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AGENCIES



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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
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48	November 17, 2008	December 1, 2008
49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
51	December 8, 2008	December 19, 2008
52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Certification of Individuals to Perform Industrial Radiography
- 2) Code Citation: 32 Ill. Adm. Code 405
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
405.20	Amendment
405.30	Amendment
405.40	Amendment
405.50	Amendment
405.60	Amendment
405.70	Amendment
405.90	Amendment
405.100	Amendment
405.110	Amendment
405.120	Amendment
405.130	Amendment
405.140	Amendment
405.150	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40/7a]
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing these amendments to: 1) change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12, effective July 1, 2003; 2) increase the fee for the industrial radiography certification exam from \$75 to \$100 to account for the exam's cost increase, which was recently announced by the exam's provider; 3) eliminate the requirement that a certified industrial radiographer trainee, whose non renewable certification is good for 2 years, must take the required examination within 12 months; 4) clarify that the certified industrial radiographer trainee status is non renewable and will not be reissued for any other type of industrial radiography; 5) note the requirements for renewal of certification and that an individual may not perform industrial radiography without valid certification or the expressed approval of the Agency; 6) define the process of assessing civil penalties against individuals for violations of the Agency's certification requirement.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None

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NOTICE OF PROPOSED AMENDMENTS

- 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: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:
- Kevin McClain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704
- 217/524-0770 (voice)
217/782-6133 (TDD)
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking will have no direct impact on small businesses or not-for-profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

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NOTICE OF PROPOSED AMENDMENTS

- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 405

CERTIFICATION OF INDIVIDUALS TO PERFORM INDUSTRIAL RADIOGRAPHY

Section

405.10	Purpose and Scope
405.20	Definitions
405.30	Application for Certification
405.40	Categories of Certification
405.50	Examination Requirements
405.60	Examinations
405.70	Approved Training Program
405.80	Experience Requirements for Certification
405.90	Requirements for Issuance of Certification
405.100	Duration of Certification
405.110	Fees
405.120	Reciprocity
405.130	Requirements for Renewal of Certification
405.140	Suspension, Revocation and Denial of Certification
405.150	Civil Penalties
405.APPENDIX A	Minimum Training Requirements for Industrial Radiography Applicable to Radioactive Materials and Radiation Machines

AUTHORITY: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/7a].

SOURCE: Adopted at 18 Ill. Reg. 10721, effective June 23, 1994; amended at 20 Ill. Reg. 12602, effective September 6, 1996; emergency amendment at 25 Ill. Reg. 14975, effective October 30, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 3483, effective February 25, 2002; amended at 27 Ill. Reg. 2169, effective February 1, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 32 Ill. Reg. _____, effective _____.

Section 405.20 Definitions

As used in this Part, the following definitions shall apply:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Act" means the Radiation Protection Act of 1990 [420 ILCS 40].

"Agency" means the Illinois Emergency Management Agency.

"Approved Training Program" means a program that the ~~Agency~~Department has determined is adequate to prepare individuals to meet the training requirements prescribed in Appendix A ~~of this Part~~.

"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, bus terminals and similar facilities. An x-ray tube used within a shielded part of a building or x-ray equipment that may temporarily or occasionally incorporate portable shielding is not considered a cabinet x-ray system.

"Certification" means the authorization by the Illinois ~~Emergency Management Agency~~Department of Nuclear Safety of an individual to perform industrial radiography in Illinois.

"Certified Industrial Radiographer" means an individual who has met prescribed training and experience requirements and has passed an approved examination and is authorized by the ~~Agency~~Department, pursuant to Section 405.90(a) ~~of this Part~~, to perform industrial radiography.

"Certified Industrial Radiographer Trainee" means an individual who is authorized by the ~~Agency~~Department, pursuant to Section 405.90(b) ~~of this Part~~, to be instructed in industrial radiography and who may perform industrial radiography while under the personal supervision of a Certified Industrial Radiographer.

AGENCY NOTE: Instruction in industrial radiography for trainees certified by the ~~Agency~~Department includes on-the-job and field experience.

~~"Department" means the Illinois Department of Nuclear Safety.~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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"Director" means the Director of the Illinois Emergency Management Agency. ~~Department of Nuclear Safety.~~

"Industrial Radiography" means the process used to perform the examination of the macroscopic structure of materials by non-destructive methods using radioactive materials or radiation machines. For purposes of this Part, industrial radiography does not include radiography performed with Lixiscopes or cabinet x-ray systems, nor does it include computed tomography or computer-based digital radiography in which the useful beam of radiation is collimated to detectors.

"Industrial Radiography - Radiation Machines" means the process of performing industrial radiography using radiation producing machines.

"Industrial Radiography - Radioactive Materials" means the process of performing industrial radiography using radioactive materials.

"Lixiscope" means a portable light-intensified imaging device using a sealed source.

"Personal supervision" means supervision provided by a Certified Industrial Radiographer who is physically present at the immediate site where sources of radiation and associated equipment are being used, visually evaluating the performance of the Certified Industrial Radiographer Trainee and in such proximity that immediate assistance can be given if required.

"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 unshielded position for purposes of making a radiographic exposure.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 405.30 Application for Certification

- a) Any individual applying to the Agency~~Department~~ for certification to perform industrial radiography shall:
 - 1) Submit a complete and legible application on a form prescribed by the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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Agency~~Department~~;

- 2) Pay the appropriate non-refundable application fee in accordance with Section 405.110 ~~of this Part~~;
 - 3) Meet the examination requirements set forth in Section 405.50 ~~of this Part~~ or satisfy the requirements for certification based on reciprocity as set forth in Section 405.120 ~~of this Part~~; and
 - 4) Provide evidence that the requirements for the given category and class for which certification is sought have been met.
- b) The appropriate fee shall accompany the application when filing with the Agency~~Department~~. An application shall be deemed filed on the date that it is received by the Agency~~Department~~ or on the date that it is postmarked by the United States Postal Service or equivalent.
- c) The Agency~~Department~~ shall refuse to issue or renew certification to any individual if the Agency~~Department~~ has evidence that the applicant is delinquent in the repayment of an educational loan guaranteed by the Illinois Student Assistance Commission, as set forth in 20 ILCS 3310/80~~2005/2005-85~~.
- d) The Agency~~Department~~ shall refuse to issue or renew certification to any individual, after an opportunity for a hearing, if the Agency~~Department~~ has evidence that the applicant is delinquent in the payment of child support orders, pursuant to the provisions and procedures set forth in 5 ILCS 100/10-65. Further process, hearing, or redetermination of the delinquency or violation by the Agency~~Department~~ shall not be required if the refusal is based solely upon the certification of delinquency made by the Illinois Department of Healthcare and Family Services (or successor agency)~~Department of Public Aid~~ or the certification of violation made by the court. The Agency~~Department~~ may issue or renew a certification~~license~~ if the applicant has arranged for payment of past and current child support obligations in a manner satisfactory to the Illinois Department of Healthcare and Family Services (or successor agency)~~Department of Public Aid~~. The Agency~~Department~~ may also impose conditions, restrictions or disciplinary action upon the certification.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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Section 405.40 Categories of Certification

