and individuals who are not eligible for Medicaid payment for SLF services.

"Room and Board" means the housing, utilities and meals provided under the resident contract. Unless otherwise specified in the resident contract, room and board does not include phone or cable charges.

"Services" means the personal and health care related services provided by an SLF pursuant to Section 146.230.

"Service Plan" means the written plan of care on the Department designated form that is developed for each resident based upon the initial assessment, annual comprehensive resident assessment or quarterly evaluation.

"SLF" or "Supportive Living Facility" means a residential setting that meets the requirements of this Subpart B.

"SSI" means Supplemental Security Income under Title XVI of the Social Security Act.

"Subcontractors~~subcontractor~~" means any person who assumes any duties and responsibilities from an SLF for the performance of SLF services pursuant to Section 146.230.

(Source: Amended at 30 Ill. Reg. 8845, effective May 1, 2006)

Section 146.215 SLF Participation Requirements

a) Facilities or distinct parts of facilities that are certified as SLFs and are in good standing with provisions contained in this Subpart B are exempt from the provisions of the Nursing Home Care Act [210 ILCS 45], the Illinois Health Facilities Planning Act [20 ILCS 3960] and the Assisted Living and Shared Housing Act [210 ILCS 9]. Nursing facilities rehabilitating a portion of the facility to conform with this Subpart B shall be allowed to retain their Certificate

of Need for the nursing facility beds that were converted until the conclusion of the project or until the facility wishes to withdraw from the project and convert the SLF beds back to NF beds.

b) An SLF does not include:

1) A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;

2) A "long term care facility" licensed by the Nursing Home Care Act or Hospital Licensing Act. However, a nursing facility licensed under the aforementioned Acts can convert a distinct part to an SLF;

3) Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];

4) Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];

5) Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [405 ILCS 30];

6) Any nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed of any well recognized church or religious denomination;

7) Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135];

8) Any "Supportive Residence" licensed under the Supportive Residences Licensing Act [210 ILCS 65];

9) Any freestanding hospice facility [210 ILCS 60];

10) Any "life care facility" as defined in the Life Care Facilities Act [210 ILCS 40]; or

11) Any "assisted living and shared housing establishment" licensed under the Assisted Living and Shared Housing Act [210 ILCS 9].

c) In order to participate in the Supportive Living Program, an SLF must be certified by the Department. To become certified, an SLF shall:

1) Submit an application to proceed toward certification.

A) Except in the case of a rehabilitated nursing facility, the Department shall only accept applications for sites where all apartments are devoted to SLF residents.

B) The Department shall evaluate each application according to factors including, but not limited to, geographic distribution, waiver limits, market feasibility, the needs of the population being served, the compliance histories of other facilities owned or operated in the State of Illinois by the applicant or a related party, community support from local government, environmental issues, operational experience with assisted living and financial stability. Applications that are found to be incomplete or inaccurate shall be returned to the applicant for completion and/or correction and must be resubmitted before the Department will evaluate them. The Department shall notify the applicant in writing that the application has been approved.

C) The Department may withdraw approval of any application if the SLF fails to become operational (i.e., ready to admit residents) within 24 months after the Department's approval of the application. Prior to the operational deadline, the applicant may make a written request, including documentation justifying the need for an extension, that the Department grant an extension to the operational deadline. A request for an extension shall not exceed 12 months from the original operational deadline. The Department may grant an extension to the operational deadline. The Department shall not grant more than one extension to an approved SLF applicant where construction has not begun.

D) At any time prior to or subsequent to certification, the applicant shall report to the Department in writing any change to the application, as soon as such change becomes known to the

applicant.

2) Submit a certificate of compliance signed by an architect that certifies that the project complies with applicable codes.

3) Submit for approval prior to use a model of every type of resident contract to be used by the SLF.

4) Pass an on-site review, conducted by the Department, which includes review of:

A) Documentation that demonstrates physical plant, health and sanitation, and food preparation compliance with local and county ordinances and regulations;~~,~~ compliance with current Fire and Life Safety standards for health care occupancy or the 2000 National Fire Protection Association Life Safety Code (NFPA) 101, Chapter 32, Residential Board and Care Occupancies, National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269 (March 11, 2003) (this incorporation by reference does not include any later amendments or editions); compliance with State building codes for the respective building type; and compliance with Section 146.210.

B) Grievance procedures.

C) Quality assurance policy and procedures established in accordance with Section 146.270.

D) Emergency Contingency Plan as defined in Section 146.295.

5) Enroll to participate in the Medical Assistance Program in accordance with 89 Ill. Adm. Code 140.11 and execute a Medicaid provider agreement with the Department.

d) The SLF shall accept the SSI rate (less the personal allowance) for room and board for Medicaid residents. If the private and Medicaid rates are different, the SLF shall reserve not less than 25 percent of its apartments for Medicaid residents. Those facilities that set a commensurate rate for both private pay and Medicaid residents are not required to reserve apartments for Medicaid residents but must accept Medicaid residents on a first come, first served basis.

e) SLF certification is not transferable or applicable to any location, provider, management agent or ownership other than that indicated on the Medicaid provider agreement.

1) An SLF shall notify the Department no fewer than 60 days prior to a change of ownership or management. Change of ownership means a change of five percent or more.

2) The Department has the right to terminate the provider agreement with an SLF if a change of ownership involves a barred Medicaid provider.

3) The new owner shall comply with the applicable certification requirements found in subsection (c) of this Section.

4) The Department shall conduct an on-site certification review no later than at the date of the next annual certification review or within three months after the effective date of the change of ownership, whichever is earlier.

5) SLF certification shall be deemed to extend to a new owner until the Department separately certifies the SLF under the approved new owner.

f) The certificate issued by the Department shall include:

1) Name and address of the SLF;

2) Maximum number of residents to be served at any time; and

3) Number of apartments certified in the SLF.

g) Providers certified as an SLF shall not operate or maintain SLF housing and services in combination with a home health, home care, nursing home, hospital, residential care setting, congregate care setting or other type of residence or service agency unless those settings and services are licensed, maintained and operated as separate and distinct entities.

h) At least annually, the Department shall conduct an on-site review to ensure that the SLF is in compliance with the requirements of certification, which includes review of:

1) Items listed in subsection (c)(4) of this Section.

2) Comprehensive Resident Assessments, service plans and the provision of services required under Section 146.230.

3) Staff sufficient in number to meet the needs of residents. Staff shall demonstrate capacity, within their job responsibilities, to provide covered services and perform tasks.

4) Compliance with resident contracts and the Department's provider agreement.

5) Protection of individual resident rights and involvement in directing their own care.

6) Resident satisfaction surveys as defined in Section 146.270.

i) The SLF shall comply with all applicable enrollment and participation requirements set forth in Department rules, including, but not limited to, 89 Ill. Adm. Code 140.11 and 140.12.

j) The SLF shall comply with the Americans with Disabilities Act of 1990.

k) The SLF shall submit to the Department all marketing materials prior to their use. If the Department does not notify the SLF of approval or disapproval of submitted materials within 30 days after submission, the SLF may begin to use those materials. The Department reserves the right to disapprove any materials or require changes at any time, provided that any such changes are consistent with, or required by, applicable law.

l) The SLF shall ensure that limited English speaking residents have meaningful and equal access to benefits and services. Steps to ensure access may include, but are not limited to:

1) hiring bi-lingual staff;

2) hiring staff interpreters;

3) contracting for interpreter services;

4) engaging community volunteers;

5) contracting with a telephone interpreter service; and

6) hiring staff proficient in American Sign Language.

m) The SLF shall encourage families of residents with impairments that limit the resident's decision-making ability to arrange to have a responsible party or guardian represent the resident's interests. The SLF shall provide all residents with information about advance directives, including the Durable Power of Attorney for Health Care, Statement of Illinois Law on Advance Directives, Living Will, Declaration for Mental Health Treatment and Do Not Resuscitate Order. The SLF shall maintain in a resident's file any of these documents authorized by the resident.

n) Upon admission of a resident whose name appears on the Illinois State Police Sex Offender Registration website or the Illinois Department of Corrections registered sex offender database pursuant to Section 146.220(a)(4), the SLF shall:

1) inform the Department and appropriate county and local law enforcement offices of the identity of the identified offenders being admitted to the SLF;

2) notify every SLF resident and resident's guardian or family in writing that such offenders are residents of the facility;

3) develop a service plan in accordance with Section 146.245; and

4) ensure that the SLF has qualified staff to meet the needs of the individual and required level of supervision at all times.

(Source: Amended at 30 Ill. Reg. 8845, effective May 1, 2006)

Section 146.220 Resident Participation Requirements

a) The SLF may admit or retain residents whose needs can be met through the services described in Section 146.230. These persons would typically have a score between~~of~~ 29 and ~~-~~47 on the Determination of Need (DON) and need assistance in one or more activities of daily living. These persons must meet the following criteria prior to admission to an SLF:

1) Be age 22 years or over with a disability (as determined by the Social Security Administration) or elderly (age 65 years or over); and

2) Be screened by the Department and found to be in need of nursing facility level of care and that SLF placement is appropriate to meet the needs of the individual. A new screen is not needed for a resident who is transferring between SLFs or comes from a nursing facility with no break in service. It is the admitting SLF's responsibility to ensure that a screening document is received from the transferring SLF or nursing facility. Private pay individuals may choose to be admitted into an SLF when the screening assessment does not justify nursing facility level of care; and

3) Be without a primary or secondary diagnosis of developmental disability or serious and persistent mental illness. (Developmental disability is defined as a disability which is attributable to mental retardation or a related condition.) The developmental disability or mental illness must be determined by a qualified Department of Human Services screening agent; and.

4) Have name checked against the Illinois Sex Offender Registration website at www.isp.state.il.us and/or the Illinois Department of Corrections registered sex offender database at www.idoc.state.il.us. Refer to Section 146.215 for facility requirements if a person whose name appears on either registry is admitted to an SLF.

b) Private pay residents seeking to convert to Medicaid while residing in an SLF shall be screened by the Department using the DON prior to the point of conversion and must be found to be in need of nursing facility level of care before Medicaid payment may be authorized.

c) Each prospective resident shall have a tuberculin skin test in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696). The test must be completed no more than 90 days prior to the date of admission to the SLF or the test must be commenced no more than seven days after admission to the SLF.

d) A Medicaid resident of an SLF shall not participate in the Department on Aging's Community Care Program or the Department of Human Services' Home Services Program.

(Source: Amended at 30 Ill. Reg. 8845, effective May 1, 2006)

Section 146.230 Services

a) An SLF must combine housing, personal and health related services in response to the individual needs of residents who need help in activities of daily living. Supportive services shall be available 24 hours per day to meet scheduled and unscheduled needs in a way that promotes resident self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and autonomy in a residential setting.

b) Nursing Services

1) The SLF shall provide for a comprehensive resident assessment and service plan for each SLF resident as required under Section 146.245.

2) When a resident is unable to administer his or her own medications, a licensed nurse shall administer the medications.

3) Nursing services shall include medication set-up (such as preparing weekly pill caddies with that week's medication) and follow-up care, and shall be conducted by a licensed nurse.

4) Other nursing services include episodic and intermittent health promotion or disease prevention counseling and teaching self-care in meeting routine and special health care needs that can be done by other staff under the supervision of a registered nurse.

5) All nursing services shall be provided in accordance with the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

c) Personal Care

1) The SLF shall provide personal care services for residents, including but not limited to assistance with bathing, eating, dressing, personal hygiene, grooming, toileting, ambulation and transfer.

2) Personal care services shall be delivered by certified nursing assistants who meet the qualifications described in Section 146.235(f)(1).

d) Medication Oversight and Assistance in Self-Administration

1) The SLF shall provide the following:

A) Reminding the resident to take his or her medications;

B) Taking medication from where it is stored in the apartment and handing it to the resident when requested to do so by the resident;

C) Opening or uncapping medication containers for physically impaired residents; and

D) Assisting physically impaired residents in the removal of the medication from the container and assisting the resident in consuming or applying the medication when requested to do so by the resident (i.e., placing a dose in a container and placing the container to the mouth of the resident).

2) The services identified in subsection (d)(1)(D) shall only be delivered by a licensed nurse.

e) Meals

1) The SLF shall provide three meals per day, or two meals per day (noon and evening meals) and a breakfast bar. The menu~~meals~~ shall include food choices that allow a resident to choose foods that will meet the requirements of a therapeutic diet~~therapeutic diets~~ as ordered by a resident's physician. The daily food allowance for each resident shall meet the basic food pattern for a general diet for an adult following the recommendations of the Food and Nutrition Board, National Research Council.

2) The SLF shall make available beverages, including coffee, fruit juice and snack foods, at no cost to the residents.

3) The SLF shall offer the same menu options to all residents regardless of payment source except for therapeutic diets ordered by a physician.

4) The SLF shall keep all menus served on file for not less than four months.

5) The SLF shall maintain on the premises supplies of staple foods for a minimum of a one week period and of perishable foods for a minimum of a two day period. Supplies shall be appropriate to meet the requirements of the menu.

6) The SLF shall keep records of all food purchased on file for not less than 18 months.

7) The SLF shall store, prepare, distribute and serve food in a manner to protect against contaminants and spoilage and to insure the preparation and serving of food at safe and palatable temperatures.

8) The SLF shall provide and maintain clean and sanitary central kitchen and dining areas. The SLF shall ensure a sanitary and adequate supply of eating and drinking utensils and pots and pans for preparing food in the central kitchen and dining areas.

9) The SLF shall provide residents with written information about menu plans. Menu cycles shall not be repeated within a one week time frame. There shall be an established mechanism for residents to provide input into the selection and preparation of food.

10) The SLF shall allow residents to obtain, prepare and store food in residential apartments if doing so does not represent a health or safety hazard to others.

11) The SLF shall provide residents with meal service in their apartments as a time limited service during periods of documented illness.

f) Laundry

1) If requested by a resident, the SLF shall provide laundry services at no charge to the resident.

2) The SLF shall provide for the appropriate handling, cleaning, and storage of routine personal laundry, laundry soiled with body secretions and all other laundry. This includes all detergent and fabric softeners required to perform normal routine laundry service at no cost to the resident.

3) The SLF shall provide on-site laundry equipment for resident use in accordance with Section 146.210.

4) Laundry service does not include dry cleaning services.

g) Housekeeping

1) The SLF shall provide for general housekeeping services at least weekly (house cleaning, laundry, bed making, changing of linens, dusting and vacuuming).

2) The SLF shall take into account individual habits and lifestyle preferences when providing all housekeeping services in residential apartments.

3) The SLF shall maintain all public areas in a clean and orderly condition.

4) The SLF shall maintain all common bathing rooms in a clean and orderly condition.

h) Maintenance

1) The SLF shall maintain all residential apartments in good repair.

2) The SLF shall keep the building and grounds clean and free of hazards, with all systems maintained in good working order.

i) Social and Recreational Programming

1) The SLF shall facilitate the involvement of individual and community volunteer activities with and for residents.

2) The SLF shall provide programs at least twice weekly, which include on-site programs as well as off-site trips, allowing for social and recreational programs for the residents. Transportation shall be provided by the SLF for scheduled activities off-site.

3) The SLF shall provide access to opportunities for scheduled and unscheduled individual and group socialization within the SLF and in the larger community.

4) The SLF shall make available to each resident information about community resources and make community integration part of the SLF's recreational, socialization and vocational activities.

j) Ancillary Services

1) The SLF shall provide transportation for scheduled group shopping and other community and social activities.

2) The SLF shall assist a resident in obtaining needed and preferred services offered outside the SLF at his or her request. Upon request by a resident, the SLF shall assist in making medical appointments and arranging for transportation to and from the source of medical treatment (payment for medical transportation shall be made in accordance with 89 Ill. Adm. Code 140.490 through 140.492).

3) The SLF shall provide shopping assistance when a resident is temporarily unable to shop.

k) 24 Hour Response/Security Staff

1) The SLF shall have response/security staff awake and available on the premises 24 hours a day to respond to scheduled or unpredictable needs and emergency calls from residents. Staff shall possess certification in emergency resuscitation. The SLF shall provide one staff person for facilities with ten to 75 apartments, and a second staff person for facilities with 76 to l50 apartments.

2) The SLF shall provide security 24 hours a day, including lockable entrances (accessibility controlled by SLF staff for security purposes during overnight hours) and on-site personnel. All residents shall have 24 hour access.

3) Rehabilitated nursing facilities shall have separate staff on-site in the SLF.

l) Health Promotion and Exercise Programming

1) The SLF shall offer and encourage the use of health promotion and exercise programs for its residents.

2) The SLF shall develop programs to be held not less frequently than three times per week geared toward promoting better health and fitness of the residents. These programs are in addition to the social and recreational programming described in this Section.

m) Emergency Call System

1) The SLF shall ensure that at least two electronic devices are available in each apartment to enable the resident to secure help in an emergency. A device shall be located in each bathroom and each bedroom.