- a) The ~~Agency~~Department shall certify individuals to perform industrial radiography in one or more of the following categories:
- 1) Certified Industrial Radiographer; or
 - 2) Certified Industrial Radiographer Trainee.
- b) Each certification issued shall include a class endorsement for the type of industrial radiography authorized. Such class endorsements are limited to:
- 1) Radioactive Materials;
 - 2) Radiation Machines; or
 - 3) Radioactive Materials and Radiation Machines.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 405.50 Examination Requirements

- a) An individual who seeks certification or renewal of certification as a Certified Industrial Radiographer shall have passed, within 12 months prior to application for certification, a written examination appropriate to the category and class of certification sought in accordance with Section 405.60 ~~of this Part~~.
- ~~b) An individual who holds certification as a Certified Industrial Radiographer Trainee shall take the examination for Certified Industrial Radiographer as prescribed by Section 405.60 of this Part within 12 months after certification~~
- be) Application for examination or re-examination shall be on forms prescribed by the ~~Agency~~Department and shall include the appropriate fee specified by Section 405.110 ~~of this Part~~. Examination fees are non-refundable.

~~AGENCY NOTE: In the event that an examination is not passed under subsection (a) or (b) of this Section, the applicant may apply for re-examination in accordance with subsection (c) of this Section.~~

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- cd) Examinees shall present photographic identification (e.g., drivers license) at the time of examination.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 405.60 Examinations

- a) The Agency~~Department~~ shall administer examinations in each class of industrial radiography as specified in Section 405.40(b) of this Part at such times and places as the Agency~~Department~~ determines necessary.
- 1) The examination shall be available through the Conference of Radiation Control Program Directors, Inc.
 - 2) The passing score shall be 70 percent.
 - 3) A candidate who fails an examination may apply for re-examination in accordance with Section 405.50 of this Part.
- b) The Agency~~Department~~ shall accept or utilize alternative examinations provided that the examinations are found acceptable by the U.S. Nuclear Regulatory Commission or the Conference of Radiation Control Program Directors, Inc.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 405.70 Approved Training Program

Industrial radiographer training programs shall be approved by the Agency~~Department~~. The Agency~~Department~~ shall recognize other programs approved by another state or jurisdiction provided that such programs consist of standards and procedures that are the same or comparable to the standards and procedures established by the Radiation Protection Act of 1990 and this Part. The Agency~~Department~~ shall base its approval on information provided by the training program that shall include:

- a) Curriculum information sufficient to assure inclusion of subjects referenced in Appendix A of this Part;
- b) Copies of test questions and answers and other evaluation tools and criteria used to demonstrate a participant's comprehension of subject matter in Appendix A of

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~~this Part~~; and

- c) Resumes of instructors.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 405.90 Requirements for Issuance of Certification

The ~~Agency~~~~Department~~ shall certify in a category and class of industrial radiography any individual who has satisfied the following requirements:

- a) Certified Industrial Radiographer
- 1) Submitted an application for certification on a form prescribed by the ~~Agency~~~~Department~~;
 - 2) Submitted the application fee specified in Section 405.110(a)~~-of this Part~~;
 - 3) Passed an examination as required by Section 405.50(a)~~-of this Part~~ or satisfies the requirements for certification based on reciprocity as set forth in Section 405.120~~-of this Part~~; and
 - 4) Completed the required hours of experience in industrial radiography as specified in Section 405.80~~-of this Part~~ or satisfies the requirements for certification based on reciprocity as set forth in Section 405.120~~-of this Part~~.
- b) Certified Industrial Radiographer Trainee
- 1) Submitted an application for certification on a form prescribed by the ~~Agency~~~~Department~~;
 - 2) Submitted the application fee specified in Section 405.110(a)~~-of this Part~~; and
 - 3) Submitted documentation of successful completion of an approved training program as specified in Section 405.70~~-of this Part~~ or satisfies the requirements for certification based on reciprocity as set forth in Section 405.120~~-of this Part~~.

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AGENCY NOTE: Training includes didactic study incorporating those topics included in Appendix A of this Part. Training does not include on-the-job experience.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 405.100 Duration of Certification

a) The duration of certification issued by the Agency Department shall be:

a1) Certified Industrial Radiographer..... 5 years

b2) Certified Industrial Radiographer Trainee 2 years

b) Certification for Certified Industrial Radiographer Trainee is non-renewable.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 405.110 Fees

a) The application fees for examination or certification are non-refundable and are as follows:

1) Each application for examination by the Agency Department. \$100 \$75

2) Each application for certification

A) Certified Industrial Radiographer \$100

B) Certified Industrial Radiographer Trainee \$100

b) The appropriate fees shall accompany the application when filing with the Agency Department.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 405.120 Reciprocity

a) The Agency Department shall issue certification to an applicant who has been certified in another state or jurisdiction, or by the American Society of

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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Nondestructive Testing (ASNT), provided that:

- 1) The applicant holds a valid certification in the appropriate category and class issued by another state or jurisdiction or by the ASNT;
 - 2) The standards and procedures for the certification issued by the state, jurisdiction, or ASNT are the same or comparable to the certification standards established by or pursuant to the Radiation Protection Act of 1990 and this Part;
 - 3) The applicant presents a copy of the certification document issued by the other state or jurisdiction, or by the ASNT, to the Agency~~Department~~; and
 - 4) The applicant submits the application fee in accordance with Section 405.110(a)~~of this Part~~.
- b) Individuals who are certified by reciprocity shall either:
- 1) Maintain the certification upon which the reciprocal certification was issued; or
 - 2) Satisfy the requirements of Section 405.90 ~~of this Part~~ prior to the expiration of the certification upon which reciprocal certification was issued.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 405.130 Requirements for Renewal of Certification

- a) Prerequisites
- 1) An individual shall submit an application for ~~re-examination and~~ renewal of certification on or before at least six months prior to the expiration date of certification. ~~The Department shall waive this requirement if the applicant satisfies the requirements of Section 405.30(a) of this Part.~~ An individual may not ~~legally~~ perform industrial radiography without valid certification or without the written approval of the Agency during such time as an application may be pending.

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- 2) Each applicant shall submit a complete and legible application with the fee for ~~re-examination and~~ renewal of certification in accordance with Section ~~405.110(a)(2)(A)~~405.30(a) of this Part.
- b) Re-examination. Applicants for renewal of certification shall meet the requirements of Section 405.~~50~~90(a) ~~of this Part including re-examination as described in subsection (a) of this Section.~~
- c) Certification as a Certified Industrial ~~Radiographer~~Radiography Trainee is non-renewable ~~and will not be re-issued for any other type of industrial radiography.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 405.140 Suspension, Revocation and Denial of Certification

- a) The ~~Agency~~Department may act to suspend or revoke an individual's certification or refuse to issue or renew certification, for any one or a combination of the following causes:
 - 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for initial certification or renewal of certification if such misstatement or misrepresentation would impair the ~~Agency's~~Department's ability to assess and evaluate the applicant's qualifications for certification pursuant to this Part;
 - 2) Knowingly making a false material statement to ~~an Agency~~a Department employee during the course of official ~~Agency~~Department business;
 - 3) Knowingly falsifying records of employees when such falsification would impair the ~~Agency's~~Department's ability to assess and evaluate the applicant's qualifications for certification pursuant to this Part;
 - 4) Willfully evading the statute or regulations pertaining to certification, or willfully aiding another person in evading such statute or regulations pertaining to certification;
 - 5) Performing procedures under, or representing as valid to any person, a certification issued by the ~~Agency~~Department containing on its face unauthorized alterations or changes that are inconsistent with

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- Agency~~Department~~ records regarding the issuance of that certification;
- 6) Performing procedures under, or representing as valid to any person, a credential not issued by the Agency~~Department~~ to prove certification in Illinois;
 - 7) Having been convicted of a crime which is a felony under the laws of this State or conviction of a felony in a federal court, unless the individual demonstrates to the Agency~~Department~~ that he/she has been sufficiently rehabilitated, ~~by restoration of all civil rights,~~ to warrant the public trust;
 - 8) Exhibiting significant or repeated incompetence in the performance of industrial radiography duties;
 - 9) Having a physical or mental illness or disability that results in the individual's inability to perform industrial radiography duties with reasonable judgment, skill and safety;
 - 10) Performing industrial radiography in such a manner that requirements of 32 Ill. Adm. Code 350 are violated resulting in a threat to health and safety of the individual, other workers or the public;
 - 11) Having an actual or potential inability to perform industrial radiography duties with reasonable judgment, skill and safety due to the use of alcohol, narcotics or stimulants ~~Repeatedly using alcohol, narcotics or stimulants to such an extent as to impair the performance of duties;~~
 - 12) Having had a similar certification suspended or revoked if the grounds for that suspension or revocation are the same or equivalent to one or more grounds for suspension or revocation as set forth in this subsection (a);
 - 13) Failure to maintain the out-of-state certification upon which certification by reciprocity was issued;
 - 14) Failure to repay educational loans guaranteed by the Illinois Student Assistance Commission, as provided in 20 ILCS 3310/80~~2005/2005-85~~;
 - 15) Failure to meet child support orders, as provided in 5 ILCS 100/10-65; and

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- 16) Failure to pay a fee or civil penalty properly assessed by the Agency~~Department~~.
- b) If, based upon any of the grounds in subsection (a) of this Section, the Agency~~Department~~ determines that action to suspend or revoke certification, or refusal to issue or renew certification, is warranted, the Agency~~Department~~ shall notify the individual and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200.60. An opportunity for a hearing shall be provided before the Agency~~Department~~ takes action to suspend or revoke an individual's certification unless the Agency~~Department~~ finds that an immediate suspension of certification is required to protect against immediate danger to the public health or safety (~~see 420 ILCS 40/38~~), in which case the Agency~~Department~~ shall suspend an individual's certification pending a hearing. The Agency~~Department~~ shall revoke or suspend, or shall refuse to issue or renew certification under subsection (a)(15) of this Section *based solely upon the certification of delinquency made by the Illinois Department of Healthcare and Family Services (or successor agency)~~Department of Public Aid~~ or the certification of violation made by the court. Further process, hearing, or redetermination of the delinquency or violation by the Agency~~Department~~ shall not be required. The Agency~~licensing agency~~ may issue or renew a certification~~license~~ if the individual~~licensee~~ has arranged for payment of past and current child support obligations in a manner satisfactory to the Illinois Department of Healthcare and Family Services (or successor agency)~~Department of Public Aid~~ or the court. The Agency~~licensing agency~~ may impose conditions, restrictions, or disciplinary action upon that certification~~license~~. [5 ILCS 100/10-65(c)]*
- c) If the Agency~~Department~~ finds that removal or refusal to issue or renew certification is warranted, the usual action shall be a suspension or denial of certification for up to one year. The term of suspension may be reduced by the Director, based upon evidence presented, if the conditions leading to the Preliminary Order for Suspension can be cured in less than one year. However, if the Agency~~Department~~ finds that the causes are of a serious or continuous nature, such as past actions which posed an immediate threat to occupational or public health or safety, deficiencies that cannot be cured within one year or frequent child support arrearages, the Agency~~Department~~ shall revoke the individual's certification or deny the application.
- d) When an individual's certification is suspended or revoked, the individual shall surrender his/her certification document to the Agency~~Department~~ until the

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termination of the suspension period or until reissuance of the certification.

- e) An individual whose certification has been revoked may seek reinstatement of certification by filing with the [AgencyDepartment](#) a petition for reinstatement. The petition may be filed one year or more after the beginning of the revocation period. The individual shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the certification should be reinstated due to rehabilitation or other just cause.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 405.150 Civil Penalties

- a) The [AgencyDepartment](#) shall assess civil penalties, in accordance with subsection (c) of this Section, against any individual who performs industrial radiography without valid certification.

AGENCY NOTE: Licensees and registrants that allow individuals who are not certified to perform industrial radiography are also subject to civil penalties. These penalties are assessed pursuant to 32 Ill. Adm. Code 310.

- b) Prior to assessing civil penalties, the [AgencyDepartment](#) shall confirm the violation of the certification requirements by:
- 1) Observation of the violation;
 - 2) Obtaining records, documents or other physical evidence;
 - 3) Obtaining statements from either the employer or the employee which confirm the existence of the violation; or
 - 4) Obtaining statements from third parties (e.g., co-workers) that corroborate the allegation that a violation has occurred.
- c) Civil penalties shall be assessed against individuals who perform industrial radiography without certification (i.e., uncertified radiographer) as follows:
- 1) First violation by an uncertified individual - \$250.

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- 2) Second violation by an uncertified individual - \$500.
- 3) Third and subsequent violation by an uncertified individual - \$1,000 for each violation.
- d) The Agency may commence administrative proceedings for the assessment and collection of civil penalties by sending a Notice of Violation. The Notice shall give the individual an opportunity to pay the penalty without further action from the Agency. ~~The Department shall impose civil penalties by issuing a Preliminary Order and Notice of Opportunity for Hearing as provided in 32 Ill. Adm. Code 200. Each day the violation continues shall constitute a separate offense.~~
- e) Failure of an individual to abate a certification violation or to pay the civil penalty as directed may cause the Agency to issue a Preliminary Order and Notice of Opportunity for Hearing as provided in 32 Ill. Adm. Code 200.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Trifecta
- 2) Code Citation: 11 Ill. Adm. Code 306
- 3) Section Number: 306.20 Proposed Action: Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking reduces the minimum number of betting interests from eight to seven when there are two entries in a race offering trifecta wagering. A superfecta pool with two entries requires eight horses so the trifecta logically should require seven horses.
- 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 in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

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

312/814-5017

ILLINOIS RACING BOARD

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- 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 which this rulemaking was summarized: This rulemaking was inadvertently not included on the 2008 Regulatory Agenda.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 306
TRIFECTA

Section	
306.10	Definition
306.20	Entries
306.30	Minimum Fields
306.40	Pool Distribution
306.50	Dead Heats
306.60	Scratches

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

SOURCE: Adopted at 19 Ill. Reg. 15225, effective November 1, 1995; amended at 24 Ill. Reg. 7397, effective May 1, 2000; amended at 26 Ill. Reg. 4900, effective March 20, 2002; amended at 26 Ill. Reg. 12355, effective August 1, 2002; amended at 27 Ill. Reg. 5024, effective March 7, 2003; amended at 30 Ill. Reg. 2651, effective February 21, 2006; amended at 30 Ill. Reg. 10459, effective June 1, 2006; amended at 31 Ill. Reg. 8518, effective June 1, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 306.20 Entries

- a) Entries, either coupled or uncoupled, shall be allowed in a trifecta race under the following conditions:
 - 1) one entry requires at least six betting interests at the start of the race, except, in the event of a scratch, Section 306.30(a) applies.
 - 2) two entries requires at least ~~seven~~^{eight} betting interests at the start of the race.
 - 3) more than two entries shall require approval from the Stewards.