2) The SLF shall have electronic devices available in each common area, each public restroom, each common bathing room and each resident laundry room to enable residents to secure help in an emergency.

n) Daily Check
The SLF shall implement a system to check on the welfare of each resident daily.

(Source: Amended at 30 Ill. Reg. 8845, effective May 1, 2006)

Section 146.235 Staffing

a) The SLF shall have a manager or a qualified designee present at the SLF during normal business hours plus whenever necessary to ensure attention to the management and administration of the resident contracts. Staff shall have access to the manager or the manager's designee at all times. The manager shall designate a qualified individual capable of acting in an emergency during his or her absence from the SLF.

b) The manager shall have at least five years experience in providing health care services to adults with disabilities or the elderly population either in an assisted living program, inpatient hospital, long term care setting, adult day care or in a Department approved health related field. The manager shall also have at least two years of management experience.

c) The SLF shall have licensed and certified staff sufficient in number to meet the needs of the population being served.

d) Nursing facility staff may be utilized in a rehabilitated nursing facility but may not be on duty in both the nursing facility and SLF at the same time.

e) Staff Training. All staff training materials shall be available for review by the Department. If required by the Department, the SLF shall make changes in the training materials.

1) The SLF shall provide staff and subcontractors who provide direct care with:

A) training that takes place no later than 30 days after beginning employment and semi-annual training in areas related to their employment; and

B) training that covers infection control, crisis intervention, prevention and notification of abuse and neglect, behavior intervention, negotiated risk and encouraging independence (these subjects shall be trained as part of staff orientation and at least annually thereafter); and

C) documented training performed by qualified individuals in their area or areas of responsibility; and

D) training geared toward the manner in which services are to be performed; and

E) training that includes techniques for working with persons with disabilities and the elderly populations; and

F) in the case of an SLF serving persons with disabilities, disability specific sensitivity training conducted by an outside entity familiar with working with persons with disabilities. The training shall occur for all staff initially prior to certification, at staff orientation for new staff, and at least annually thereafter.

2) In the case of subcontractors, training by the SLF is not required if the SLF can document that similar training is being provided through the subcontractor's employer.

f) The SLF shall employ certified nursing assistants as follows:

1) Qualifications:

Must be 18 years of age or older and have successfully completed no later than 120 days after employment a nursing assistant training course or a Department of Public Health approved equivalent training and competency evaluation.

2) Job responsibilities shall include, but not be limited to:

A) Follow and help carry out a resident's written service plan;

B) Provide personal care services for residents, including but not limited to bathing, eating, dressing, personal hygiene, grooming, toileting, ambulation and assistance with transfer;

C) Observe the resident's functioning, maintain written records of the observations and report any changes to the licensed nurse; and

D) Attend initial training, in-service training sessions and staff conferences.

g) The SLF shall employ or contract with a dietitian. The dietitian shall comply with the following:

1) The dietitian shall be licensed under the Dietetic and Nutrition Services Practice Act [225 ILCS 30].

2) Job responsibilities shall include, but not be limited to, consultation and training in all food service procedures such as menu planning and review, food preparation, food storage, food service, safety, sanitation and management of therapeutic diets.

3) The dietician shall come on-site at least twice per quarter for a period of not less than a cumulative total of eight hours.

h) The SLF shall employ a minimum of one cook who shall have at least one year of experience in commercial food preparation.

i) Twenty-four hour response staff shall be at least 18 years of age and possess at least a high school diploma or a GED. Response staff shall be certified in emergency resuscitation. The staff shall respond to scheduled or unpredictable

needs and emergency calls from residents.

j) Nurses on staff, or subcontracted, shall be licensed by the State of Illinois and shall be responsible for nursing services set forth in Section 146.230.

k) The SLF shall designate a trained staff person to be responsible for planning and directing social and recreational activities. This person shall be at least 18 years of age and possess at least a high school diploma or a GED.

l) The SLF shall ensure that all employees who have or may have contact with residents or have access to the living quarters or the financial, medical or personal records of residents~~certified nursing assistants~~ undergo a criminal history background check that conforms to the Health Care Worker Background Check Act [225 ILCS 46]. No SLF shall knowingly hire, employ or retain any individual in a position, with duties involving contact with~~direct care for~~ residents, access to resident living quarters or access to the financial, medical or personal records of residents, who has been convicted of committing or attempting to commit one or more of the offenses defined under the Health Care Worker Background Check Act unless that individual has obtained a waiver issued by the Department of Public Health. An SLF may conditionally employ an applicant ~~to provide direct care~~ for up to three months pending the results of the criminal history record check.

m) Each employee shall have a tuberculin skin test in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696). The test must be completed no more than 90 days prior to the date of initial employment in the SLF or the test must be commenced no more than seven days after the date of initial employment in the SLF.

(Source: Amended at 30 Ill. Reg. 8845, effective May 1, 2006)

Section 146.245 Assessment and Service Plan and Quarterly Evaluation

a) Interview: The SLF shall conduct a standardized interview geared toward the resident's service needs at or before the time of occupancy.

b) Initial Assessment: The SLF shall complete an initial assessment and service plan within 24 hours after admission that identifies needs and potential immediate problems. Each assessment shall be completed by, or co-signed by, a licensed practical nurse or a registered nurse.

c) Comprehensive Resident Assessment: The SLF shall complete a Comprehensive Resident Assessment Instrument (RAI) within 14 days after admission and annually thereafter. Each RAI shall be completed by, or co-signed by, a registered nurse.

d) Service Plan: Within seven days after completion of the RAI, a written service plan shall be developed by, or co-signed by, a registered nurse, with input from the resident and his or her designated representative. This includes coordination and inclusion of services being delivered to a resident by an outside entity. The service plan shall include a description of expected outcomes, approaches, frequency and duration of services provided and whether the services will be provided by licensed or unlicensed staff. The service plan must be individualized to address the health and behavior needs of each resident. The service plan shall document any services recommended by the SLF that are refused by the resident. The service plan shall be reviewed and updated in conjunction with the quarterly evaluation or as dictated by changes in resident needs or preferences.

e) Quarterly Evaluation: A quarterly evaluation of the health and behavior status of each resident using a Department designated form ~~or the MDS quarterly~~ shall be completed by, or co-signed by, a registered nurse.

f) Service Plan for Identified Sex Offenders: Within seven days after completion of the RAI, a written service plan shall be developed by, or co-signed by, a registered nurse that addresses the following:

1) the amount of supervision required by the individual to ensure the safety of all residents, staff and visitors; and

2) determination of approaches developed in the service plan are appropriate and effective in dealing with any behaviors specific to the identified offender.

g)~~f)~~ The SLF manager or licensed nursing staff shall alert the resident, his or her physician and his or her designated representative when a change in a resident's mental or physical status is observed by staff. Except in life-threatening situations, such reporting shall be within 24 hours after the observation. Serious or life-threatening situations should be reported to the physician and the resident's designated representative immediately. The SLF staff shall be responsible for reporting only those changes that should be apparent to observers familiar with

the conditions of older persons or persons with disabilities.

(Source: Amended at 30 Ill. Reg. 8845, effective May 1, 2006)

Section 146.265 Records and Reporting Requirements

a) An SLF shall develop and maintain confidential written records regarding each resident, which shall include, but are not limited to:

1) The Comprehensive Resident Assessment;

2) The resident contract;

3) The service plan;

4) Progress notes that shall be used to document any significant involvement with the resident and results of and changes in the service plan; ~~and~~

5) The resident satisfaction survey; and~~.~~

6) Written documentation of the inquiry to the sex offender databases, including the result of the inquiry.

b) An SLF shall develop and maintain confidential written personnel records that shall include, but are not limited to:

1) Job description;

2) Educational preparation and work experience;

3) Current licensure or certification, if applicable;

4) Documentation of annual performance evaluation;

5) Documentation that employee has received personnel policies and procedures;

6) Documentation of on-going staff training;

7) Documentation of a tuberculosis test administered in accordance with

Section 146.235(m); and

8) Results from the health care worker background check conducted in accordance with Section 146.235(l).

c) The SLF shall generate and submit to the Department the following reports in a format and medium designated by the Department and with the frequencies as specified:

1) Personnel Report, which shall be due upon certification and semi-annually thereafter. The report shall contain a list of all SLF staff listing the names, titles, salaries, and total hours worked during the semi-annual period. This listing shall include the services to be performed and services outside of the service package.

2) Resident Identification Report, which shall be due monthly. The report shall be in two parts, one for Medicaid residents and one for private pay residents. Each part shall contain an alphabetical list of residents residing in the SLF, including their names, case identification and recipient numbers for Medicaid residents or Department designated identifying numbers for private pay residents, dates of admission and dates of discharge.

~~3) Utilization Data Report, which shall be due quarterly. The report shall be in two parts, one for Medicaid residents and one for private pay residents. Each part shall be organized alphabetically by resident and include a listing of all services provided to residents. For each resident, data shall include case identification and recipient numbers for Medicaid residents or Department designated identifying numbers for private pay residents, dates of service, service codes and units of service. Services reported for each resident shall be grouped by those services which were delivered by the SLF and those delivered by subcontractors.~~

3)~~4)~~ Health Care Related Subcontractors and Manager Report, which shall be due upon certification and as changes occur thereafter.

4)~~5)~~ Cost Reports, which shall be submitted at any time upon request by the Department or when a significant change occurs in the SLF's financial status/solvency, and annually not later than 90 days after the end of the SLF's fiscal year. One extension up to 30 days shall be granted for

circumstances that will not allow a cost report to be properly completed before the due date of the report. The written extension must be submitted to the Department's Bureau of Long Term Care prior to the original due date. Each enrolled SLF shall file an annual report with the Department in accordance with the following requirements:

A) All schedules contained in the cost report must be completed with the exception of those schedules specified in the cost report instructions as optional.

B) The cost report is not complete until all required schedules are filed and all inquiries to the provider are satisfactorily resolved.

C) If the cost report is prepared by other than the facility's manager or officer, the certification must be signed by the preparer as well as the officer or manager. The preparer's declaration is based upon all information of which the preparer has any knowledge.

D) All financial data contained in the cost report must be accounted for on the accrual basis of accounting.

E) Copies of all independent audits and reviews performed on the SLF by certified public accounting firms shall be provided to the Department with the cost report.

5)~~6)~~ Cost Report for Change of Ownership. The new owner or lessee must file a cost report nine months after acquisition (covering the first six months of operation). A change of ownership is dated from the closing of the sale or from the date of the oldest lease agreement between the present incumbents of a lease. The facility must also file a cost report within 90 days after the close of its first complete fiscal year. A change of corporate stock ownership does not constitute a change of ownership.

6)~~7)~~ Cost Report for New Facility. A full cost report must be filed within nine months after opening the facility (covering at least the first six months of operation). The facility must also file a cost report within 90 days after the close of its first complete fiscal year.

d) No funds shall be expended by the Department for the maintenance of any resident in an SLF that has failed to file an annual cost report.

e) An SLF shall retain all records in accordance with provisions of 89 Ill. Adm. Code 140.28. The SLF shall provide the Department or its designee with access to financial and other records that pertain to covered services. The SLF shall keep fiscal records in accordance with acceptable accounting procedures.

(Source: Amended at 30 Ill. Reg. 8845, effective May 1, 2006)

Section 146.295 Emergency Contingency Plan

For the purpose of this Section, "emergency" means physical abuse involving physical injury, sexual abuse, a crime, or death of a resident that occurs as the result of actions by a staff member, visitor or another resident or an event, as a result of a mechanical failure or natural force such as water, wind, fire or loss of electrical power, that poses a threat to the safety and welfare of residents, personnel, and others present in the SLF.

a) Each SLF shall have a written plan, which shall be part of the SLF's Quality Assurance Plan, for protection of all persons in the event of an emergency, for keeping persons in place, for evacuating persons to areas of refuge, and for evacuating persons from the building when necessary. The plan shall:

1) address the physical and cognitive needs of residents and include special staff response, including the procedures needed to ensure the safety of any resident. The plan shall be amended or revised whenever any resident with unusual needs is admitted;

2) provide for the temporary relocation of residents for any emergency requiring relocation;

3) provide for the movement of residents to safe locations within the SLF in the event of a tornado warning or severe thunder storm warning issued by the National Weather Service;

4) provide for the health, safety, welfare and comfort of all residents when the heat index/apparent temperature, as established by the National Oceanic and Atmospheric Administration, inside the residents' living, dining, activities, or sleeping areas of the SLF exceeds a heat index/apparent temperature of 90°F;

5) address power outages; ~~and~~

6) include contingencies in the event of flooding, if located in a flood plain; and.

7) be reviewed by local emergency response entities, such as fire department, ambulance and EMT services. The emergency response entities shall direct recommendations to the SLF concerning the SLF's plan and any issues that could be life threatening, and the SLFs shall make changes to the plan, as appropriate.

b) All personnel employed on the premises shall be instructed in the emergency contingency plan and the use of fire extinguishers.

c) A diagram of emergency evacuation routes shall be posted in at least all corridors and common areas and all personnel employed on the premises shall be aware of the route.

d) There shall be a means of notification to the SLF when the National Weather Service issues a tornado warning covering the area in which the SLF is located. The notification mechanism must be other than commercial radio or television. Notification measures include being within range of local tornado warning sirens, an operable National Oceanic and Atmospheric Administration weather radio in the SLF, or arrangements with local public safety agencies (police, fire, ESDA) to be notified if a warning is issued.

e) Each resident shall be oriented to the emergency plans within ten days after the resident's admission. Orientation shall include assisting residents in identifying and using emergency exits. Documentation of the orientation shall be signed and dated by the resident or the resident's representative.

f) The SLF shall conduct at least two drills per year.

g) The SLF shall evaluate the effectiveness of emergency plans, procedures and training.

h) Drills shall include residents, SLF personnel, and other persons in the SLF.

i) Drills shall include making a general announcement throughout the SLF that a drill is being conducted or sounding an emergency alarm. Drills may be announced in advance to residents.

j) Drills shall involve the actual evacuation of residents to an assembly point as specified in the emergency plan and shall provide residents with experience using various means of escape.

k) A written evaluation of each drill shall be submitted to the SLF manager and the Quality Assurance Committee and shall be maintained for one year from the date of the drill. The evaluation shall include the date and time of the drill, names of employees participating in the drill, and identification of any residents who received assistance for evacuation.

l) The SLF shall contact local law enforcement authorities when physical abuse involving physical injury, sexual abuse, a crime, or death other than by disease processes occurs to a resident as the result of actions by a staff member, visitor or another resident.

m) Upon the occurrence of any emergency requiring hospital service, police, fire department or coroner, the SLF manager or designee must provide a preliminary report to the Department by fax within 24 hours after the occurrence. This preliminary report shall include, at a minimum:

1) name and location of the SLF;

2) type of emergency;

3) number of injuries or deaths to residents;

4) number of units not usable due to the occurrence;

5) estimate of the extent of damages to the SLF;

6) type of assistance needed, if any;

7) location of displaced residents, if any; and

8) other State or local agencies notified about the problem.

(Source: Amended at 30 Ill. Reg. 8845, effective May 1, 2006)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Hospital Services

2) Code Citation: 89 Ill. Adm. Code 148

3) Section Number: 148.295 — Adopted Action: Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendment: May 1, 2006

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: November 28, 2005; 29 Ill. Reg. 19043

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences Between Proposal and Final Version:

In new subsection (c)(1)(I), "had" has been added before "an average".

In subsection (c)(2)(D)(v), "$248.00" has been changed to "$328.00".

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? Yes

Sections	Proposed Action	Illinois Register Citation
148.126	Amendment	March 10, 2006 (30 Ill. Reg. 2681)
148.140	Amendment	September 30, 2005 (29 Ill. Reg. 14502)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Amendment: This rulemaking provides additional funding under Critical Hospital Adjustment Payments (CHAP) for hospitals that qualify as high volume Medicaid providers. This funding is necessary to ensure continued access to quality health care for the Department's medical assistance clients. CHAP spending is expected to increase by approximately $2.72 million as a result of these changes.

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, Third 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 148
HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

148.390 Hearings
148.400 Special Hospital Reporting Requirements
148.402 Medicaid Eligibility Payments
148.404 Medicaid High Volume Adjustment Payments
148.406 Intensive Care Adjustment Payments
148.408 Trauma Center Adjustment Payments
148.410 Psychiatric Rate Adjustment Payments
148.412 Rehabilitation Adjustment Payments
148.414 Supplemental Tertiary Care Adjustment Payments
148.416 Crossover Percentage Adjustment Payments
148.418 Long Term Acute Care Hospital Adjustment Payments
148.420 Obstetrical Care Adjustment Payments
148.422 Outpatient Access Payments
148.424 Outpatient Utilization Payments
148.426 Outpatient Complexity of Care Adjustment Payments
148.428 Rehabilitation Hospital Adjustment Payments
148.430 Perinatal Outpatient Adjustment Payments
148.432 Supplemental Psychiatric Adjustment Payments
148.434 Outpatient Community Access Adjustment Payments

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section
148.500 Definitions
148.510 Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section
148.600 Definitions
148.610 Scope of the Program
148.620 Assistance Level and Reimbursement
148.630 Criteria and Information Required to Establish Eligibility
148.640 Covered Services

148.TABLE A Renal Participation Fee Worksheet
148.TABLE B Bureau of Labor Statistics Equivalence
148.TABLE C List of Metropolitan Counties by SMSA Definition

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

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

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997,

for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill.

Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8877, effective May 1, 2006.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.295 Critical Hospital Adjustment Payments (CHAP)

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

1) Level I Trauma Center Adjustment.

A) Criteria. Illinois hospitals that, on the first day of July in the CHAP rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment.

B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) of this Section shall receive an adjustment as follows:

i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of $21,365.00 per Medicaid trauma admission in the CHAP base period.

ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of $14,165.00 per Medicaid trauma admission in the CHAP base period.

2) Level II Rural Trauma Center Adjustment. Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the first day of July in the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of $11,565.00 per Medicaid trauma admission in the CHAP base period.

3) Level II Urban Trauma Center Adjustment. Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the first day of July in the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of

$11,565.00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:

A) The hospital is located in a county with no Level I trauma center; and

B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the first day of July in the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3) of this Section; or the hospital is not located in an HPSA and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3) of this Section.

b) Rehabilitation Hospital Adjustment (RHA)
Illinois hospitals that, on the first day of July in the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), and that are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:

1) Treatment Component. All hospitals defined in subsection (b) of this Section shall receive $4,215.00 per Medicaid Level I rehabilitation admission in the CHAP base period.

2) Facility Component. All hospitals defined in subsection (b) of this Section shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:

A) Hospitals with fewer than 60 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of $229,360.00 in the CHAP rate period.

B) Hospitals with 60 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of $527,528.00 in the CHAP rate period.

3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) of this Section that are located in an HPSA on July 1, 1999, shall receive $276.00 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.

c) Direct Hospital Adjustment (DHA) Criteria

1) Qualifying Criteria
Hospitals may qualify for the DHA under this subsection (c) under the following categories:

A) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals and long term stay hospitals, all other hospitals located in Health Service Area (HSA) 6 that either:

i) were eligible for Direct Hospital Adjustments under the CHAP program as of July 1, 1999, and had a Medicaid inpatient utilization rate (MIUR) equal to or greater than the statewide mean in Illinois on July 1, 1999;

ii) were eligible under the Supplemental Critical Hospital Adjustment Payment (SCHAP) program as of July 1, 1999, and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999; or

iii) were county owned hospitals as defined in 89 Ill. Adm. Code 148.25(b)(1)(A), and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999.

B) Illinois hospitals located outside of HSA 6 that had an MIUR greater than 60 percent on July 1, 1999, and an average length of stay less than ten days. The following hospitals are excluded from qualifying under this subsection (c)(1)(B): children's hospitals; psychiatric hospitals; rehabilitation hospitals; and long term stay hospitals.

C) Children's hospitals, as defined under 89 Ill. Adm. Code 149.50(c)(3), on July 1, 1999.

D) Illinois teaching hospitals, with more than 40 graduate medical education programs on July 1, 1999, not qualifying in subsection (c)(1)(A), (B), or (C) of this Section.

E) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals qualifying in subsection (c)(1)(A), (B), (C) or (D) of this Section, all other hospitals located in Illinois that had an MIUR equal to or greater than the mean plus one-half standard deviation on July 1, 1999, and provided more than 15,000 Total days.

F) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A), (B), (C), (D), or (E) of this Section, all other hospitals that had an MIUR greater than 40 percent on July 1, 1999, and provided more than 7,500 Total days and provided obstetrical care as of July 1, 2001.

G) Illinois teaching hospitals with 25 or more graduate medical education programs on July 1, 1999, that are affiliated with a Regional Alzheimer's Disease Assistance Center as designated by the Alzheimer's Disease Assistance Act [410 ILCS 405/4], that had an MIUR less than 25 percent on July 1, 1999, and provided 75 or more Alzheimer days for patients diagnosed as having the disease.

H) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A) through (c)(1)(G) of this Section, all other hospitals that had an MIUR greater than 50 percent on July 1, 1999.

I) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A) through (c)(1)(H) of this Section, all other hospitals that had an MIUR greater than 23 percent on July 1, 1999, had an average length of stay less than four days, provided

more than 4,200 Total days and provided 100 or more Alzheimer days for patients diagnosed as having the disease.

2) DHA Rates

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

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

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

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

iv) Hospitals that have a Combined MIUR that is equal to or greater than two standard deviations above the Statewide mean Combined MIUR will receive $142.00 per day for hospitals that do not provide obstetrical care and $179.00 per day for hospitals that do provide obstetrical care.

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

i) County owned hospitals as defined in Section 148.25 with more than 30,000 Total days will have their rate increased by $455.00 per day.

ii) Hospitals that are not county owned with more than 30,000 Total days will have their rate increased by $330.00 per day.

iii) Hospitals with more than 80,000 Total days will have their rate increased by an additional $423.00 per day.

iv) Hospitals with more than 4,500 Obstetrical days will have their rate increased by $101.00 per day.

v) Hospitals with more than 5,500 Obstetrical days will have their rate increased by an additional $194.00 per day.

vi) Hospitals with an MIUR greater than 74 percent will have their rate increased by $147.00 per day.

vii) Hospitals with an average length of stay less than 3.9 days will have their rate increased by $41.00 per day.

viii) Hospitals with an MIUR greater than the statewide mean plus one standard deviation that are designated a Perinatal Level 2 Center and have one or more obstetrical graduate medical education programs as of July 1, 1999, will have their rate increased by $227.00 per day.

ix) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an average length of stay less than four days will have their rate increased by $182.25 per day.

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

xi) Hospitals receiving payments under subsection (c)(2)(A)(iv) of this Section that have an MIUR greater

than 70 percent and have more than 20,000 days will have their rate increased by $98.00 per day.

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

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

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

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

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

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

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

iv) Hospitals that are not located in Illinois that have an MIUR greater than 45 percent will have their rate increased by $32.00 per day for hospitals that have fewer than 4,000 Total days; or $246.00 per day for hospitals that have more than 4,000 Total days but fewer than 8,000 Total days; or $178.00 per day for hospitals that have more than 8,000 Total days.

v) Hospitals with more than 3,200 Total admissions will have their rate increased by $328.00~~$248.00~~ per day.

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

i) Hospitals will receive a rate of $41.00 per day.

ii) Hospitals with an MIUR between 18 percent and 19.75 percent will have their rate increased by an additional $14.00 per day.

iii) Hospitals with an MIUR equal to or greater than 19.75 percent will have their rate increased by an additional $87.00 per day.

iv) Hospitals with a combined MIUR that is equal to or greater than 35 percent will have their rate increased by an additional $41.00 per day.

F) Hospitals qualifying under subsection (c)(1)(E) of this Section will receive $188.00 per day.

G) Hospitals qualifying under subsection (c)(1)(F) of this Section will receive a rate of $55.00 per day.

H) Hospitals that qualify under subsection (c)(1)(G) of this Section will receive the following rates:

i) Hospitals with an MIUR greater than 19.75 percent will receive a rate of $69.00 per day.

ii) Hospitals with an MIUR equal to or less than 19.75 percent will receive a rate of $11.00 per day.

I) Hospitals qualifying under subsection (c)(1)(H) of this Section will receive a rate of $268.00 per day.

J) Hospitals qualifying under subsection (c)(1)(I) of this Section will receive a rate of $238.00 per day.

K~~J~~) Hospitals that qualify under subsection (c)(1)(A)(iii) of this Section will have their rates multiplied by a factor of two. The payments calculated under this Section to hospitals that qualify under subsection (c)(1)(A)(iii) of this Section may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations. A portion of the payments calculated under this Section may be classified as disproportionate

share adjustments for hospitals qualifying under subsection (c)(1)(A)(iii) of this Section.

3) DHA Payments

A) Payments under this subsection (c) will be made at least quarterly, beginning with the quarter ending December 31, 1999.

B) Payment rates will be multiplied by the Total days.

C) Total Payment Adjustments

i) For the CHAP rate period occurring in State fiscal year 2006~~2004~~, total payments will equal the methodologies described in subsection (c)(2) of this Section. For the period January 1, 2006~~April 1, 2004~~, to June 30, 2006~~2004~~, payment will equal the State fiscal year 2006~~2004~~ amount less the amount the hospital received under DHA for the quarters ending September 30, 2006~~2003~~, and December 31, 2006~~2003, and March 31, 2004~~.

ii) For CHAP rate periods occurring after State fiscal year 2006~~2004~~, total payments will equal the methodologies described in subsection (c)(2) of this Section.

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

1) the product of $1,367.00 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or

2) the product of $138.00 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.

e) Total CHAP Adjustments

Each eligible hospital's critical hospital adjustment payment shall equal the sum of the amounts described in subsections (a), (b), (c) and (d) of this Section. The critical hospital adjustment payments shall be paid at least quarterly.

f) Critical Hospital Adjustment Limitations
Hospitals that qualify for trauma center adjustments under subsection (a) of this Section shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) of this Section, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) of this Section. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.

g) Critical Hospital Adjustment Payment Definitions
The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:

1) "Alzheimer days" means total paid days contained in the Department's paid claims database with a ICD-9-CM diagnosis code of 331.0 for dates of service occurring in State fiscal year 2001 and adjudicated through June 30, 2002.

2) "CHAP base period" means State Fiscal Year 1994 for CHAP calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP calculated for the July 1, 1996, CHAP rate period; etc.

3) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.

4) "Combined MIUR" means the sum of Medicaid Inpatient Utilization Rate (MIUR) as of July 1, 1999, and as defined in Section 148.120(k)(5), plus the Medicaid obstetrical inpatient utilization rate, as described in Section 148.120(k)(6), as of July 1, 1999.

5) "Medicaid general care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for

normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.

6) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.

7) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (g)(5) of this Section.

8) "Medicaid obstetrical care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with Diagnosis Related Grouping (DRG) of 370 through 375; and specifically excludes Medicare/Medicaid crossover claims.

9) "Medicaid trauma admission" means those claims billed as admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.31, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through

887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925 through 925.2, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99.

10) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.

11) "RCHAP general care admissions" means Medicaid General Care Admissions, as defined in subsection (g)(4) of this Section, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.

12) "RCHAP obstetrical care admissions" means Medicaid Obstetrical Care Admissions, as defined in subsection (g)(7) of this Section, with a Diagnosis Related Grouping (DRG) of 370 through 375, occurring in the CHAP base period.

13) "Total admissions" means total paid admissions contained in the Department's paid claims database, including obstetrical admissions multiplied by two and excluding Medicare crossover admissions, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.

14) "Total days" means total paid days contained in the Department's paid claims database, including obstetrical days multiplied by two and excluding Medicare crossover days, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.

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

(Source: Amended at 30 Ill. Reg. 8877, effective May 1, 2006)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Child Support Enforcement

2) Code Citation: 89 Ill. Adm. Code 160

3) Section Number: 160.65 Adopted Action: Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendment: May 1, 2006

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: September 23, 2005; 29 Ill. Reg. 14148

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences Between Proposal and Final Version: No changes have been made to this proposed rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

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

15) Summary and Purpose of Amendment: The amendment concerning child support enforcement pertains to appeals of administrative orders for support and the Quantitative Standard for Review which refers to the current financial ability of the non-custodial parent. The changes provide a technical correction on when a redetermination or request for an appeal of an administrative order may be initiated by the client and/or non-custodial parent pursuant to modification of the existing support obligations. When a client appeals an administrative order, if the Quantitative Standard for Review has not been met, either parent may request a redetermination; if the Quantitative Standard for

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Review has been met, either parent may petition the Department for a release from, or modification of, the order and receive a hearing.

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, Third 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
SUBCHAPTER f: COLLECTIONS

PART 160
CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

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

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

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

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section
160.70 Enforcement of Support Orders

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160.71 Credit for Payments Made Directly to the Title IV-D Client
160.75 Withholding of Income to Secure Payment of Support
160.77 Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies
160.80 Amnesty – 20% Charge (Repealed)
160.85 Diligent Efforts to Serve Process
160.88 State Case Registry

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section
160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section
160.95 State Disbursement Unit
160.100 Distribution of Child Support for TANF Recipients
160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services
160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130 Distribution of Intercepted Federal Income Tax Refunds
160.132 Distribution of Child Support for Non-TANF Clients
160.134 Distribution of Child Support For Interstate Cases
160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section
160.140 Statement of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

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

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at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006.

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section 160.65 Modification of Support Obligations

a) Definitions

1) "Order for support" means any court or administrative order establishing the level of child support due to a child from the responsible relative.

2) "Income Withholding Notice" means the notice served on a payor, pursuant to entry of a court or administrative order for support, that directs the payor to withhold a part of a responsible relative's income for payment of child support.

3) "Assignment of support" has the meaning set forth in Section 160.5.

4) "Assignment of medical support" has the meaning set forth in Section 160.5.

5) "Health insurance" means health insurance or health plan coverage for the dependent child for whom support is sought.

6) "Review" means the FSS comparison of the responsible relative's current financial ability to the existing order for support, as described in subsection (f) of this Section.

7) "Quantitative Standard for Review" means the current financial ability of the responsible relative, as determined through modification review, is at least 20 percent above or below the existing order for support and the change is an amount equal to at least $10 a month.

b) Review and Modification of Support Orders

1) The Department, beginning October 13, 1993, shall review child support orders in Title IV-D cases at 36 month intervals after establishment, modification or the last review, whichever was the last to occur, unless:

A) In a case in which there is an assignment of support or an assignment of medical support, the Department determines, in accordance with subsection (b)(3) of this Section, that a review would not be in the best interests of the child and neither parent has requested a review; or

B) In a case in which there is no assignment of support or assignment of medical support, neither parent has requested a review; or

C) In a case in which there is an assignment of medical support but no assignment of support, the order for support requires health insurance for the child covered by the order and neither parent has requested a review.

2) Prior to the expiration of the 36 month period:

A) The Department, in a case in which there is an assignment of support or an assignment of medical support, shall review the order if:

i) an order for withholding has been served on the responsible relative's payor, and payments have been received by the Department within the 90 days prior to selection for review; and

ii) the order for support does not require the responsible relative to provide health insurance for the child covered by the order; and

iii) the Department has not determined that a review would not be in the best interests of the child.

B) The Department, in a case in which there is no assignment of support or assignment of medical support, shall review orders as

set forth in subsection (b)(2)(A) of this Section, but only with the consent of the client.

C) The Department may review any order for support, unless it has determined that a review would not be in the best interests of the child, whenever a change in financial circumstances of the responsible relative becomes known through representations of the relative or of the client or from independent sources, and such change would materially affect ability to support.

3) The Department shall determine that a review of an order for support would not be in the best interests of the child if there has been a finding of good cause, and it has been determined that support enforcement may not proceed without risk of harm to the child or caretaker relative.

c) Notice of the Right to Request a Review

1) In each Title IV-D case, the Department shall provide notice not less than once every three years to each parent subject to an order for support in the case. The notice may be included in the order and shall inform the parent of the right to request a review of the order, where to request a review and the information which must accompany a request.

2) The Department shall use the broadcast or print media at least twice a calendar year to publicize the right to request a review as part of the child support enforcement program, and include notice of this right as part of the information on IV-D services contained in its brochures, pamphlets and other printed materials describing the program.

d) Notice of Review

1) The Department shall notify the client and responsible relative that a review will be conducted at least 30 days before commencement of the review.

2) The notice of review shall:

A) Require completion of a form financial affidavit and return of the affidavit to the Department within 15 calendar days after the date the client or relative received the notice; and

B) State that if, as a result of the review, action is taken to modify the order for support, the Department will order or request the court to order the responsible relative to provide health insurance. However, in cases where the client is not receiving medical assistance, the notice shall state that health insurance may be ordered or requested only with the client's consent, as provided in Section 160.60(c)(7).

e) Information Gathering and Employer Contact

1) The Department shall capture all available responsible relative financial information from existing federal and State sources (for example, Illinois Department of Employment Security) through electronic data searches on all IV-D cases.

2) The Department may send a notice to the responsible relative's employer, in accordance with Section 10-3.1 of the Illinois Public Aid Code [305 ILCS 5/10-3.1]. The notice shall:

A) require the disclosure of responsible relative employment information, including but not limited to:

i) the period of employment;

ii) the frequency of wage payments;

iii) gross wages, net pay and all deductions taken in reaching net pay;

iv) the number of dependent exemptions claimed by the responsible relative; and

v) health insurance coverage available to the responsible relative through the employer.

B) require employer compliance within 15 calendar days after the employer's receipt of the notice.