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- b) For stakes races with a minimum purse of \$20,000, entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests.
- c) For stakes races with a minimum purse of \$100,000, common owner entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests.
- d) This Section shall not apply to races that are permitted for simulcasting under Section 26(g) of the Act [230 ILCS 5/26(g)] or for uncoupled entries permitted in 11 Ill. Adm. Code 1413.114(c) when there are thoroughbred stakes races with purses of \$250,000 or more.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pick (N) Pools
- 2) Code Citation: 11 Ill. Adm. Code 308
- 3) Section Number: 308.40 Proposed Action: Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking clarifies how the mutuel department would handle pricing when a race is moved off the turf to the dirt and everyone is a winner in that leg.
- 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 in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

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

312/814-5017
- 13) Initial Regulatory Flexibility Analysis:

ILLINOIS RACING BOARD

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- 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 which this rulemaking was summarized: This rulemaking was inadvertently not included on the 2008 Regulatory Agenda.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 308
PICK (N) POOLS

Section	
308.10	Pick (n)
308.20	Pool Calculations
308.30	Dead Heats
308.40	Scratches
308.50	Cancellation of Races
308.60	Carryover Cap
308.70	Mandatory Distribution
308.80	Disclosure
308.90	Pick 3 Pools

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

SOURCE: Adopted at 18 Ill. Reg. 7433, effective May 8, 1994; amended at 19 Ill. Reg. 5039, effective April 1, 1995; amended at 30 Ill. Reg. 6165, effective April 1, 2006; amended at 32 Ill. Reg. _____, effective _____.

Section 308.40 Scratches

- a) Should a betting interest in any of the Pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the closing of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

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- b) Once wagering has closed for the first race of a Pick (n) Pool, if a race is moved from the turf course to the dirt track, then all ticket holders are considered winners for that race ~~offer~~ the Pick (n) Pool. The entire net pool shall be distributed as a single price pool to those whose selections finish first in the greatest number of Pick (n) contests. Any previous carryover shall not be included unless the pool has been designated as a mandatory distribution. ~~If this occurs in any leg of a Pick (n) Pool, the carryover from previous performances shall not be included in the distribution unless the pool has been designated as a mandatory distribution.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Pentafecta
- 2) Code Citation: 11 Ill. Adm. Code 324
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
324.10	New Section
324.20	New Section
324.30	New Section
324.40	New Section
324.50	New Section
324.60	New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking creates a new wager in which bettors are required to properly select the first 5 finishers in a race in exact order. This proposal is similar to a Superfecta except you must correctly select the first 5 finishers rather than the first 4 finishers.
- 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 in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

Suite 7-701
Chicago, Illinois 60601

312/814-5017

- 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 which this rulemaking was summarized: This rulemaking was inadvertently not included on the 2008 Regulatory Agenda.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 324
PENTAFECTA

Section

324.10	Pentafecta
324.20	Pool Distribution
324.30	Scratches
324.40	Dead Heats
324.50	Minimum Fields
324.60	Entries

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

SOURCE: Adopted at 32 Ill. Reg. _____, effective _____.

Section 324.10 Pentafecta

- a) The Pentafecta requires selection of the first five finishers, in their exact order, for a single contest.
- b) The organization licensee may re-name this wager, but shall notify the State Director of Mutuels of the name that will be used.

Section 324.20 Pool Distribution

The organization licensee may choose to distribute pools in accordance with subsection (a), (b) or (c). The organization licensee must give the Board 30 days notice if it chooses to distribute pools under subsection (b) or subsection (c), including the exact percentages it will use to determine the minor and major pools if subsection (b) is used. The racing program shall indicate when the method described in subsection (b) or subsection (c) is being used for a meet.

- a) Distribution of Winnings - Option 1

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The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

- 1) As a single price pool to those whose combination finished in correct sequence as the first five betting interests, but if there are no such wagers, then
 - 2) As a single price pool to those whose combination included, in correct sequence, the first four betting interests, but if there are no such wagers, then
 - 3) As a single price pool to those whose combination included, in correct sequence, the first three betting interests, but if there are no such wagers, then
 - 4) As a single price pool to those whose combination included, in correct sequence, the first two betting interests, but if there are no such wagers, then
 - 5) As a single price pool to those whose combination correctly selected the first place betting interest only, but if there are no such wagers, then
 - 6) The entire pool shall be refunded on Pentafecta wagers for that contest.
- b) Distribution of Winnings - Option 2
- 1) The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:
 - A) As a single price pool to those whose combination finished in correct sequence as the first five betting interests, but if there are no such wagers, then
 - B) The net pool will be divided into two separate pools. The major pool of the net pool shall be paid as a carryover pool into the next regularly scheduled Pentafecta race. The remaining minor pool shall be paid as a Pentafecta consolation pool, which will be equally divided among those ticket holders who correctly select the first four betting interests, but if there are no such wagers, then

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- C) The Pentafecta consolation pool will be divided among those ticket holders who correctly select the first three interests, but if there are no such wagers, then
 - D) The Pentafecta consolation pool will be divided among those ticket holders who correctly select the first two interests, but if there are no such wagers, then
 - E) The Pentafecta consolation pool will be divided among those ticket holders who correctly select the first betting interest, but if there are no such wagers, then
 - F) The entire net pool shall become a carryover pool into the next regularly scheduled Pentafecta race.
- 2) On the last Pentafecta race on the final day of the meeting, the net pool shall be redistributed using the method described in subsection (a).
- c) Distribution of Winnings - Option 3
- 1) The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:
 - A) As a single price pool to those whose combination finished in correct sequence as the first five betting interests, but if there are no such wagers, then
 - B) The entire net pool shall be paid as a carryover pool into the next regularly scheduled Pentafecta race.
 - 2) On the last Pentafecta race on the final day of the meeting, the net pool shall be redistributed using the method described in subsection (a).
- d) If fewer than five betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored. If the pools are being distributed under either subsection (b) or subsection (c), any previous Pentafecta

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contest's carryover will not be included in the payoff and will be retained for the next contest's carryover, and this contest's net Pentafecta pool will be distributed using the method described in subsection (a).

Section 324.30 Scratches

In the event any contestant that is not part of an entry or field is scratched, all wagers, including the scratched betting interest, shall be refunded.

Section 324.40 Dead Heats

- a) If there is a dead heat for first involving:
 - 1) contestants representing five or more betting interests, all of the wagering combinations selecting five betting interests that correspond with any of the betting interests involved in the dead heat shall share in a profit split.
 - 2) contestants representing four betting interests, all of the wagering combinations selecting the four dead heated betting interests, irrespective of order, along with the fifth place betting interest shall share in a profit split.
 - 3) contestants representing three betting interests, all of the wagering combinations selecting the three dead heated betting interests, irrespective of order, along with the fourth place and fifth place betting interests shall share in a profit split.
 - 4) contestants representing two betting interests, both of the wagering combinations selecting the two dead heated betting interests, irrespective of order, along with the third place, fourth place and fifth place betting interests shall share in a profit split.
- b) If there is a dead heat for second involving:
 - 1) contestants representing four or more betting interests, all of the wagering combinations correctly selecting shall share in a profit split.
 - 2) contestants representing three betting interests, all of the wagering combinations correctly selecting the three dead heated betting interests,

ILLINOIS RACING BOARD

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irrespective of order, and the fifth place betting interests shall share in a profit split.

- 3) contestants representing two betting interests, all of the wagering combinations correctly selecting the two dead heated betting interests, irrespective of order, and the fourth place and fifth place betting interests shall share in a profit split.
- c) If there is a dead heat for third involving:
- 1) contestants representing three or more betting interests, all of the wagering combinations correctly selecting shall share in a profit split.
 - 2) contestants representing two betting interests, both of the wagering combinations selecting the two dead heated betting interests, irrespective of order, along with the fifth place betting interest shall share in a profit split.
- d) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for fourth shall share in a profit split.
- e) If there is a dead heat for fifth, all wagering combinations correctly selecting the first four finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fifth shall share in a profit split.

Section 324.50 Minimum Fields

- a) Pentafecta wagering shall not be scheduled on a race unless at least nine betting interests are carded. In the event of a scratch, Pentafecta wagering on a race in which eight betting interests remain is permissible, provided there are no uncoupled entries.
- b) This Section shall not be applicable to stakes races.

Section 324.60 Entries

- a) Entries, either coupled or uncoupled, shall be allowed in a Pentafecta race under the following conditions:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 1) one entry requires at least nine betting interests at the start of the race, except, in the event of a scratch, Section 324.50(a) applies.
 - 2) two entries requires at least ten betting interests at the start of the race.
 - 3) more than two entries shall require approval from the Stewards.
- b) For stakes races with a minimum purse of \$20,000, entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests.
 - c) For stakes races with a minimum purse of \$100,000, common owner entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests.
 - d) This Section shall not apply to races that are permitted for simulcasting under Section 26(g) of the Act [230 ILCS 5/26(g)] or for uncoupled entries permitted in 11 Ill. Adm. Code 1413.114(c) when there are thoroughbred stakes races with purses of \$250,000 or more.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Number: 510.250 Proposed Action: Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking would remove the mandatory 25% requirement, for the period 21 to 30 days after the claim, and permit owners to run back a claimed thoroughbred horse for the same claiming price or higher. The 20 day period following the claim, the horse shall not start in a race in which the claiming price is less than 25% more than the price at which it was claimed.
- 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 in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

312/814-5017

- 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 which this rulemaking was summarized: This rulemaking was inadvertently not included on the 2008 Regulatory Agenda.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

PART 510
CLAIMING RACES

Section	
510.10	Definition
510.20	Claiming Eligibility
510.30	Form and Deposit of Claim
510.40	Errors which Invalidate Claim
510.50	Refund of Voided Claim
510.60	Prohibited Action with Respect to Claim
510.70	Horses under Lien
510.80	Affidavit May be Required
510.90	Claimant's Responsibility
510.100	Claimed Horse's Certificate
510.110	Engagements of a Claimed Horse
510.120	Protests of a Claim
510.130	Title to a Claimed Horse
510.140	Distribution of the Purse
510.150	Delivery of a Claimed Horse
510.160	Trainer Responsibility for Post-Race Tests
510.170	Excusing Claimed Horse
510.180	Stable Eliminated by Fire or Other Hazard
510.190	Entering Claimed Horse (Repealed)
510.195	Determining Eligibility Dates
510.200	Claimed Horse Racing Elsewhere
510.210	Sale of a Claimed Horse
510.220	Illinois Rules Govern Claimed Horse
510.230	Extension of Regular Meeting (Repealed)
510.240	Claiming Authorization
510.250	Claiming Price

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Re g. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. 12473, effective September 1, 1996; amended at 21 Ill. Reg. 951, effective January 7, 1997; amended at 24 Ill. Reg. 7386, effective May 1, 2000; amended at 24 Ill. Reg. 12722, effective August 1, 2000; amended at 24 Ill. Reg. 17480, effective November 8, 2000; amended at 25 Ill. Reg. 6393, effective May 1, 2001; amended at 25 Ill. Reg. 8814, effective July 1, 2001; amended at 27 Ill. Reg. 533, effective January 1, 2003; amended at 31 Ill. Reg. 15094, effective November 1, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 510.250 Claiming Price

- a) For a period of ~~20~~³⁰ days after the claim of a thoroughbred horse, it shall not start in a race in which the eligibility price is less than 25% more than the price at which it was claimed. For a period of 10 days thereafter, a thoroughbred horse is eligible to run back for the same claiming price or higher.
- b) This Section shall not apply to starter handicap races.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Entries, Subscriptions, and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1413
- 3) Section Number: 1413.140 Proposed Action: Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking removes the right to declare out without a medical reason. The petitioner, Arlington Park, claims that with the installation of the synthetic racing surface, the effects of weather on the racing surface is no longer a basis to scratch a horse from a race. Under the proposal, scratches may only be made by permission of the stewards with reasonable cause or when a note from a veterinarian establishes a medical reason to excuse the horse from the race. This proposal would not apply to races moved off the turf.
- 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 in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

312/814-5017

- 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 which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Board did not anticipate the need for this rulemaking at the time the agendas were published.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1413
ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section	
1413.10	Registration with Jockey Club
1413.20	Registration Rules
1413.30	Eligibility
1413.40	How Entries are Made
1413.42	Number of Entries
1413.44	48- or 72-Hour Entries
1413.46	Also Eligibles Under 48- or 72-Hour Rule
1413.48	Uncoupled Entries
1413.50	Racing Secretary Receives Entries
1413.60	Supervision of Entries
1413.70	When Entries Close
1413.75	Limitation on Purse Reductions
1413.80	Closing in Absence of Conditions
1413.90	Entry by Telegraph
1413.100	List of Entries
1413.110	Limitations on Entries
1413.114	Coupled As Entry
1413.118	Further Definition of Coupling (Repealed)
1413.120	Riders Designated
1413.130	Carding Purse and Handicap Races
1413.134	Race Fails to Fill
1413.138	Substitute and Extra Races
1413.140	Right to Declare Out
1413.150	Number of Entries
1413.160	Fee to Enter
1413.170	Refunds
1413.180	Error in Entry
1413.190	Irrevocable Declaration
1413.200	Notice of Declaration