3) If the responsible relative fails to return a completed financial affidavit

within 15 calendar days after receipt of the notice of review, and the relative's employer is unknown, the Department may use available means for obtaining the relative's financial information, e.g., service of a subpoena upon the responsible relative.

f) Review of the Order for Support

1) The FSS shall review any financial information concerning the responsible relative. Where the responsible relative's information is not verified through an employer, wage stubs or income tax returns, the FSS shall seek other verification, e.g., subpoena of the responsible relative's income tax return.

2) The FSS shall determine the responsible relative's current financial ability in accordance with the guidelines contained in Section 160.60(c).

3) The FSS shall compare the responsible relative's current financial ability to the amount of the existing order for support and determine if the Quantitative Standard for Review has been met.

4) The FSS shall determine if health insurance is being provided for the child under the order for support or whether the child's health care needs are being met through other means. In no event shall the FSS consider a child's eligibility for, or receipt of, medical assistance to meet the need to provide for the child's health care needs.

g) Notice of Review Results
The Department shall inform the client and responsible relative of the results of the review and provide a copy of the FSS calculation comparing the responsible relative's current financial ability to the amount of the existing order within 14 days after the review results are determined. The client and responsible relative will be advised whether or not the Department will take action to modify the existing order for support and of the right to contest the determination.

1) When the review indicates the Quantitative Standard for Review has not been met, the client and responsible relative, in both judicial and administrative cases, are advised as follows:

A) The Department will not take action to modify the order for support.~~; or~~

B) The Department will only take action to modify the order to require health insurance for the child covered by the order.

C) Either parent may request a redetermination within 30 calendar days after the date of the notice by:

i) signing and returning the request for a redetermination to the Department; and

ii) providing financial documentation or information concerning the child's health care needs not furnished previously, which will substantiate the request.

2) When the review indicates the Quantitative Standard for Review has been met, the client and responsible relative will be advised that:

A) The Department will take action to modify the existing order for support in accordance with the review results.

B) In cases involving the judicial process, each parent will be informed 30 calendar days in advance of the hearing date and will have the opportunity to contest the review results at that time.

C) In cases where an administrative order for support is entered in accordance with subsection (h) of this Section:

i) The client and responsible relative will be advised that he or she has until 30 calendar days after the date of mailing of the administrative order for support in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102. The client will be further advised that he or she may provide financial documentation or information concerning the child's health care needs not furnished previously that will substantiate the requested relief.

ii) Where both the client and the responsible relative request a hearing, the two requests shall be merged and shall be disposed of simultaneously by the hearing proceeding. The

parties shall be advised of the right to present evidence at the hearing, including the client's right to provide financial documentation or information concerning the child's health care needs not furnished previously that will substantiate the requested relief.

iii) Where the responsible relative requests a hearing and the client does not, the client shall again be advised of the right to present evidence at the hearing.

iv) Where the client requests a hearing and the responsible relative does not, the responsible relative shall again be advised of the right to present evidence at the hearing.

3) For purposes of calculating the 30 calendar day period in which to petition the Department for release from or modification of the administrative order for support or to request redetermination of the review results, the day immediately subsequent to the mailing of the order or determination shall be considered the first day and the day such request is received by the Department shall be considered as the last day.

h) Further Actions Taken by the Department

1) The Department shall take the following action when the FSS has determined in accordance with subsection (f) of this Section that the Quantitative Standard for Review has been met or when the Quantitative Standard for Review has not been met, but there is a determination that the order for support needs to be modified to require provision of health insurance:

A) In a case involving an order for support entered by the court, the FSS shall:

i) prepare a petition to modify, and obtain or affix appropriate signature thereto;

ii) refer the case for legal action to modify the order for support pursuant to Section 510 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510]; and

iii) provide the client and responsible relative with the notice described in subsection (g)(2)(B) of this Section.

B) In a case involving an administrative order for support established under Section 160.60(d), or modified under this Section, the FSS shall enter an administrative order for support incorporating the results of the review and containing the information specified in Section 160.60(d)(5). Any order for health insurance shall be entered in accordance with Section 160.60(c)(7).

i) The FSS shall effect income withholding in accordance with Section 160.60(d)(6).

ii) The FSS shall provide to the client and responsible relative copies of the administrative order for support together with the notice described in subsection (g)(2)(C) of this Section ~~above~~.

2) Upon receipt of a petition for a release from, or modification of, an administrative order for support as described in subsection (g)(2)(C)~~(ii)~~ of this Section within 30 calendar days after the date of mailing of such order, the Department will provide a hearing in accordance with 89 Ill. Adm. Code 104.102. The 30 calendar day period shall be calculated in accordance with subsection (g)(3) of this Section ~~above~~.

3) Upon receipt of a request for a redetermination as set forth in subsection (g)(1)~~subsections (g)(1)(C) and (2)(C)(i)~~ of this Section within 30 calendar days after the date of mailing of the notice, the Department shall conduct such redetermination. The 30 calendar day period shall be calculated in accordance with subsection (g)(3) of this Section.

i) Timeframes for Review and Modification

1) In any case in which there is an assignment of support or an assignment of medical support, the Department shall determine within 15 calendar days after October 13, 1993, or the date the order is 36 months old, whichever is later, whether a review should be conducted as provided in subsection (b)(1) of this Section.

2) Subsequent determinations about whether to review an order for support in

a case in which there is an assignment of support or an assignment of medical support shall be made by the Department in accordance with subsection (b)(1) of this Section, at 36 month intervals based upon:

A) the date the order for support was modified; or

B) the date an order was entered determining that the order for support would not be modified; or

C) the date the period expired for requesting redetermination of the Department's review decision not to seek modification of the order for support.

3) Within 15 calendar days after receipt of a request for a review, the Department shall determine whether a review should be conducted in accordance with subsection (b)(1) of this Section.

4) Within 180 calendar days after determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall:

A) send the notice of review in accordance with subsection (d) of this Section;

B) conduct a review of the order in accordance with subsection (f) of this Section;

C) send the notice of review results in accordance with subsection (g) of this Section; and

D) conclude any action to modify the order for support.

j) Interstate Review and Modification

1) Initiating Cases

A) In any case in which there is an assignment of support or an assignment of medical support, the Department shall determine, within 15 calendar days after October 13, 1993, or the date the order for support is 36 months old, whichever date occurs later,

whether a review should be conducted, as required under subsection (b)(1) of this Section, and whether the review should be conducted by the Department or another state.

B) Subsequent determinations about whether to conduct a review shall be made in accordance with subsection (b)(1) of this Section, at 36 month intervals based upon:

i) the date the order for support was modified; or

ii) the date an order was entered determining that the order for support would not be modified; or

iii) the date the period expired for requesting redetermination of a review decision not to seek modification of the order for support.

C) Within 15 calendar days after receipt of a request for a review, the Department shall determine whether a review should be conducted, as required under subsection (b)(1) of this Section, and whether the review should be conducted by the Department or another state.

D) Prior to the expiration of the 36 month period, the Department:

i) shall review or request another state to review an order for support under the circumstances set forth in subsections (b)(2)(A) and (B) of this Section; and

ii) may review or request another state to review an order for support as provided in subsection (b)(2)(C) of this Section.

E) The Department shall determine in which state a review should be conducted after considering all relevant factors, including but not limited to:

i) the location of existing orders~~order(s)~~;

ii) the present residence of each party; and

iii) whether a particular state has jurisdiction over the parties.

F) In any case coming under the provisions of subsections (j)(1)(A), (B) and (C) of this Section, in which the Department has determined to request a review of an order for support in another state, the Department shall:

i) send a request for review to that state within 20 calendar days after receipt of sufficient information to conduct the review and provide that state with sufficient information on the requestor of review to act on the request; and

ii) send to the parent in Illinois~~,~~ a copy of any notice issued by the responding state in connection with the review and modification of the order, within five working days after receipt of such notice by the Department.

2) Responding Cases

A) Within 15 calendar days after receipt of a request for a review of an order for support in Illinois as the responding state, the Department shall determine whether a review should be conducted in accordance with subsection (b)(1) of this Section.

B) Within 180 calendar days after determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall take the actions specified in subsection (i)(4) of this Section.

(Source: Amended at 30 Ill. Reg. 8897, effective May 1, 2006)

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Elder Rights

2) Code Citation: 89 Ill. Adm. Code 270

3)

Section Numbers:	Adopted Action:
270.210	Amendment
270.215	Amendment
270.255	Amendment

4) Statutory Authority: 320 ILCS 20/2, 3.5, and 7 (as amended by Public Act 93-300, effective January 1, 2004, and Public Act 93-301, effective January 1, 2004)

5) Effective Date of Amendments: April 28, 2006

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: 29 Ill. Reg. 12290; August 12, 2005

10) Has JCAR issued a Statement of Objection to these Amendments? No

11) Differences between proposal and final version: A definition was added for the term "State Triad" in Section 270.210.

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: The underlying purpose for these amendments is to update the rules for the Elder Rights Programs to (1) reflect the name change for the Department of Public Aid and (2) conform with statutory changes resulting from the enactment of Public Act 93-300 and Public Act 93-301.

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

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

Karen Alice Kloppe
Assistant General Counsel
Illinois Department on Aging
421 E. Capitol Avenue, #100
Springfield, Illinois 62701-1789

(217) 782-2844

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

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 270
ELDER RIGHTS

SUBPART A: INTRODUCTION

Section
270.10 Summary and Purpose

SUBPART B: LONG TERM CARE OMBUDSMAN PROGRAM

Section
270.100 Long Term Care Ombudsman Program
270.105 Definitions
270.110 Responsibilities of the Department and the Office of the State Long Term Care Ombudsman
270.115 Display of Ombudsman Poster
270.120 Access to Resident Records
270.130 Conflict of Interest

SUBPART C: ELDER ABUSE AND NEGLECT PROGRAM

Section
270.200 Purpose
270.205 Elder Abuse and Neglect Program
270.210 Definitions
270.215 Organizational Standards and Responsibilities: Department on Aging
270.220 Organizational Standards and Responsibilities: Regional Administrative Agencies
270.225 Organizational Standards and Responsibilities: Elder Abuse Provider Agencies
270.230 Elder Abuse Reporting
270.235 Immunity
270.240 Intake of ANE Reports
270.245 Access to Eligible Adults
270.250 Minimum Assessment and Classification Standards
270.255 ANE Case Work, Follow-Up, Referral to Law Enforcement and Case Closure
270.260 Authority to Consent to Services and Court Petitions
270.265 Emergency Intervention Services

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

270.270 Multi-disciplinary Teams
270.275 Confidentiality and Disclosure

AUTHORITY: Implementing Section 4.04(c) and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.04(c) and 4.01(11)] and Section 10 of the Elder Abuse and Neglect Act [320 ILCS 20/10].

SOURCE: Adopted at 21 Ill. Reg. 8887, effective July 1, 1997; amended at 25 Ill. Reg. 5259, effective April 1, 2001; amended at 26 Ill. Reg. 3964, effective March 15, 2002; expedited correction at 26 Ill. Reg. 8482, effective March 15, 2002; amended at 30 Ill. Reg. 8913, effective April 28, 2006.

SUBPART C: ELDER ABUSE AND NEGLECT PROGRAM

Section 270.210 Definitions

"Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources. [320 ILCS 20/2(a)]

"Abuser" means a person who abuses, neglects, or financially exploits an eligible adult. [320 ILCS 20/2(a-5)]

"Act" means the Elder Abuse and Neglect Act. [320 ILCS 20]

"After Hours Line" means the toll-free statewide number that can be called to report suspected cases of elder abuse, neglect and exploitation on holidays, weekends and weekdays before 8:30 a.m. and after 5:00 p.m.

"Allegation" means a charge or a claim of abuse, neglect, or financial exploitation.

"Alleged abuser" means a person who is reported as abusing, neglecting, or financially exploiting an older person.

"Alleged victim" means the older person who is reported as being abused, neglected, or financially exploited.

"ANE" means abuse, neglect, and financial exploitation.

"Assessment" means the process of obtaining and documenting information

about the case to determine if there is reason to believe abuse, neglect or exploitation is occurring (or has occurred), and to ascertain the level of risk to the eligible adult of future abuse or harm.

"Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation, has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living. [320 ILCS 20/2(a-7)]

"Casework" is the development and implementation of a service plan for the client, which minimally includes: the identification of the needs, problems, limitations and capacities of the client; interventions to protect the health, welfare and safety of the client; assisting the client in obtaining needed services; and respecting the self-determination and independence of the client.

"Clear and convincing" is the standard of proof that must be met to reach a "verified" substantiation decision in the ANE Program. This standard of proof is met when the credible evidence, weighed in its entirety, creates a substantial certainty that the abuse, neglect or financial exploitation is occurring or has occurred.

"Client" is an eligible adult who is receiving services from the elder abuse provider agency.

"Confinement" means restraining or isolating an older person for other than bona fide medical reasons.

"Department" means the Department on Aging of the State of Illinois. [320 ILCS 20/2(b)]

"Director" means the Director of the Department. [320 ILCS 20/2(c)]

"Domestic living situation" means a residence where the eligible adult lives alone or with his or her family or a caregiver, or others, or a board and care home or other community-based unlicensed facility, but is not:

> *A licensed facility as defined in Section 1-113 of the Nursing Home Care Act* [210 ILCS 45/1-113];
>
> A *" life care facility" as defined in the Life Care Facilities Act* [210 ILCS

40];

A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act [210 ILCS 85];

A "community living facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];

A "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [210 ILCS 140]; and

A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135].

"Elder abuse provider agency" means any public or nonprofit agency, appointed by the regional administrative agency with prior approval by the Department, to receive and assess reports of alleged or suspected abuse, neglect and financial exploitation.

"Eligible adult" means a person 60 years of age or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual. [320 ILCS 20/2(e)]

"Emergency Intervention Services" are the services purchased by elder abuse provider agencies to provide temporary short term or emergency services necessary to secure the health, welfare and/or safety of a client when other existing resources are unavailable.

"Emotional abuse" means verbal assaults, threats of maltreatment, harassment, or intimidation.

"Financial exploitation" means the use of an older person's resources by another to the disadvantage of the older person and/or the profit or advantage of a person

other than the older person.

"Follow-up" means the monitoring of substantiated cases of ANE for clients of the program.

"Guardian" means a person appointed by a court of competent jurisdiction, who is legally responsible for the care of a person who has been adjudicated by the court to be incompetent to manage his or her own affairs and/or property.

"Intake" means the point at which an elder abuse provider agency receives a report of alleged or suspected abuse, neglect, or financial exploitation; screens the case to make an initial determination that the alleged victim is an eligible adult; and, if so, opens a case file to keep a record of the case.

"Intervention" means an action initiated by the elder abuse caseworker or the elder abuse provider agency to provide medical, social, economic, legal, housing, law enforcement, or other protective, emergency, or supportive services to, or on behalf of, the elder abuse victim or alleged victim.

"Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

a professional or professional's delegate while engaged in:

social services,

law enforcement,

education,

the care of an eligible adult or eligible adults, or

any of the occupations required to be licensed under the Clinical Psychologist Licensing Act [225 ILCS 15], *the Clinical Social Work and Social Work Practice Act* [225 ILCS 20], *the Illinois Dental Practice Act* [225 ILCS 25], *the Dietetic and Nutrition Services Practice Act* [225 ILCS 30], *the Marriage and Family Therapy Licensing Act* [225 ILCS 55], *the Medical Practice Act of 1987* [225 ILCS 60], *the Respiratory Care Practice Act* [225 ILCS 106], *the Naprapathic Practice Act* [225 ILCS 63], *the Illinois*

Nursing and Advanced Practice Nursing Act ~~of 1987~~ [225 ILCS 65], *the Nursing Home Administrators Licensing and Disciplinary Act* [225 ILCS 70], *the Illinois Occupational Therapy Practice Act* [225 ILCS 75], *the Illinois Optometric Practice Act of 1987* [225 ILCS 80], *the Pharmacy Practice Act of 1987* [225 ILCS 85], *the Illinois Physical Therapy Act* [225 ILCS 90], *the Physician Assistant Practice Act of 1987* [225 ILCS 95], *the Podiatric Medical Practice Act of 1987* [225 ILCS 100], *the Professional Counselor and Clinical Professional Counselor Licensing Act* [225 ILCS 107], *the Illinois Speech-Language Pathology and Audiology Practice Act* [225 ILCS 110], *the Veterinary Medicine and Surgery Practice Act of 1994* [225 ILCS 115], *and the Illinois Public Accounting Act* [225 ILCS 450];

an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

an administrator, employee, or person providing services in or through an unlicensed community-based facility;

a Christian Science Practitioner;

field personnel of the Department of Healthcare and Family Services~~Public Aid~~, Department of Public Health, and Department of Human Services, and any county or municipal health department;

personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman; provided that attorneys contracted or employed by the Area Agencies and their senior legal services providers and licensed to practice in Illinois are not mandated to report elder abuse, although they may voluntarily do so;

any employee of the State of Illinois not otherwise specified in this definition who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults; ~~or~~

a person who performs the duties of a coroner or medical examiner; or

a person who performs the duties of a paramedic or an emergency medical technician. [320 ILCS 20/2(f-5)]

"Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or medical care. This definition does not create any new affirmative duty to provide support to eligible adults. Nothing in the Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals. [320 ILCS 20/2(g)]

"Passive neglect" means the failure by a caregiver to provide an eligible adult with the necessities of life including, but not limited to, food, clothing, shelter, or medical care, because of failure to understand the eligible adult's needs, lack of awareness of services to help meet needs, or a lack of capacity to care for the eligible adult.

"Physical abuse" means the causing of physical pain or injury to an eligible adult.

"Preponderance of the evidence" is the standard of proof that must be met to reach a "some indication" substantiation decision in the ANE Program. This standard of proof is met when the credible evidence, weighed in its entirety, creates a reasonable certainty that more likely than not the abuse, neglect or financial exploitation is occurring or has occurred.

"Provider agency" means any public or nonprofit agency in a planning and service area appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation. [320 ILCS 20/2(h)]

"Regional administrative agency" means any public or nonprofit agency in a planning and service area so designated by the Department, provided that the designated Area Agency on Aging shall be designated the regional administrative agency if it so requests. The Department shall assume the functions of the regional administrative agency for any planning and service area where another agency is not so designated. [320 ILCS 20/2(i)]

"Reporter" means the person who calls, visits or otherwise communicates to an authorized intake agency allegations or suspicions that an eligible adult has been

or is being abused, neglected, or financially exploited.

"Senior HelpLine" means the Department's toll-free statewide number that can be called to report suspected cases of elder abuse, neglect and financial exploitation, or to obtain additional information about services available to eligible adults.

"Sexual abuse" means any sexual activity with an eligible adult who is unable to understand, unwilling to consent, threatened, or physically forced to engage in such sexual activity.

"Source of information" means the point of origin of information about the client.

"State Triad" is a statewide, unincorporated, voluntary association of law enforcement, senior citizens and community groups, organized around the issue of senior safety, crime against the elderly, and financial exploitation of the elderly. The State Triad Council was created under the aegis of the National Association of Triads, Inc., 1450 Duke Street, Alexandria VA 22314.

"Substantiation" is the process by which an elder abuse provider agency determines, after a review of all available information, that abuse, neglect or financial exploitation of an eligible adult has occurred.

"Substantiated case" means a reported case of alleged or suspected abuse, neglect or financial exploitation in which a provider agency, after assessment, determines that there is reason to believe abuse, neglect, or financial exploitation has occurred. [320 ILCS 20/2(j)]

"Victim" means an eligible adult who is the subject of a substantiated report of abuse, neglect, or financial exploitation.

"Willful deprivation" is the deliberate denial to an eligible adult of required medication, medical care, shelter, food, therapeutic devices, or other physical assistance, thereby exposing that person to the risk of physical, mental, or emotional harm. Willful deprivation shall not include the discontinuation of medical care or treatment when the eligible adult has expressed a desire to forego such medical care or treatment.

(Source: Amended at 30 Ill. Reg. 8913, effective April 28, 2006)

Section 270.215 Organizational Standards and Responsibilities: Department on Aging

a) *The Department shall establish, design and manage a program of response and services for persons 60 years of age and older who have been, or are alleged to be, victims of abuse, neglect, or financial exploitation. The Department shall contract with or fund, or contract with and fund, regional administrative agencies, provider agencies, or both, for the provision of those functions, and, contingent on adequate funding, with attorneys or legal services provider agencies for the provision of legal assistance pursuant to the Act.* [320 ILCS 20/3(a)]

b) The Department shall have the overall responsibility for designing, managing and monitoring the Elder Abuse and Neglect Program.

c) The Department shall designate regional administrative agencies and approve the designation and termination of elder abuse provider agencies. Designated elder abuse provider agencies are agents of the Illinois Department on Aging.

d) The Department shall design and manage the programmatic and financial reporting system for the program. The Department shall develop and manage a monitoring/quality assurance system for the program.

e) The Department shall develop and implement public awareness efforts designed to publicize the purposes and mode of operation of the program through public service announcements, posters, and brochures.

f) The Department shall provide technical assistance, policy clarifications and/or interpretations to regional administrative agencies on adherence to the rules, standards, and procedures established for the program. The Department may provide technical assistance in case handling directly to the elder abuse provider agencies. The technical assistance provided by the Department may include legal advice and consultation. The Department's interpretation of policy and procedure shall prevail.

g) The Department shall provide training to elder abuse provider agency staff who will assess reports of ANE or who will supervise staff performing the assessment function. Regional administrative agency staff working in the program shall also be trained by the Department.

h) The Department shall maintain a registry of all elder abuse provider agency and regional administrative agency staff who have successfully completed Department

sponsored certification training and are employed in the program.

i) The Department's "Senior HelpLine" and the "After Hours Line" shall receive reports of ANE and relay such reports to the appropriate elder abuse provider agency within the required timelines.

j) *The Department shall also be responsible for, contingent upon adequate funding, coordination of efforts with other agencies, councils, and like entities, which may impact awareness of, and response to, elder abuse, neglect, and financial exploitation, and promotion of prevention activities.* [320 ILCS 20/3.5]

k) *The Department shall file with the Governor and the General Assembly, within 270 days after the end of each fiscal year, a report concerning its implementation of the Act during such fiscal year, together with any recommendations for future implementation.* [320 ILCS 20/11]

l) The Department shall reimburse elder abuse provider agencies under contract at a uniform rate established by the Department. A separate rate shall be established for each of the following case activities completed by the elder abuse provider agency: assessment, case work, and follow-up.

m) If a designated elder abuse provider agency terminates its contract to provide services, the Department, in coordination with the regional administrative agency, shall ensure that elder abuse services are available without interruption to eligible adults within the terminated elder abuse provider agency's service area.

n) The Department shall establish and coordinate a training program on the unique nature of elder abuse cases with other agencies and councils, including the Office of the Attorney General, the State Police, the State Triad, and other similar agencies.

o) The Department shall solicit *financial institutions for the purpose of making information available to the general public warning of financial exploitation of the elderly and related financial fraud or abuse, including such information and warning available through signage or other written materials provided by the Department on the premises of such financial institutions, provided that the manner of displaying or distributing such information is subject to the sole discretion of each financial institution.* [320 ILCS 20/3.5]

p) The Department shall coordinate *efforts with utility and electric companies to*

send notices in utility bills to explain to persons 60 years of age or older their rights regarding telemarketing and home repair fraud. [320 ILCS 20/3.5]

(Source: Amended at 30 Ill. Reg. 8913, effective April 28, 2006)

Section 270.255 ANE Case Work, Follow-Up, Referral to Law Enforcement and Case Closure

a) Case Work
Provider agencies shall assist, to the extent possible, eligible adults who need agency services to allow them to continue to function independently. [320 ILCS 20/3(c)] If, after the assessment, the provider agency determines that the case is substantiated, it shall develop a service care plan for the eligible adult, where the adult consents to services.

b) Follow-up
All services provided to an eligible adult shall be reviewed by the provider agency on at least a quarterly basis for up to one year to determine whether the service care plan should be continued or modified except that, upon review, the Department may grant a waiver to extend the service care plan for up to one additional year. [320 ILCS 20/7]

c) Referral
A provider agency shall refer evidence of crimes against an eligible adult to the appropriate law enforcement agency according to Department policies. A referral to law enforcement may be made at intake or any time during the case. Where a provider agency has reason to believe the death of an eligible adult may be the result of abuse or neglect, the agency shall immediately report the matter to the coroner or medical examiner and shall cooperate fully with any subsequent investigation. [320 ILCS 20/5(b)]

d) The "evidence of crimes" referred to in subsection (c) includes:

1) death that may have been the result of abuse or neglect;

2) brain damage;

3) loss or substantial impairment of a bodily function or organ;

4) bone fracture;

5) extensive burns;

6) substantial disfigurement;

7) sexual assault or aggravated sexual assault;

8) serious bodily injury as the result of a pattern of repetitive actions;

9) extensive swelling or bruising, depending on such factors as the eligible adult's physical condition, circumstances under which the injury occurred, and the number and location of bruises;

10) serious symptoms resulting from the use of medications or chemical restraints, or the withholding of life sustaining medications (e.g., insulin);

11) evidence of severe neglect, such as unreasonable decubiti;

12) other activity that would place the eligible adult in imminent danger of death or serious bodily injury; or

13) any felonious criminal activity directed at the eligible adult that the caseworker directly observes.

e) Case Closure
An elder abuse provider agency shall close a case when:

1) the victim refuses services;

2) the victim is deceased, unless the death was the apparent result of the ANE;

3) the victim has entered a long term care facility and resided there for 60 days; provided the Department may waive the 60 day limitation in cases where the provider agency submits evidence that such a waiver is necessary to protect the safety and well being of the client;

4) the victim has moved out of the area; provided, if the victim remains at risk and the elder abuse provider agency is aware of the new location, the provider agency shall refer the case to the elder abuse provider agency in

the location of the new residence for case work and follow-up services;

5) the victim is no longer at risk of ANE;

6) the victim has received "uninterrupted" follow-up services for 12 months, which shall be considered an "administrative closure"; or

7) the report is not substantiated.

(Source: Amended at 30 Ill. Reg. 8913, effective April 28, 2006)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Licensing of Radioactive Material

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

3)

Section Numbers:	Adopted 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
330.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) Effective Date of Amendments: April 28, 2006

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

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: November 18, 2005; 29 Ill. Reg. 18517

10) Has JCAR issued a Statement of Objection to these amendments? No

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NOTICE OF ADOPTED AMENDMENTS

11) Differences between proposal and final version:

a) In Section 330.20, in the definition of "Authorized nuclear pharmacist", changed "330.260(c)" to "330.260(c)(16)".

b) After Section 330.240(a)(1), added "AGENCY NOTE: Applications involving Agency evaluation of a sealed source or device containing radioactive material shall be in accordance with the requirements of this Section.".

c) In Section 330.260(c)(20), changed "December 2, 1994" to "October 24, 2007".

d) In Section 330.280(d)(1)(E), after "(i)", added "(2005)".

e) In Section 330.280(d)(5)(A), after "20.2202", added "(2005)".

f) In Section 330.280(k)(3), changed "trefoil" to "symbol".

g) In Section 330.320(c) and Section 330.325(b)(1)(D), after "KLM.007", added "(Certificate Termination and Disposition of Radioactive Material)".

h) In Section 330.325(b)(1)(B)(ii), changed "TEDE" to "total effective dose equivalent (TDE)".

i) In Section 330.900(a)(2), struck "telegraph".

j) Changed "October 24, 2006" to "October 24, 2007" everywhere it appears in the amendment.

k) Made nonsubstantive changes in grammar, punctuation and style.

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 rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of the Amendments: This rulemaking will ensure compatibility with the U.S. Nuclear Regulatory Commission 10 CFR 20, 30, 35 and 150 regulations currently in place for licensing of radioactive materials. These regulations provide for the

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NOTICE OF ADOPTED AMENDMENTS

FDA requirements for licensing of nuclear pharmacies; radiation safety of workers, including decontamination and radiation surveys; reciprocity notification requirements; radiological requirements for unrestricted use; and requirements for certain generally licensed devices.

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

Kevin McClain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

(217) 785-9880 (voice)
(217) 782-6133 (TDD)

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

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NOTICE OF ADOPTED AMENDMENTS

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

PART 330
LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section
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

Section
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

Section
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

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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)
330.370 Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.400 Transfer of Material
330.500 Modification and Revocation of Licenses
330.900 Reciprocal Recognition of Licenses

SUBPART D: TRANSPORTATION (Repealed)

Section
330.1000 Transportation of Radioactive Materials (Repealed)

330.APPENDIX A Exempt Concentrations
330.APPENDIX B Exempt Quantities
330.APPENDIX C Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
330.TABLE A Group I (Repealed)
330.TABLE B Group II (Repealed)
330.TABLE C Group III (Repealed)
330.TABLE D Group IV (Repealed)
330.TABLE E Group V (Repealed)
330.TABLE F Group VI (Repealed)
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, 2007~~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.

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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. 8928, effective April 28, 2006.

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. 8928, effective April 28, 2006)

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)(16) 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: Added at 30 Ill. Reg. 8928, effective April 28, 2006)

SUBPART B: TYPES OF LICENSES

Section 330.200 Types of Licenses

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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. 8928, effective April 28, 2006)

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. 8928, effective April 28, 2006)

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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 this subsection (b)(2) 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.

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. 8928, effective April 28, 2006)

SUBPART C: SPECIFIC AND GENERAL LICENSES

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED 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~~.

AGENCY NOTE: Applications involving Agency evaluation of a sealed source or device containing radioactive material shall be in accordance with the requirements of this Section.

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 Radiation Protection 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).~~

(Source: Amended at 30 Ill. Reg. 8928, effective April 28, 2006)

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, 2007;

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, 2007, 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, 2007 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 October 24, 2007 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, 2007, 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. 8928, effective April 28, 2006)

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. 8928, effective April 28, 2006)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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

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

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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;

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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) (2005) 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 (2005) 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~~he~~ 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 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.

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 µ~~micro~~Ci) of iodine-125, iodine-131, carbon-14, cobalt-57 or selenium-75; 1.85 MBq (50 µ~~micro~~Ci) of hydrogen-3 (tritium); 740 kBq (20 µ~~micro~~Ci) 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 that~~which~~ 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~~which~~ 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 symbol 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

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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~~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.

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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. 8928, effective April 28, 2006)

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.

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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;

6~~4~~) 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;

7~~5~~) Conduct biennial onsite exercises to test the response to simulated emergencies;

8~~6~~) 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;

9~~7~~) Correct deficiencies noted in critiques of drills and exercises; and

10~~8~~) Notify offsite response organizations, including the Agency~~Department~~, immediately after the licensee declares an alert or site area emergency.

AGENCY NOTE: The reporting requirement of subsection (d)(10~~8~~) 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. 8928, effective April 28, 2006)

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 Agency~~Department~~.

b) Each person granted a general license by this Part shall provide information required by the Agency~~Department~~ to track the location and use of generally-

licensed radioactive material~~devices~~. 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.

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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. 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. 8928, effective April 28, 2006)

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.

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 Radiation Protection 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 (Certificate Termination and Disposition or Radioactive Material);

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.

~~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. 8928, effective April 28, 2006)

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 total effective dose equivalent (TDE) 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 (Certificate Termination and Disposition of Radioactive Material) 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. 8928, effective April 28, 2006)

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. 8928, effective April 28, 2006)

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. 8928, effective April 28, 2006)

Section 330.900 Reciprocal Recognition of Licenses

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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 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 of authorized users, their social security numbers or other unique identification that can be independently verified (e.g., driver's license number, employee ID, work permit number, etc.)

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~~

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~~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. 8928, effective April 28, 2006)

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Section 330.APPENDIX E List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007~~Schedule E (Repealed)~~

Until October 24, 2007, 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. 8928, effective April 28, 2006)

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

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

3)

Section Numbers:	Adopted Action:
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
335.3010	Amendment
335.4010	Amendment

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335.4020	Amendment
335.4030	Repealed
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
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
335.8210	New Section
335.8220	New Section
335.8230	New Section
335.9010	Amendment
335.9030	Amendment

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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
335.APPENDIX A	Amendment

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

5) Effective Date of Amendments: April 28, 2006

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

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: November 18, 2005; 29 Ill. Reg. 18617

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version:

a) In Section 335.7030(a)(3), changed "trefoil" to "symbol".

b) In Section 335.7070(a), changed "October 24, 2005" to "October 24, 2006".

c) Made nonsubstantive changes in punctuation and style and corrected typographical errors.

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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 rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of the amendments: 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, 2007. 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.

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

Kevin McClain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

(217) 785-9880 (voice)
(217) 782-6133 (TDD)

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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 Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Radiosurgery

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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 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. 9029, effective April 28, 2006.

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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 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" 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" 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~~.

"Manual brachytherapy" 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" 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.

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"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" 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.

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~~"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.~~

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"Structured educational program" means an educational program designed to impart particular knowledge and practical education through interrelated studies and supervised training.

"Teletherapy" 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. 9029, effective April 28, 2006)

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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 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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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.

d) Nothing in this Section relieves licensees from complying with the other requirements in this Part.

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(Source: Added at 30 Ill. Reg. 9029, effective April 28, 2006)

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.~~

~~c) 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. 9029, effective April 28, 2006)

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;~~

~~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. 9029, effective April 28, 2006)

Section 335.1030 Radiation Safety Committee (Repealed)

~~Each medical institution licensee shall establish a Radiation Safety Committee to oversee the use of radioactive material.~~

~~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. 9029, effective April 28, 2006)

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 subsection (a) of this Section 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.