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1413.210	Entry of Unfit Horse
1413.220	Refusal for Inconsistency
1413.230	Horse Ineligible
1413.240	Who May Enter
1413.250	Medical Reasons for Ineligibility
1413.260	Sweepstakes Entries
1413.265	Receipt for Nomination
1413.270	Previous Engagements
1413.280	Transfer of Engagements
1413.290	Transfer of Sweepstakes Engagements
1413.300	Jockey Club Certificates
1413.305	Transfer of Jockey Club Certificate
1413.310	Number of Races in a Day

AUTHORITY: 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 Horse Racing (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974; amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; amended August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended at 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. 11612, effective July 7, 1994; amended at 18 Ill. Reg. 17749, effective November 28, 1994; amended at 24 Ill. Reg. 7394, effective May 1, 2000; amended at 24 Ill. Reg. 12725, effective August 1, 2000; amended at 25 Ill. Reg. 178, effective January 1, 2001; amended at 25 Ill. Reg. 15608, effective December 1, 2001; amended at 26 Ill. Reg. 12367, effective August 1, 2002; amended at 31 Ill. Reg. 8530, effective June 1, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 1413.140 Right to Declare Out

- a) In purse races and overnight handicaps ~~with more than nine interests, owners shall have the right to declare out to that number~~ before the time stipulated by the regulations of the operator on the day of the race, **owner declarations**. ~~When more than one owner expresses the desire to declare out, the right to declare out shall be~~

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~~determined by lot. Declarations below nine interests~~ may only be made by permission of the Stewards for reasonable cause or when a note from the veterinarian licensed by the Board establishes a medical reason to excuse the horse from the race. The also eligibles shall have the preference to scratch over regularly carded horses.

- b) In purse races and overnight handicaps moved off the turf with more than eight interests, owners shall have the right to declare out to that number before the time stipulated by the regulations of the operator on the day of the race. When more than one owner expresses the desire to declare out, the right to declare out shall be determined by lot. Declarations below eight interests may only be made by permission of the Stewards.
- c)~~b)~~ Horses may be scratched out of stake races not later than 45 minutes before post time of the race.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Licensing Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 383
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
383.10	New Section
383.15	New Section
383.20	New Section
383.25	New Section
383.30	New Section
383.35	New Section
383.40	New Section
383.45	New Section
383.50	New Section
383.55	New Section
383.60	New Section
383.65	New Section
383.70	New Section
383.75	New Section
383.80	New Section
383.85	New Section
383.90	New Section
383.95	New Section
383.100	New Section
383.105	New Section
383.110	New Section
383.115	New Section
383.120	New Section
383.125	New Section
383.130	New Section
383.135	New Section
383.140	New Section
383.145	New Section
383.150	New Section
383.155	New Section
383.160	New Section
383.165	New Section
383.APPENDIX A	New Section
383.APPENDIX B	New Section

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- 4) Statutory Authority: Authorized by the Child Care Act of 1969 [225 ILCS 10] and the Children and Family Services Act [20 ILCS 505]
- 5) Effective Date of Rulemaking: March 17, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Rules Published in the Illinois Register: March 23, 2007; 31 Ill. Reg. 4511
- 10) Has JCAR issued a Statement of Objection to this rulemaking? Yes
 - A) Statement of Objection: September 21, 2007; 31 Ill. Reg. 13375
 - B) Agency Response: Agreement
 - C) Date Agency Response Submitted to JCAR for Approval: October 19, 2007
- 11) Differences between proposal and final version: The final version adds a definition of "Regional Licensing Administrator" in Section 383.15, clarification of the circumstances when a corrective plan may be extended in Section 383.50, and a Resource Reference List in a new Appendix B that lists all Illinois laws and administrative rules cited in the rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rules: This rulemaking replaces the previous rules titled Licensing Enforcement (89 Ill. Adm. Code 383) that have been repealed and included in this rulemaking.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

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

Telephone: 217/524-1983
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Facsimile: 217/557-0692

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER D: LICENSING ADMINISTRATION

PART 383

LICENSING ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

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383.10	Purpose
383.15	Definitions
383.20	Applicability

SUBPART B: ENFORCEMENT

Section	
383.25	Monitoring Visits to Licensed Facilities
383.30	Complaints Alleging Violation of the Child Care Act or Licensing Standards
383.35	Investigations of Complaints Concerning Licensed Facilities
383.40	Re-examination of a Foster Family Home After an Indicated Child Abuse or Neglect Report
383.45	Protective Plan
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383.120	What May Be Reviewed Through the Administrative Hearing Process
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383.140	The Role of the Chief Administrative Law Judge
383.145	Rights and Responsibilities in Administrative Hearings
383.150	The Administrative Law Judge
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SUBPART D: SEVERABILITY OF THIS PART

Section

383.165 Severability of This Part

383.APPENDIX A Statutory Grounds for Revocation or Refusal to Renew a License

383.APPENDIX B Resource Reference List

AUTHORITY: Authorized by the Child Care Act of 1969 [225 ILCS 10] and the Children and Family Services Act [20 ILCS 505].

SOURCE: Adopted at 5 Ill. Reg. 14491, effective December 29, 1981; old Part repealed at 32 Ill. Reg. 4373 and new Part adopted at 32 Ill. Reg. 4332, effective March 17, 2008.

SUBPART A: GENERAL PROVISIONS

Section 383.10 Purpose

This Part describes:

- a) the Department and supervising agency's responsibility to monitor child care programs and facilities and to visit and examine child care programs and facilities to determine compliance with the Child Care Act of 1969 [225 ILCS 10] and licensing standards;
- b) requirements for the Department or supervising agency to receive complaints and conduct licensing complaint investigations;

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- c) requirements for the Department or supervising agency to develop and implement a protective plan or corrective plan that assures the safety of children while a licensed program or facility corrects noted violations;
- d) review of licensing decisions;
- e) enforcement actions;
- f) the procedures for surrender of a license or permit; and
- g) the administrative hearing process through which a licensee or permit holder may obtain review of certain enforcement actions.

Section 383.15 Definitions

"Administrative hearing" means a formal review of a decision by the Department to revoke or refuse to renew a license, or to refuse to issue a full license to the holder of a permit.

"Administrative order of closure" means a document issued by the Department that orders the immediate closure of a child care program or facility subject to licensure under the Child Care Act, whether the program or facility is licensed or unlicensed.

"Administrative Law Judge" means a licensed attorney who is appointed by the Director and is responsible for conducting administrative hearings and issuing recommended decisions to the Director.

"Appellant" means the person or entity who requests an administrative hearing or on whose behalf an administrative hearing is requested.

"Authorized representative" means a person, including an attorney, authorized in writing by a party to assist in the informal review or administrative hearing process. If the party is unable to reduce such authorization to writing, the Department, on request, shall assist the party in doing so.

"Chief Administrative Law Judge" means the supervisor of the Administrative Law Judges and coordinator for the administrative hearing process.