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(Source: Amended at 30 Ill. Reg. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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.~~

~~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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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.~~

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(Source: Repealed at 30 Ill. Reg. 9029, effective April 28, 2006)

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.

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(Source: Added at 30 Ill. Reg. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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

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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. 9029, effective April 28, 2006)

SUBPART C: GENERAL TECHNICAL REQUIREMENTS

Section 335.2010 Possession, Use and, Calibration of Instruments Used to Measure the Activity of Unsealed Radioactive Materialand 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. 9029, effective April 28, 2006)

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.~~

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~~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.~~

(Source: Repealed at 30 Ill. Reg. 9029, effective April 28, 2006)

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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.

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.

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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;~~

~~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. 9029, effective April 28, 2006)

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;~~

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. 9029, effective April 28, 2006)

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 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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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.

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. 9029, effective April 28, 2006)

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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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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.~~

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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;

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. 9029, effective April 28, 2006)

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.

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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. 9029, effective April 28, 2006)

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, 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 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. 9029, effective April 28, 2006)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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. 9029, effective April 28, 2006)

Section 335.4030 Control of Aerosols and Gases (Repealed)

~~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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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 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.~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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. 9029, effective April 28, 2006)

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;~~

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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 symbol;

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. 9029, effective April 28, 2006)

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.

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

Section 335.7070 Calibration Measurements of Brachytherapy Sources

a) Before the first medical use of a brachytherapy source on or after October 24, 2006, 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. 9029, effective April 28, 2006)

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.

(Source: Added at 30 Ill. Reg. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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:

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. 9029, effective April 28, 2006)

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 sources, 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. 9029, effective April 28, 2006)

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.~~

(Source: Repealed at 30 Ill. Reg. 9029, effective April 28, 2006)

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.

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. 9029, effective April 28, 2006)

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~~.

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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.~~

(Source: Repealed at 30 Ill. Reg. 9029, effective April 28, 2006)

Section 335.8080 ~~Teletherapy~~ Dosimetry Equipment

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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. 9029, effective April 28, 2006)

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:

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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.

(Source: Amended at 30 Ill. Reg. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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.

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

Section 335.8200 Periodic Spot-Checks for Gamma Stereotactic Radiosurgery Units

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.

(Source: Added at 30 Ill. Reg. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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.

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. 9029, effective April 28, 2006)

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.

(Source: Added at 30 Ill. Reg. 9029, effective April 28, 2006)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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. 9029, effective April 28, 2006)

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

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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

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. 9029, effective April 28, 2006)

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. 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. 9029, effective April 28, 2006)

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:

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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.

(Source: Amended at 30 Ill. Reg. 9029, effective April 28, 2006)

Section 335.9150 Training for Authorized Medical Physicist

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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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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. 9029, effective April 28, 2006)

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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

Section 335.9120 Training for Ophthalmic Use of Strontium-90

Radiology or therapeutic radiology by the American Board of Radiology

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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. 9029, effective April 28, 2006)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Radioactive Materials Transportation

2) Code Citation: 32 Ill. Adm. Code 341

3)

Section Numbers:	Adopted Action:
341.10	Amendment
341.40	Amendment

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40], and Section 20/9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/9], and by Section 3310/70 Nuclear Safety Law of 2004 [20 ILCS 3310/70]

5) Effective Date of Amendments: April 28, 2006

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

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: November 18, 2005; 29 Ill. Reg. 18748

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version:

a) In Section 341.10(a), after "February 10, 2004", added "and September 29, 2004 69 FR 58038".

b) In Section 341.10(a), after "55113", added ", October 1, 2004 at 69 FR 58841, published November 4, 2004 at 69 FR 64461, December 8, 2004 at 69 FR 70902, December 20, 2004 at 69 FR 76043, January 24, 2005 at 70 FR 3302, February 24, 2005 at 70 FR 8956, April 15, 2005 at 70 FR 20018, June 8, 2995 at 70 FR 33378, June 13, 2005 at 70 FR 34065, June 14, 2005 at 70 FR 34381, July 28, 2005 at 70 FR 43638 and September 23, 2005 at 70 FR 56083.".

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c) Corrected punctuation and typographical errors.

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 rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 71 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.

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

Kevin McClain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

(217) 785-9880 (voice)
(217) 782-6133 (TDD)

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

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NOTICE OF ADOPTED AMENDMENTS

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. 9160, effective April 28, 2006.

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 and September 29, 2004 at 64 FR 58038, 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, October 1, 2004 at 69 FR 58841, November 4, 2004 at 69 FR 64461, December 8, 2004 at 69 FR 70902, December 20, 2004

at 69 FR 76043, January 24, 2005 at 70 FR 3302, February 24, 2005 at 70 FR 8956, April 15, 2005 at 70 FR 20018, June 8, 2005 at 70 FR 33378, June 13, 2005 at 70 FR 34065, June 14, 2005 at 70 FR 34381, July 28, 2005 at 70 FR 43638 and September 23, 2005 at 70 FR 56083, exclusive of subsequent amendments or editions.

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;

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. 9160, effective April 28,2006)

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

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9) In addition, for each item of irradiated fissile material:

A) Identification by model and serial number;

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. 9160, effective April 28, 2006)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Radiation Safety Requirements for Industrial Radiographic Operations

2) Code Citation: 32 Ill. Adm. Code 350

3)

Section Numbers:	Adopted 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) Effective Date of Amendments: April 28, 2006

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

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: November 18, 2005; 29 Ill. Reg. 18755

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: 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

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Radiographer. In addition, this rulemaking will grant authority to the general public for the copying of Agency records.

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

Kevin McClain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

(217) 785-9880 (voice)
(217) 782-6133 (TDD)

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED 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. 9167, effective April 28, 2006.

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. 9167, effective April 28, 2006)

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.

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"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.

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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

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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. 9167, effective April 28, 2006)

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Riverboat Gambling

2) Code Citation: 86 Ill. Adm. Code 3000

3) Section Number: 3000.800 Action: Amendment

4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10]

5) Effective Date of Amendment: April 26, 2006

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and available for public inspection.

9) Notice of Proposal Published in Illinois Register: December 30, 2005; 29 Ill. Reg. 20724

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: None, except for technical, nonsubstantive changes.

12) Have all of the changed agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: The Illinois Gaming Board requires riverboat casinos to record gambling activity via videotape, as well as related areas of casino operations and the physical space. When the original rule was adopted in 1991, videotape technology was the latest trend in casino surveillance and security activities. Since then, technology has advanced significantly, replacing videotape technology with digital technology in many applications. In addition, riverboat casinos are desirous of using the new digital formats, which reduce storage space requirements and permit greater access to recorded data. Because of the costs associated with the new technology,

the amended rule authorizes the casinos to either maintain their current system or upgrade their systems by using newer or emerging technologies.

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

Jeannette P. Tamayo
Deputy Chief Counsel
Illinois Gaming Board
160 N. LaSalle, Suite 300-S
Chicago, Illinois 60601

(312)814-4641; FAX (312)814-8798
JTamayo@revenue.state.il.us

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

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3000.100 Definitions
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3000.102 Public Inquiries
3000.103 Organization of the Illinois Gaming Board
3000.104 Rulemaking Procedures
3000.105 Board Meetings
3000.110 Disciplinary Actions
3000.115 Records Retention
3000.120 Place to Submit Materials
3000.130 No Opinion or Approval of the Board
3000.140 Duty to Disclose Changes in Information
3000.141 Applicant/Licensee Disclosure of Agents
3000.150 Owner's and Supplier's Duty to Investigate
3000.155 Investigatory Proceedings
3000.160 Duty to Report Misconduct
3000.161 Communication with Other Agencies
3000.165 Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170 Fair Market Value of Contracts
3000.180 Weapons on Riverboat

SUBPART B: LICENSES

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3000.200 Classification of Licenses
3000.210 Fees and Bonds
3000.220 Applications
3000.221 Other Required Forms
3000.222 Identification and Requirements of Key Persons
3000.223 Disclosure of Ownership and Control
3000.224 Economic Disassociation

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3000.225 Business Entity and Personal Disclosure Filings
3000.230 Owner's Licenses
3000.231 Distributions
3000.232 Undue Economic Concentration
3000.234 Acquisition of Ownership Interest By Institutional Investors
3000.235 Transferability of Ownership Interest
3000.236 Owner's License Renewal
3000.237 Renewed Owner's Licenses, Term and Restrictions
3000.238 Appointment of Receiver for an Owner's License
3000.240 Supplier's Licenses
3000.241 Renewal of Supplier's License
3000.242 Amendment to Supplier's Product List
3000.243 Bankruptcy or Change in Ownership of Supplier
3000.244 Surrender of Supplier's License
3000.245 Occupational Licenses
3000.250 Transferability of Licenses
3000.260 Waiver of Requirements
3000.270 Certification and Registration of Electronic Gaming Devices
3000.271 Analysis of Questioned Electronic Gaming Devices
3000.272 Certification of Voucher Systems
3000.280 Registration of All Gaming Devices
3000.281 Transfer of Registration (Repealed)
3000.282 Seizure of Gaming Devices (Repealed)
3000.283 Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284 Disposal of Gaming Devices
3000.285 Certification and Registration of Voucher Validation Terminals

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section
3000.300 General Requirements – Internal Control System
3000.310 Approval of Internal Control System
3000.320 Minimum Standards for Internal Control Systems
3000.330 Review of Procedures (Repealed)
3000.340 Operating Procedures (Repealed)
3000.350 Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL,
RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

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3000.400 Coverage of Subpart
3000.405 Requests for Hearings
3000.410 Appearances
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3000.420 Motions for Summary Judgment
3000.424 Subpoena of Witnesses
3000.425 Proceedings
3000.430 Evidence
3000.431 Prohibition on Ex Parte Communication
3000.435 Sanctions and Penalties
3000.440 Transmittal of Record and Recommendation to the Board
3000.445 Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: CRUISING

Section
3000.500 Riverboat Cruises
3000.510 Cancelled or Disrupted Cruises

SUBPART F: CONDUCT OF GAMING

Section
3000.600 Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic Cards
3000.602 Disposition of Unauthorized Winnings
3000.605 Authorized Games
3000.606 Gaming Positions
3000.610 Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614 Tournaments, Enhanced Payouts and Give-aways
3000.615 Payout Percentage for Electronic Gaming Devices
3000.616 Cashing-In
3000.620 Submission of Chips for Review and Approval
3000.625 Chip Specifications
3000.630 Primary, Secondary and Reserve Sets of Gaming Chips
3000.631 Tournament Chips
3000.635 Issuance and Use of Tokens for Gaming
3000.636 Distribution of Coupons for Complimentary Chips, Tokens and Cash
3000.640 Exchange of Chips and Tokens
3000.645 Receipt of Gaming Chips or Tokens from Manufacturer or Distributor

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3000.650 Inventory of Chips
3000.655 Destruction of Chips, Tokens, and Vouchers
3000.660 Minimum Standards for Electronic Gaming Devices
3000.661 Minimum Standards for Voucher Systems
3000.665 Integrity of Electronic Gaming Devices
3000.666 Bill Validator Requirements
3000.667 Integrity of Voucher Systems
3000.670 Computer Monitoring Requirements of Electronic Gaming Devices
3000.671 Computer Monitoring Requirements of Voucher Systems

SUBPART G: EXCLUSION OF PERSONS

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3000.700 Duty to Exclude
3000.705 Voluntary Self-Exclusion Policy
3000.710 Distribution and Availability of Exclusion Lists
3000.720 Criteria for Exclusion or Ejection and Placement on an Exclusion List
3000.725 Duty of Licensees
3000.730 Procedure for Entry of Names
3000.740 Petition for Removal from Exclusion List
3000.750 Establishment of an Self-Exclusion List
3000.751 Locations to Execute Self-Exclusion Forms
3000.755 Information Required for Placement on the Self-Exclusion List
3000.756 Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion
3000.760 Distribution and Availability of Confidential Self-Exclusion List
3000.770 Duties of Owner Licensees
3000.780 Request for Removal from the IGB Self-Exclusion List
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SUBPART H: SURVEILLANCE AND SECURITY

Section
3000.800 Required Surveillance Equipment
3000.810 Riverboat and Board Surveillance Room Requirements
3000.820 Segregated Telephone Communication
3000.830 Surveillance Logs
3000.840 Storage and Retrieval
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3000.860 Maintenance and Testing

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SUBPART I: LIQUOR LICENSES

Section
3000.900 Liquor Control Commission
3000.910 Liquor Licenses
3000.920 Disciplinary Action
3000.930 Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section
3000.1000 Ownership Records
3000.1010 Accounting Records
3000.1020 Standard Financial and Statistical Records
3000.1030 Annual and Special Audits and Other Reporting Requirements
3000.1040 Accounting Controls Within the Cashier's Cage
3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060 Handling of Cash at Gaming Tables
3000.1070 Tips or Gratuities
3000.1071 Admission Tax and Wagering Tax
3000.1072 Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section
3000.1100 Coverage of Subpart
3000.1105 Duty to Maintain Suitability
3000.1110 Board Action Against License or Licensee
3000.1115 Complaint
3000.1120 Appearances
3000.1125 Answer
3000.1126 Appointment of Hearing Officer
3000.1130 Discovery
3000.1135 Motions for Summary Disposition
3000.1139 Subpoena of Witnesses
3000.1140 Proceedings
3000.1145 Evidence
3000.1146 Prohibition of Ex Parte Communication

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3000.1150 Sanctions and Penalties
3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999, for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 29, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; emergency amendment at 28 Ill. Reg. 13238, effective September 22, 2004, for a maximum of 150 days; emergency expired February 18, 2005; amended at 29 Ill. Reg. 10590, effective July 7, 2005; emergency amendment at 29 Ill. Reg. 20095, effective November 23, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 8643, effective April 19, 2006; amended at 30 Ill. Reg. 9177, effective April 26, 2006.

SUBPART H: SURVEILLANCE AND SECURITY

Section 3000.800 Required Surveillance Equipment

The holder of an Owner's License shall install in the Riverboat a closed circuit television system in accord with the specifications herein and shall provide access to the system or its signal by the Board. The closed circuit television must meet or exceed the following specifications:

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a) Solid state, black and white cameras, ⅔, ½, ⅓ or ¼ format, with minimum 400 plus line resolution installed in fixed positions with matrix control and/or with pan, tilt and zoom capabilities, secreted from public and non-surveillance personnel view to effectively and clandestinely monitor in detail, from various vantage points, the following:

1) The Gaming conducted at the Electronic Gaming Devices;

2) The master display board and the number or ball selection device for Keno;

3) The count processes conducted in the count rooms;

4) The movement of cash, Chips, drop boxes, tip boxes, Token storage boxes, and drop buckets within the Riverboat and any area of transit of uncounted Tokens, Chips, cash and cash equivalents;

5) Any area where Tokens or Chips can be purchased, Vouchers issued, or Tokens, Chips or Vouchers redeemed, including but not limited to Voucher Validation Terminals and cage cashiers at a holder of an Owner's license;

6) The entrance and exits to the Riverboat and the count rooms;

7) For all live Games regardless of patron or employee position:

A) Hands of all Gaming patrons and dealers;

B) Tray; and

C) Overall layout of the table area capable of capturing clear individual images of Gaming patrons and dealers, inclusive of, without limitation, facial views and the playing surface so that the outcome of each Game may be clearly observed;

8) Such other areas as the Administrator designates;

b) Individual solid state, color, television cameras, ⅔, ½, ⅓ or ¼ format, with minimum 320 plus line resolution with matrix and/or pan, tilt and zoom capabilities, secreted from public and non-surveillance personnel view augmented

with appropriate color corrected lighting to effectively and clandestinely monitor in detail, from various vantage points, the following:

1) Roulette tables, in a manner to clearly observe the Wagers, patrons, and the outcome of each Game;

2) The operations conducted at the fills and credit area of the cashier's cages;

c) All closed circuit cameras equipped with lenses of sufficient magnification to allow the operator to clearly distinguish the value of the Chips, Tokens and playing cards;

d) Video monitors that meet or exceed the resolution requirement for video cameras with solid state circuitry, and time and date insertion capabilities for taping what is being viewed by any camera in the system. Each video monitor screen must measure diagonally at least 12 inches and all controls must be front mounted;

e) Video printers capable of adjustment and possessing the capability to generate instantaneously, upon command, a clear, color and/or black and white, copy of the image depicted on the videotape or digital recording;

f) Date and time generators based on a synchronized, central or master clock, recorded on tape and visible on any monitor when recorded;

g) Wiring to prevent tampering. The system must be supplemented with a back-up gas/diesel generator power source which is automatically engaged in case of a power outage and capable of returning to full power within seven to ten seconds;

h) An additional uninterrupted power supply system so that time and date generators remain active and accurate, and switching gear memory and video surveillance of all riverboat entrances/exits and cage areas is continuous;

i) Video switchers capable of both manual and automatic sequential switching for the appropriate cameras;

j) Licensees may utilize both digitally recorded channels and analog recorded channels and must provide the IGB with the necessary software/hardware to review videotaped or digitally recorded information. Equipment must meet the following standards:

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1) Videotape recorders capable of producing high quality first generation pictures with a horizontal resolution of a minimum of 240 plus lines non-consumer, industrial grade, and recording on a standard ½ inch, V.H.S. tape with high-speed scanning and flickerless playback capability in real-time (23 to 30 frames per second). Such videotape recorders must possess time and date insertion capabilities for taping what is being viewed by any camera in the system; or

2) All digital channels recording gaming related images must record at a minimum of 30 images per second, with non-gaming channels recorded at an acceptable industry standard. Such digital systems must allow the secure and audited export of video files at the resolution originally recorded, include the capability of providing watermarked recordings or non-editable formatting to insure the integrity of the recorded images, and must be secure systems separated from the casino information technology, ticket vouchering technology, electronic gaming device system, and network systems.

k) Audio capability in the soft count room; and

l) Adequate lighting in all areas where camera coverage is required. The lighting shall be of sufficient intensity to produce clear videotape or digitally recorded and still picture production, and correct color correction where color camera recording is required. The video must demonstrate a clear picture, in existing light under normal operating conditions.

(Source: Amended at 30 Ill. Reg. 9177, effective April 26, 2006)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Racing Rules

2) Code Citation: 11 Ill. Adm. Code 1318

3) Section Number: 1318.130 Adopted Action: Amended

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Rulemaking: May 1, 2006

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

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 19130; November 28, 2005

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Differences between proposal and final version: In Section 1318.130(b)(4), defined an "extended break" as any break in gait that lasts 1/16 mile or more.

In Section 1318.130(c), added a reference to new subsection (b)(4).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

13) Will these amendments replace any emergency amendments currently in effect? No

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

15) Summary and purpose of rulemaking: This rulemaking makes it a violation if a horse goes off stride for an extended distance (1/16 mile or more).

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

Illinois Racing Board

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

100 West Randolph, Suite 7-701
Chicago, Illinois 60601
Attn: Mickey Ezzo

(312)814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1318
RACING RULES

Section

1318.10 Racing Conduct
1318.20 Complaints
1318.30 Disqualification of Entries
1318.40 Penalties
1318.50 Unsatisfactory Driving
1318.60 Driver Substitution
1318.70 Failure to Finish
1318.80 Improper Conduct
1318.90 Whips and Snappers
1318.100 Goading Devices
1318.110 Accidents
1318.120 Use of Hopples
1318.130 Breaking
1318.140 Breaking on Purpose
1318.150 Call Out Breaks
1318.160 Right of Course
1318.170 Penalties
1318.180 Harness Tracks Without a Continuous Hub Rail
1318.190 Open Stretch Racing

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

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); adopted December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10945; amended at 5 Ill. Reg. 13719, effective December 2, 1981; emergency amendment at 15 Ill. Reg. 15610, effective October 10, 1991, for a maximum of 150 days; emergency expired March 8, 1992; amended at 16 Ill. Reg. 7489, effective April 27, 1992; amended at 17 Ill. Reg. 19303, effective October 25, 1993; amended at 22 Ill. Reg. 7049, effective May 1, 1998; amended at 28 Ill. Reg. 14658, effective November 1, 2004; amended at 29 Ill. Reg. 14043, effective September 1, 2005; amended at 30 Ill. Reg. 9188, effective May 1, 2006.

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NOTICE OF ADOPTED AMENDMENT

Section 1318.130 Breaking

a) When a horse or horses break from their gait in trotting or pacing, their driver shall at once, where clearance exists, take such horse to the inside or outside and pull it to its gait.

b) The following shall be considered violations of this Section~~rule~~:

1) Failure to properly attempt to pull the horse to its gait.

2) Failure to take to the inside or outside where clearance exists.

3) Failure to lose ground by the break.

4) An extended break (i.e., any break in gait that lasts 1/16 mile or more).

c) If there has been no failure on the part of the driver in complying with sub-sections (b)(1), (b)(2), ~~and~~ (b)(3)~~,~~ and (b)(4), the horse shall not be set back unless a contending horse on its~~his~~ gait is lapped on the hind quarter of the breaking horse at the finish.

d) The judges may set any horse back one or more places if in their judgment any of the above violations have been committed and the driver may be punished.

e) If a horse goes offstride during any part of the race, and, in the opinion of the stewards, interferes with any horse or horses, that interference shall constitute a violation. The offending horse shall be placed behind all horses interfered with unless the driver of the horse or horses interfered with failed to exercise reasonable care to avoid the incident.

(Source: Amended at 30 Ill. Reg. 9188, effective May 1, 2006

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 April 24, 2006 through May 1, 2006 and have been scheduled for review by the Committee at its May 9, 2006 meeting. 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
6/7/06	Department of Agriculture, Definitions (8 Ill. Adm. Code 20)	1/20/06 30 Ill. Reg. 697	5/9/06
6/7/06	Department of Agriculture, Animal Welfare Act (8 Ill. Adm. Code 25)	1/20/06 30 Ill. Reg. 704	5/9/06
6/7/06	Department of Agriculture, Livestock Auction Markets (8 Ill. Adm. Code 40)	1/20/06 30 Ill. Reg. 713	5/9/06
6/7/06	Department of Agriculture, Hatcheries, Poultry Flocks, and Produce Thereof (8 Ill. Adm. Code 55)	1/20/06 30 Ill. Reg. 719	5/9/06
6/7/06	Department of Agriculture, Bovine Brucellosis (8 Ill. Adm. Code 75)	1/20/06 30 Ill. Reg. 724	5/9/06
6/7/06	Department of Agriculture, Illinois Bovidae and Cervidae Tuberculosis Eradication Act (8 Ill. Adm. Code 80)	1/20/06 30 Ill. Reg. 732	5/9/06
6/7/06	Department of Agriculture, Diseased Animals (8 Ill. Adm. Code 85)	1/20/06 30 Ill. Reg. 737	5/9/06

JOINT COMMITTEE ON ADMINISTRTIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/7/06	Department of Agriculture, Animal Disease Laboratories Act (8 Ill. Adm. Code 110)	1/20/06 30 Ill. Reg. 769	5/9/06
6/8/06	Department of Healthcare and Family Services, Medical Assistance Programs (89 Ill. Adm. Code 120)	2/10/06 30 Ill. Reg. 1779	5/9/06
6/8/06	Department of Healthcare and Family Services, Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (Repeal) (89 Ill. Adm. Code 126)	1/13/06 30 Ill. Reg. 297	5/9/06
6/8/06	Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)	2/10/06 30 Ill. Reg. 1793	5/9/06
6/8/06	Department of Healthcare and Family Services, Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)	1/13/06 30 Ill. Reg. 327	5/9/06
6/8/06	Department of Healthcare and Family Services, The Illinois Prescription Drug Discount Program (89 Ill. Adm. Code 126)	1/13/06 30 Ill. Reg. 325	5/9/06
6/8/06	Department of Healthcare and Family Services, Hospital Services (89 Ill. Adm. Code 148)	9/30/05 29 Ill. Reg. 14502	5/9/06
6/9/06	Department of Healthcare and Family Services, Illinois Cares Rx Program (89 Ill. Adm. Code 119)	1/13/06 30 Ill. Reg. 294	5/9/06
6/9/06	Illinois Racing Board, Trifecta (11 Ill. Adm. Code 306)	2/24/06 30 Ill. Reg. 2487	5/9/06

JOINT COMMITTEE ON ADMINISTRTIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/9/06	Illinois Racing Board, General Racing and Track Rules (11 Ill. Adm. Code 1314)	2/24/06 30 Ill. Reg. 2495	5/9/06
6/9/06	Illinois Racing Board, Superfecta (11 Ill. Adm. Code 311)	2/24/06 30 Ill. Reg. 2491	5/9/06
6/9/06	Department of Healthcare and Family Services, Children's Health Insurance Program (89 Ill. Adm. Code 125)	12/2/05 29 Ill. Reg. 19474	5/9/06

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 January 1, 2006 through March 31, 2006

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; 29 Ill. Reg. 12672, August 12, 2005; 29 Ill. Reg. 18963, November 18, 2005 and 30 Ill. Reg. 5458, March 17, 2006.

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	

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies: Not used during this period.
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 #107-13-1 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: Not used during this period.
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.
Chemical: Carbon tetrachloride CAS #56-23-5 Acute criterion: 3,500 ug/l Chronic criterion: 280 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

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: 1,1-dichloroethane CAS #75-34-3
Acute criterion: 20 mg/l Chronic criterion: 2 mg/l
Date criteria derived: June 18, 1997
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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: March 20, 1992 Applicable waterbodies: Not used during this period.
Chemical: 1,2-dichloroethylene CAS #540-59-0 Acute criterion: 14 mg/l Chronic criterion: 1.1 mg/l Date criteria derived: March 16, 1992 Applicable waterbodies: Not used during this period.
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 bromide CAS #85-00-7 Acute criterion: 990 ug/l Chronic criterion: 80 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

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.

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

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
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 #1634-04-4
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	

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

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 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 #129-00-0 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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: December 13, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	
Chemical: Trichloroethylene	CAS #79-01-6
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
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

PROCLAMATIONS

2006-148
NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK

WHEREAS, safety and health hazards in the workplace include: contact with harmful chemicals, unsafe electrical outlets, fires, bacteria-related diseases, cuts, prolonged exposure to excessive heat or cold, and many more. They are extremely dangerous and often result in serious injuries, and in some cases, death; and

WHEREAS, millions of people go to work and return home safely everyday, due in part to the efforts of occupational safety, health and environmental practitioners who work hard to identify hazards, implement safe practices, and prevent fatalities and illnesses in all industries and workplaces; and

WHEREAS, it is imperative that employers, employees, and the general public are aware of the importance of preventing illness and injury in the workplace, and understand the many procedures that make prevention possible; and

WHEREAS, strictly following safety guidelines, minimizing possible workplace risk factors, and providing accessible, and thorough first aid kits for employees, are all ways citizens can cut down workplace injuries and hazards; and

WHEREAS, the more than 30,000 members of the non-profit organization, the American Society of Safety Engineers, work to protect people, property, and the environment each and everyday; and

WHEREAS, during the week of April 30 through May 6, 2006, members of the American Society of Safety Engineers will work to raise public awareness on prevention and safety measures, and hope that their involvement will save lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 30 – May 6, 2006 as **NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK** in Illinois, and encourage all citizens to become cognizant of safety procedures in the workplace.

Issued by the Governor on April 25, 2006.
Filed by the Secretary of State April 25, 2006.

2006-149
EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY

WHEREAS, Emergency Medical Services for Children (EMSC) focuses on the specific attention that children need in medical and traumatic emergencies; and

WHEREAS, EMSC supports a specialized approach to pediatric care; and

WHEREAS, EMSC endorses the high-level emergency care given by emergency medical services providers with pediatric emergency skills, who are prepared to respond to sick or injured children and restore them to an optimum level of health; and

WHEREAS, EMSC espouses the tenets and practices of family-centered and culturally competent care for children and their families; and

WHEREAS, EMSC assists in training with advanced technical equipment and services in preparation to save the life of a child; and

WHEREAS, EMSC works with physicians, nurses, social workers, psychologists, emergency medical technicians, paramedics, firefighters, educators, administrators and others to identify and address issues surrounding pediatric care; and

WHEREAS, EMSC assists in the development of training programs and guidelines for emergency care providers, so that children with special health care needs get timely, appropriate care; and

WHEREAS, in Illinois, there are 11,330 first responders, 21,329 basic EMTs, 1,357 intermediate EMTs and 11,546 paramedic dedicated to promoting preventive measures, pre-hospital care, outpatient and specialized services, and inpatient and rehabilitative care; and

WHEREAS, the State of Illinois proudly recognizes these dedicated men and women of EMSC for aiding and saving the lives of Illinois children:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 17, 2006 as **EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY** in Illinois, and encourage all citizens to commend those that use their advanced training and talents to help children in times of crisis.

Issued by the Governor on April 25, 2006.
Filed by the Secretary of State April 25, 2006.

2006-150
EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, emergency medical services (EMS) embody the true concept of teamwork by recognizing the interdependent relationship among trauma centers, EMS system hospitals, ambulance providers, emergency and trauma physicians, emergency nurses, emergency medical technicians (EMTs) – basic, coal miner, intermediate and paramedic – field nurses, emergency communication nurses, trauma nurse specialists, emergency dispatchers and first responders who are dedicated to saving lives; and

WHEREAS, in Illinois there are 62 EMS resource hospitals, 64 trauma centers, 11,330 first responders, 21,329 basic EMTs, 1,357 intermediate EMTs, and 11,546 paramedic EMTs, selflessly providing 24-hour service to the people of Illinois; and

WHEREAS, this year's national theme, "EMS – Serving on Health Care's Front Line," underscores the immediate nature of the situations to which EMS personnel must respond; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, approximately two-thirds of all emergency medical services providers are volunteers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 14 – 20, 2006 as **EMERGENCY MEDICAL SERVICES WEEK** in Illinois, and encourage all citizens to recognize the dedication and lifesaving work that the men and women of emergency medical services teams provide to the communities of this state.

Issued by the Governor on April 25, 2006.
Filed by the Secretary of State April 25, 2006.

2006 -151
STATE EMPLOYEE RECOGNITION DAY

WHEREAS, throughout Illinois, state employees dedicate their careers to enhancing the lives of people in this State; and

WHEREAS, Illinois' state employees perform a variety of challenging and important tasks, including preserving public safety and protecting the health of our citizens,

working to ensure clean air and water, caring for crime victims and the economically disadvantaged, rehabilitating and counseling people in need, attracting and supporting commerce, building and maintaining our highways, schools, and other infrastructure, administering justice, protecting citizens' rights, inspecting our food, licensing our cars, educating our children, and striving to advance medicine, science, and technology for the benefit of our residents; and

WHEREAS, with the current budgetary struggles that Illinois is facing, these dedicated servant leaders have assumed additional responsibilities and extra duties with compassion, professionalism, and a commitment to those they serve, while continually seeking ways to cut costs and use taxpayer resources wisely; and

WHEREAS, the 2006 observance of Illinois State Employee Recognition Day provides a special time to express our appreciation and gratitude to our state employees for their hard work and dedication to our continued well-being and quality of life:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 3, 2006 as **STATE EMPLOYEE RECOGNITION DAY** in Illinois, and encourage all citizens to recognize state employees for their hard work, sacrifices, and dedication to the people of Illinois.

Issued by the Governor on April 25, 2006.
Filed by the Secretary of State April 25, 2006.

2006-152
COLD WAR VICTORY DAY

WHEREAS, September 2, 1945 thru December 26, 1991, marked the time our country led the forces of democratic nations in a long and costly struggle for freedom, against the tyranny and brutality of the Union of Soviet Socialist Republics; and

WHEREAS, the Cold War began after World War II with the threat of world domination of Europe and Asia by communist ideology and military action; and

WHEREAS, the Cold War was marked by periodic confrontations between the West and the East, including the Berlin Airlift in 1948, the Korean War from 1950-1953, the Cuban Missile Crisis of 1962 and the Vietnam War from 1960-1975; and

WHEREAS, the end of the longest undeclared war in United States' history began with the fall of the Berlin Wall in 1989 and culminated with the collapse of the Soviet Union's communist government in December of 1991; and

WHEREAS, tens of thousands of Illinois Veterans valiantly served in our nation's armed forces during this long conflict, with many sacrificing their lives; and

WHEREAS, the State of Illinois joins with veterans of the Cold war in commemorating our victory of the Cold war, and we commend our brave Cold War veterans for their acts of heroism, distinguished service, and devotion to our country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2006 as **COLD WAR VICTORY DAY** in Illinois, and encourage all citizens to recognize the sacrifices these noble men and women made for the safety and security of the people of this great State and nation.

Issued by the Governor on April 25, 2006.
Filed by the Secretary of State April 25, 2006.

2006-153
WORLD T'AI CHI AND QIGONG DAY

WHEREAS, T'ai Chi, a traditional Chinese exercise, is a slow, graceful set of movements developed centuries ago for self defense and self development; and

WHEREAS, Qigong (Chi Kung), with roots thousands of years ago in China, is the art of internal energy development using breath, movement and mind; and

WHEREAS, T'ai Chi is becoming very popular and has been scientifically shown to have strong physical and psychological benefits, such as gaining inner strength while toning muscles, increasing flexibility, and boosting immune power; and

WHEREAS, people have practiced T'ai Chi and Qigong for centuries in other parts of the world for health, rejuvenation and longevity; and

WHEREAS, the people of Illinois deserve to know these techniques are available for their health, personal development, and enjoyment; and

WHEREAS, T'ai Chi is a natural and safe vehicle for people to learn and experience the benefits of being able to channel, concentrate, and coordinate their bodies and minds; and

WHEREAS, World T'ai Chi & Qigong Day falls on the last Saturday in April and is designed to expose these powerful health and development tools to as many people as possible in order to elevate Public Health; and

WHEREAS, this year, World T'ai Chi and Qigong Day will be celebrated in Illinois at the Capital Rotunda in Springfield, to coincide with many other events taking place throughout the State, nation, and world on April 29, 2006:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 29, 2006 as **WORLD T'AI CHI AND QIGONG DAY** in Illinois.