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"Child" means any person under 18 years of age. For purposes of admission to and residence in child care institutions, group homes and maternity centers, the term also means any person under 21 years of age who is referred by a parent or guardian, including an agency having legal responsibility for the person pursuant to the Juvenile Court Act of 1987. [225 ILCS 10/2.01]

"Child Care Act" means the Child Care Act of 1969 [225 ILCS 10].

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

"Complaint" means

any oral or written report made to or by staff of the Department or a supervising agency or by the public alleging a violation of licensing standards or the Child Care Act;

an unusual incident report, as defined in 89 Ill. Adm. Code 331 (Unusual Incidents), that alleges a violation of a licensing standard or the Child Care Act involving children in day care, children in the temporary custody or guardianship of the Department, or children for whom the Department maintains an open service case, when the alleged incident involves an owner, operator or employee of a child care facility; or

a referral from the Department's State Central Register (SCR) that alleges a violation of a licensing standard or the Child Care Act or a report of alleged child abuse or neglect received by the SCR when an owner, operator or employee of a child care facility, or a licensee, employee or another member of the household if the child care facility operates in a family home, is listed as an alleged perpetrator (see 89 Ill. Adm. Code 300.160).

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"Conditional license" means a non-renewable document issued by the Department that authorizes a licensee to continue operating a licensed child care facility for a period of six months in compliance with a corrective plan, the Child Care Act and licensing standards, and requires the licensee to comply fully with all terms of the conditional license agreement.

"Corrective plan" means a written document approved by a licensing supervisor that lists violations of licensing standards and/or the Child Care Act, the actions to be taken by the licensee or permit holder to correct the violations, and the time frames for correcting the violations.

"Day" means a calendar day, unless otherwise specified in this Part.

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

"Department representative" means an attorney licensed to practice in the State of Illinois who is assigned to represent the Department at an administrative hearing.

"Director" means the Director of the Department of Children and Family Services.

"Final administrative decision" means the Department's final decision, order or determination, rendered by the Director in a particular case, on an issue reviewed through an administrative hearing that affects the legal rights, duties or privileges of participants and that may be further reviewed by the circuit court under the Administrative Review Law [735 ILCS 5/3-101].

"Full license" means a document issued by the Department that authorizes the applicant to operate a child care program or facility for either a 3 or 4 year time period in accordance with licensing standards and the Child Care Act. The term "full license" does not include a permit or a conditional license.

"Indicated report" means any report of child abuse or neglect made to the Department pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5] for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

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"Informal review" means a meeting conducted by the licensing administrator or designee to gather information regarding a permit holder's or licensee's noncompliance with the Child Care Act and licensing standards to determine whether further enforcement action shall be recommended.

"Initial application for license" means the first application for licensure submitted by the individual, corporation, or other legal entity, or an application for licensure submitted by the holder of a conditional licensee.

"License" means a document issued by the Department that authorizes the applicant to establish or operate a child care program or facility in accordance with applicable licensing standards and the Child Care Act.

"Licensee" means an individual, agency, or organization that holds a license issued by the Department.

"Licensing administrator" means management-level staff of the Department who are assigned the direct supervision of licensing supervisors.

"Licensing complaint investigation" means an information gathering and assessment process initiated following receipt of a complaint and conducted by a licensing representative in order to determine compliance with the Child Care Act and licensing standards.

"Licensing representative" means Department or licensed child welfare agency staff who have passed an examination demonstrating familiarity with the Child Care Act and with the appropriate standards and regulations of the Department in accordance with Section 5(c) of the Child Care Act and are authorized by the Department or agency to examine child care programs and facilities applying for or issued a license.

"Licensing standards" means the administrative rules promulgated by the Department governing the licensing and operation of child care facilities.

"Licensing study" means the written assessment of an application for a child care program or facility license that includes, but is not limited to, on-site visits, interviews, background checks, references, and the collection and review of supporting documents to determine compliance with the Child Care Act and licensing standards.

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"Licensing supervisor" means Department or licensed child welfare (see 89 Ill. Adm. Code 401.310) or day care (see 89 Ill. Adm. Code 405.10) agency staff assigned the responsibility for direct supervision of licensing representatives.

"Monitoring visit" means an on-site visit to the program or facility by the licensing representative to determine continuing compliance with the Child Care Act and licensing standards.

"Parties" means the Department and a person or persons who have requested an administrative hearing. No person may join in an administrative hearing as a party unless that person has standing to request an administrative hearing on the same issues before the Administrative Law Judge.

"Permit" means a one-time only document issued by the Department in accordance with applicable licensing standards.

"Permit holder" means an individual, agency, or organization that holds a permit issued by the Department.

"Permit period" means the time period designated in the licensing standards for a particular facility type during which an individual, agency, or organization may operate a child care program or facility pursuant to a permit issued by the Department.

"Perpetrator" means a person who, as a result of a child protection investigation, has been determined by the Department to have caused child abuse or neglect.

"Preponderance of the evidence" means the greater weight of the evidence or evidence that renders a fact more likely than not.

"Program", as used in this Part, means a Youth Transitional Housing Program operating in a licensed child care facility in accordance with applicable standards defined in 89 Ill. Adm. Code 409 (Licensing Standards for Youth Transitional Housing Programs) and the Children and Family Services Act [20 ILCS 505], or in an unlicensed facility where the transitional living facility meets the requirements of 89 Ill. Adm. Code 409.

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"Protective plan" means a written plan of action developed by a licensing representative or a child protective service worker, and approved by the licensing supervisor, that restricts contact between a licensee, employee, volunteer, household member, or another person in contact with children in a licensed facility and the children cared for in the facility.

"Refusal to issue full license" means the Department has refused to issue a full license at the end of a permit period.

"Refusal to renew a license" means that, after submission of a license renewal application and a licensing study based upon that application, the Department refuses to extend the license for an additional term.

"Regional Licensing Administrator" means the Department's regional-level manager who supervises Department licensing supervisors.

"Request for an administrative hearing" means the written request by an appellant for an administrative hearing.

"Revocation of a license" means the Department has terminated the rights and privileges associated with a license or a permit.

"Stipulation" means an agreement by the parties that certain facts are true and can be introduced into evidence without further proof.

"Supervising agency" means the Department, licensed child welfare agency or licensed day care agency that recommended licensure of or supervises a licensed foster home or day care home.

"Supervisory review" means a meeting conducted by the licensing supervisor and licensing representative during which a licensee or permit holder may dispute the licensing representative's substantiated findings of violation of the Child Care Act and licensing standards.

"Surrender of a license or permit" means a voluntary act by a licensee or permit holder to relinquish a license or permit to operate a child care program or facility. Surrender of a license or permit terminates all rights and privileges associated with the license or permit.

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"Surrender with cause" means a surrender of a license or permit that occurs after the Department has offered an informal review or issued an administrative order of closure, but before the Department has issued a notice of intent to revoke, refusal to renew, or refusal to issue full license.

"Unlicensed child care facility" means a child care program or facility subject to licensure under the Child Care Act that is operating without a valid license or permit.

"Violation" means that the licensing representative has determined, during a licensing complaint investigation, a licensing study or a monitoring visit, that the licensee or permit holder has violated a licensing standard or a Section of the Child Care Act.