Issued by the Governor on April 27, 2006.
Filed by the Secretary of State April 27, 2006.

2006-154
ILLINOIS INJURY PREVENTION MONTH

WHEREAS, in the U.S., the health and social costs associated with injury exceed $180 billion dollars annually. Further, unintentional injury is the leading cause of years of potential life lost for people under 65; and

WHEREAS, in Illinois, injury is the leading cause of death for persons ages 1 to 44, and the 4th leading cause of death overall; and

WHEREAS, unintentional injuries represent a major public health problem in Illinois, annually resulting in more than 4,000 deaths; and

WHEREAS, one in four Illinoisans suffer a preventable injury each year; and

WHEREAS, motor vehicle crashes claimed the lives of 1,454 passengers in Illinois in 2003, and resulted in an additional 131,279 persons being non-fatally injured; and motor vehicle crashes remain the number one cause of injury-related deaths among children ages 14 and under; and

WHEREAS, fires claimed the lives of 3,900 Americans in 2004, and another 17,785 persons were non-fatally injured in fires; and an average of eight children ages 14 and under die from scalding injuries each year; and

WHEREAS, in 2003, more than 2.3 million children ages 14 and under were treated in hospital emergency rooms for fall-related injuries; and

WHEREAS, the Illinois Department of Public Health and the Illinois Injury Prevention Coalition have developed a community planning toolkit for community groups to plan special awareness and prevention activities in an effort to educate residents about injury prevention during May 2006:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim MAY 2006 as **ILLINOIS INJURY PREVENTION MONTH** in Illinois, and call upon all the residents of this state to join with me in supporting the efforts and activities of the Illinois Department of Public Health to prevent injuries.

Issued by the Governor on April 27, 2006.
Filed by the Secretary of State April 27, 2006.

2006-155
TOXIC INJURY/MULTIPLE CHEMICAL SENSITIVITY AWARENESS AND EDUCATION MONTH

WHEREAS, toxic injury, also known as multiple chemical sensitivity or MCS, is a chronic debilitating condition for which there is no known cure; and

WHEREAS, this condition is characterized by heightened sensitivity to very small amounts of air pollution, petrochemicals and other toxins found in the environments of our homes, schools, and work places; and

WHEREAS, symptoms of toxic injury vary, but may include: flu like symptoms, severe headaches, chronic fatigue, a metallic taste in the mouth, or difficulty breathing and concentrating. Once sensitized, our bodies react more easily to a greater number of substances; and

WHEREAS, getting rid of all aerosol products, disposing of all scented products, eliminating permanent press sheets and clothing, and drinking, eating and storing food items in glass, ceramic, or stainless steel, are steps that can be taken to better protect toxic injury sufferers; and

WHEREAS, the "MCS" Beacon of Hope Foundation was established in July 2000 to raise awareness and educate the public on this growing health issue:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2006 as **TOXIC INJURY/MULTIPLE CHEMICAL SENSITIVITY AWARENESS AND EDUCATION MONTH** in Illinois, and encourage all citizens to become conscientious of the toxic hazards that plague our environment.

Issued by the Governor on April 27, 2006.
Filed by the Secretary of State April 27, 2006.

2006-156
NATIONAL RN RECOGNITION DAY AND NATIONAL NURSES WEEK

WHEREAS, the more than 2.9 million nurses in the United States comprise our nation's largest health care profession; and

WHEREAS, there are over 148,000 registered nurses in the state of Illinois; and

WHEREAS, the depth and extensiveness of the registered nursing profession meets the diverse, and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality care of hospitalized patients; and

WHEREAS, currently, there is a nursing shortage in the State of Illinois, as well as across the United States, and therefore it is important that we work to encourage people to take up this noble line of work; and

WHEREAS, the future will bring a great demand for registered nursing services due to a large, aging American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

WHEREAS, the cost-effective, safe and quality health care services provided by registered nurses will no doubt become an even more important component to the U.S. health care system in the years to come:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6, 2006 as **NATIONAL RN RECOGNITION DAY and May 6-12, 2006 as NATIONAL NURSES WEEK** in Illinois, and encourage all citizens to recognize and honor nurses in their communities, for the hard work, and invaluable services they provide for citizens.

Issued by the Governor on April 27, 2006.
Filed by the Secretary of State April 27, 2006.

2006-157
CHILDHOOD STROKE AWARENESS DAY

WHEREAS, a stroke is a serious condition that occurs when the blood supply to part of the brain is suddenly interrupted or when a blood vessel in the brain bursts, resulting in cell death and loss of brain function; and

WHEREAS, while strokes are generally thought of as affecting an older population, the unfortunate truth is that children can also suffer strokes; and

WHEREAS, childhood strokes occur more frequently in children less than 2 years of age. Strokes occur at a rate of one in every 4,000 births, and affect six out of every 100,000 children, with 12 percent dying due to the stroke; and

WHEREAS, signs of stroke in children can include headaches, speech difficulties, seizures, eye movement problems, and numbness; and

WHEREAS, more than half of the children who have a stroke will have serious, long-term neurological disabilities, including hemiplegia (paralysis of one side of the body), seizures, speech and vision problems, and learning difficulties; and

WHEREAS, little is known about the cause, treatment, and prevention of childhood stroke. Only through medical research can effective treatment and prevention strategies for pediatric stroke be identified and developed; and

WHEREAS, early diagnosis and treatment of pediatric stroke greatly improves chances for recovery and reduces the likelihood of recurrence; and

WHEREAS, organizations like the Children's Hemiplegia and Stroke Association and Parents' Association for Children with Hemiplegia and/or Stroke look to create a greater public awareness of the presence of these disorders in children:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6, 2006 as **CHILDHOOD STROKE AWARENESS DAY** in Illinois and urge all citizens to support the efforts, programs, services, and advocacy of those who strive to enhance awareness and treatment of childhood stroke.

Issued by the Governor on April 27, 2006.
Filed by the Secretary of State April 27, 2006.

2006-158
ASIAN PACIFIC AMERICAN HERITAGE MONTH

WHEREAS, each May is officially recognized as Asian Pacific Heritage Month in the United States; and

WHEREAS, in June 1977, Congressmen Frank Horton of New York and Norman Y. Mineta of California introduced a House resolution calling upon the president to proclaim the first 10 days of May as Asian/Pacific Heritage Week. The following month, Senators Daniel Inouye and Spark Matsunaga introduced a similar bill in the Senate. Both were passed; and

WHEREAS, on Oct. 5, 1978, President Jimmy Carter signed a joint resolution designating the annual celebration; and

WHEREAS, in May 1990, the holiday was further expanded when President George H.W. Bush designated May to be Asian Pacific American Heritage Month; and

WHEREAS, May was chosen to commemorate the immigration of the first Japanese immigrants to the United States in 1843; and

WHEREAS, many immigrants of Asian heritage came to the United States in the nineteenth century to work in the transportation industry; and

WHEREAS, in 1869, laboring under very difficult conditions, Asian immigrants helped construct the transcontinental railroad which vastly expanded economic growth and development across the country; and

WHEREAS, Asian Pacific American Heritage Month is celebrated annually with community festivals, government-sponsored events and educational activities for students; and

WHEREAS, Asian Pacific Americans have made valuable contributions to the history and growth of the United States and have achieved at a high level in a variety of disciplines, including: government, business, science, technology and the arts:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2006 as **ASIAN PACIFIC AMERICAN HERITAGE MONTH** in Illinois.

Issued by the Governor on April 28, 2006.
Filed by the Secretary of State April 28, 2006.

2006-159
MOTHER MARGARET JACKSON THRELKELD DAY

WHEREAS, born October 20, 1927 in Paola, Kansas, Mother Margaret Jackson Threlkeld moved to Chicago, Illinois and became a member of Roberts Temple Church of God in Christ. While there, Mother Margaret was President of the Purity Class and a member of the choir and usher board; and

WHEREAS, Mother Margaret was married forty-nine years to Mr. Albert Threlkeld, Sr. Together, they had one daughter, Angela Faye Dodd, one son, Albert Threlkeld, Jr. Also, they have one granddaughter, Zoè Elise Dodd, and one son in law, Jerome Dodd; and

WHEREAS, in 1967, Mother Margaret joined St. Paul Church of God in Christ under the leadership of Bishop Louis Henry Ford. She served the church as a Sunday School Teacher, radio announcer for twenty-three years, active member of the Unity Circle, Aide to Pastor, Officer to the breakfast club, advisor to the District Missionary, and State Field Representative for thirty years. Additionally, she worked under four State Superintendents, three Bishops, and two State Mothers. On the international level, she served as a second Assistant State Field Representative, under four International Sunday School Superintendents, and three International Representatives; and

WHEREAS, Mother Margaret has been honored with numerous awards, including Sunday School Region 8 & 11 Distinctive Service Awards, the Mother Mary Davis Memorial Award, the International Sunday School Dedicated Service Award 2002, and countless Certificates of commendation; and

WHEREAS, on May 6, 2006, Bishop Ocie Booker of the First Jurisdiction of the Church of God in Christ of Illinois will recognize Mother Margaret Jackson Threlkeld as the Woman of the Year 2006:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6, 2006 as **MOTHER MARGARET JACKSON THRELKELD DAY** in Illinois.

Issued by the Governor on April 28, 2006.
Filed by the Secretary of State April 28, 2006.

2006-160
ANNUAL DEBUTANTE COTILLION DAY

WHEREAS, the Links, Inc. is a volunteer service organization of women committed to promoting civic, cultural, and educational programs at the community level; and

WHEREAS, in 1946, the Links was founded in Philadelphia, Pennsylvania by the late Margaret Hawkins and Sarah Scott. The two hundred sixty plus chapters includes more than nine thousand members across the United States, Bahamas, and Germany; and

WHEREAS, on May 21, 1950, fifteen women in Chicago joined the chain of Links, becoming the nineteenth chapter. The organizer and first president of this chapter, Portia M. Searcy, was also a national officer; and

WHEREAS, the Chicago Illinois Chapter, along with its many service programs and projects, has sponsored an annual Debutante Cotillion for forty-six years. The Debutante

Cotillion, which has achieved recognition as an outstanding community event, makes it possible for the Chicago Illinois Chapter to provide financial support for worthwhile service efforts being undertaken by local community organizations; and

WHEREAS, the Chicago Illinois Chapter has received several regional and national awards for its civic, cultural, educational, and social programmatic partnerships with local community organizations; and

WHEREAS, this year, sixteen very talented young African American women will be honored during the 46th Annual Debutante Cotillion:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 27, 2006 as **ANNUAL DEBUTANTE COTILLION DAY** in Illinois in recognition of the sixteen young African American women being honored during this 46th anniversary.

Issued by the Governor on April 28, 2006.
Filed by the Secretary of State April 28, 2006.

2006-161
BUILDING SAFETY WEEK

WHEREAS, building safety affects many aspects of American life. Because of building safety code enforcement, citizens enjoy the comfort of buildings that are safe and structurally sound; and

WHEREAS, building safety and fire prevention officials work with citizens to address building safety and fire prevention concerns everyday; and

WHEREAS, the dedicated members of the International Code Council, including building safety and fire prevention officials, architects, engineers, and others in the construction industry, develop and enforce the codes that safeguard Americans in the buildings where people live, work, play and learn; and

WHEREAS, the International Codes, the most widely adopted building safety and fire prevention codes in the nation, are used by most U. S. cities, counties and states; and

WHEREAS, building safety codes provide safeguards to protect the public from natural disasters that can occur all across the country, such as snowstorms, hurricanes, tornadoes, wild land fires, and earthquakes. Building safety codes also work to minimize other potential building catastrophes; and

WHEREAS, Building Safety Week, sponsored by the International Code Council Foundation, is an opportunity to educate and increase public awareness of the hard work put forth by building safety and fire prevention officials, local and state building departments, and federal agencies; and

WHEREAS, this year's theme, "Building a Safer World Together," encourages all Americans to raise their awareness of building and fire safety, and to take appropriate steps to ensure that the places where they live, work, play, and learn are safe. Countless lives have been saved because of the building safety codes adopted and enforced by local and state agencies; and

WHEREAS, this year, while observing Building Safety Week, we ask all Illinoisans to recognize the local building safety and fire prevention officials and the important role that they play in public safety:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 7 – 13, 2006 as **BUILDING SAFETY WEEK** in Illinois, and encourage all citizens to recognize the importance of improving building safety in this state.

Issued by the Governor on May 1, 2006.
Filed by the Secretary of State May 1, 2006.

2006-162
NATIONAL SCHOOL NURSE DAY

WHEREAS, school nursing is a specialized practice that advances the well-being, academic success and life-long achievement of students; and

WHEREAS, the State of Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and

WHEREAS, Illinois' school nurses are dedicated health care professionals who work in collaboration with families, schools and communities to develop and promote comprehensive health care programs for our youth; and

WHEREAS, in addition to providing for students' immediate health needs, school nurses continually promote healthy lifestyles and provide health and safety education to students and staff; and

WHEREAS, the State of Illinois is proud to join the Illinois Association of School Nurses (IASN) and the National Association of School Nurses, Inc. (NASN) in recognizing school nurses for their contributions to the health of our children:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10, 2006 as **NATIONAL SCHOOL NURSE DAY** in Illinois, and encourage all citizens to promote good health of our students and recognize the valuable role these caregivers have in our schools by improving the health and well-being of children across this great State and nation.

Issued by the Governor on May 1, 2006.
Filed by the Secretary of State May 1, 2006.

2006-163
NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS DAY

WHEREAS, the National Association of Women Business Owners (NAWBO) maintain more than 90 chapters in the United States; and

WHEREAS, the Chicago Area Chapter is among the largest with more than 600 members representing businesses in all major industrial, service, and retail sectors; and

WHEREAS, since 1978, Chicago NAWBO has provided women business owners with leadership, education, procurement, and networking opportunities. It also serves as a voice for its members on economic, social, and public policy issues; and

WHEREAS, currently, there are over 450,000 women business owners in Illinois, with 70 percent of these businesses in the Chicagoland area; and

WHEREAS, NAWBO is an organization with a customer first philosophy that: strengthens the wealth creating capacity of its members and promotes economic development, creates innovative and effective changes in the business culture, builds strategic alliances, coalitions and affiliations, and transforms public policy and influences opinion makers; and

WHEREAS, NAWBO represents and gives women opportunities to expand and excel in the business world:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 11, 2006 as the **NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS DAY** in Illinois, and encourage all citizens to commemorate its 28 years of service to all women entrepreneurs.

Issued by the Governor on May 1, 2006.
Filed by the Secretary of State May 1, 2006.

2006-164
CORNELIA DE LANGE SYNDROME AWARENESS DAY

WHEREAS, Cornelia de Lange Syndrome (CdLS) is a congenital syndrome, meaning it is present from birth. Most of the signs and symptoms may be recognized at birth or shortly thereafter; and

WHEREAS, children with CdLS are usually born with low birth weight and develop at a slower rate, both mentally and physically, and possess other physical complications. Presently, many dedicated medical professionals are involved in valuable research and education activities to explore new possibilities and to offer hope; and

WHEREAS, common characteristics of CdLS include: low birth-weight (often under five pounds), slow growth and small stature, and small head size (microcephaly). Typical facial features include thin eyebrows which frequently meet at midline (synophrys), long eyelashes, short upturned nose and thin, downturned lips; and

WHEREAS, other frequent findings include excessive body hair (hirsutism), small hands and feet, partial joining of the second and third toes, incurved fifth fingers, gastroesophageal reflux, seizures, heart defects, cleft palate, bowel abnormalities, feeding difficulties, and developmental delay. Limb differences, including missing limbs or portions of limbs, usually fingers, hands or forearms, are also found in some individuals; and

WHEREAS, the State of Illinois is pleased to join the Cornelia de Lange Syndrome Foundation, a non-profit family support organization, in promoting a special celebration that seeks to raise awareness of Cornelia de Lange Syndrome, designed to have a positive and productive impact on the lives of people with CdLS and their caregivers:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 13, 2006 as **CORNELIA DE LANGE SYNDROME AWARENESS DAY** in Illinois, and encourage all citizens to recognize this rare birth defect in order to create awareness and hope for those who have CdLS.

Issued by the Governor on May 1, 2006.
Filed by the Secretary of State May 1, 2006.

ILLINOIS ADMINISTRATIVE CODE
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