Section 383.20 Applicability

This Part applies to all agencies, child care facilities and programs subject to regulation under the Child Care Act. The Department is ultimately responsible for enforcing the Child Care Act. Non-Department supervising agencies are authorized to perform certain enforcement functions as identified in this Part.

SUBPART B: ENFORCEMENT

Section 383.25 Monitoring Visits to Licensed Facilities

- a) Licensing representatives of the Department or supervising agency shall visit the program or facility for the purpose of determining its continued compliance with the Child Care Act and licensing standards or compliance with a protective plan or corrective plan. Monitoring visits may be announced or unannounced during the hours of operation, whether or not children are currently present or in care.
- b) Monitoring visits for all licensed foster homes shall be conducted at least twice each calendar year by a representative of the supervising agency, and more frequently when conditions in the home warrant.
- c) Monitoring visits for day care homes shall be conducted at least annually by a licensing representative from the supervising agency and more frequently when conditions in the home warrant.

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- d) Monitoring visits for child care institutions, secure child care facilities, maternity centers, child welfare agencies, day care agencies, group homes, day care centers, group day care homes, youth emergency shelters and youth transitional housing programs shall be conducted at least annually by a Department licensing representative and more frequently when conditions in the facility warrant.
- e) Monitoring visits shall be more frequent for permit holders or conditional or provisional license holders.
- f) The licensing representative shall document observations made during the monitoring visit. The licensing representative shall notify the licensee or permit holder, in writing, of the violations noted, if any, and any required follow-up actions (e.g., corrective plan), and shall offer a supervisory review.

Section 383.30 Complaints Alleging Violation of the Child Care Act or Licensing Standards

- a) Complaints alleging violation of the Child Care Act or licensing standards related to the licensing or operation of child care programs or facilities may originate from any source (e.g., parents, other licensees, and the general public). Complaints alleging licensing violations or that a program or facility is operating without a license may be accepted from anonymous or identified sources.
- b) Staff of the Department and purchase of service agencies (see 89 Ill. Adm. Code 357) shall immediately make a licensing complaint when they observe or have knowledge of violations of the Child Care Act or licensing standards.
- c) A licensing complaint shall be immediately directed to the supervising agency or to the Department's licensing unit serving the geographical area of the facility. A licensing complaint involving a home licensed to operate as both a foster home and a day care home shall be directed to both supervising agencies, if different agencies supervise the foster home and day care home licenses.
- d) When the Department receives a complaint involving a foster home, day care home, or a home that is licensed to operate as both a foster home and a day care home, and the home is supervised by one or more supervising agencies, the Department shall immediately notify the agencies of the complaint.

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- e) When a non-Department supervising agency receives a licensing complaint, that complaint shall be reported to the Department licensing representative who supervises the agency within 72 hours.
- f) Investigations Not Necessarily Required
 - 1) A licensing complaint investigation is not required when:
 - A) the alleged violation occurred more than 60 days before receipt of the complaint and is not of a continuing nature;
 - B) the complaint is anonymous and fails to allege violations that affect the health, safety, morals or welfare of the children being served; or
 - C) no violations of the Child Care Act or licensing standards are apparent from the complaint.
 - 2) However, the licensing supervisor may direct the licensing representative to conduct a monitoring visit at any time.

Section 383.35 Investigations of Complaints Concerning Licensed Facilities

- a) When a complaint alleges one or more violations of the Child Care Act or licensing standards involving a licensed child care program or facility, the supervising agency shall assign a licensing representative to investigate the allegations.
- b) The licensing representative shall begin a licensing complaint investigation within 2 business days after receipt of the complaint by the supervising agency licensing unit and shall complete the investigation within 30 days after receipt of the complaint. However, upon written notice to the licensee, the investigation may be extended for an additional 30 days.
- c) The licensing representative shall:
 - 1) interview the person making the complaint, if known, and others who may have information relevant to the complaint;

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- 2) obtain and review any relevant documentation;
 - 3) make one or more unannounced visits to the program or facility, during the hours of operation, to gather information and evidence relevant to the complaint, and to determine whether the program or facility is operating in accordance with the Child Care Act and licensing standards; and
 - 4) complete and document the licensing complaint investigation on forms prescribed by the Department.
- d) At the conclusion of the licensing complaint investigation, the licensing representative shall make a determination and enter a finding of "substantiated" or "unsubstantiated" with regard to each allegation in the complaint and shall document these findings. The licensing representative shall also document any other substantiated violations observed during the investigation.
 - e) When all allegations in the complaint are unsubstantiated and the licensing representative continues to have reasonable concerns about the safety of children in the licensed program or facility, the licensing representative, with approval of the licensing supervisor, may implement a protective plan that reasonably addresses those concerns. The duration of a protective plan in this instance may not exceed 6 months.
 - f) Within 5 days after supervisory approval of the determination, the licensing representative shall notify the complainant, in writing, of whether the allegations in the complaint were substantiated or unsubstantiated.
 - g) Within 5 days after supervisory approval of the determination, the licensing representative shall notify the licensee or permit holder, in writing, of each finding noted in the complaint investigation and any required follow-up action (e.g., corrective plan), and shall offer a supervisory review.
 - h) When a licensing complaint involves a home licensed to operate as both a foster home and a day care home, the licensing supervisors for both the foster home and day care home licensing units shall assign the complaint investigation to licensing representatives in their respective units and shall require the licensing representatives to coordinate their respective investigations.

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Section 383.40 Re-examination of a Foster Family Home After an Indicated Child Abuse or Neglect Report

- a) *When a foster family home is the subject of an indicated report under the Abused and Neglected Child Reporting Act [325 ILCS 5], the Department must immediately conduct a re-examination of the foster family home to evaluate whether it continues to meet the minimum standards for licensure. The re-examination is separate and apart from the formal investigation of the report. The Department must establish a schedule for re-examination of the foster family home mentioned in the report at least once a year. [225 ILCS 10/4.3]*
- b) The supervising agency shall conduct an immediate re-examination of a licensed foster family home when:
 - 1) a child in substitute care or who resides in the home is the subject of an indicated report of child abuse or neglect and the licensee or another household member was identified as a perpetrator; or
 - 2) the licensee or any household member is identified as a perpetrator of an indicated report of abuse or neglect of any child.
- c) When the re-examination is conducted by an agency other than the Department, the agency shall forward the results of the re-examination to the Department within 5 days.

Section 383.45 Protective Plan

- a) A written protective plan shall be developed by the licensing representative or child protective service worker, and approved by the licensing supervisor, that restricts contact between the licensee or permit holder, a household member, volunteer or employee of the program or facility and children cared for in the program or facility when:
 - 1) a pending formal child protection investigation names the individual as an alleged perpetrator;
 - 2) the licensing representative determines that contact between the children in care and the individual presents an ongoing risk to the children, but that the health, safety and best interests of the children do not require closure

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of the program or facility or removal of the children from the licensed foster family home; or

- 3) after a monitoring visit, the licensing representative documents a violation that requires a protective plan to restrict contact between the children in care and the individual to assure the health, safety and best interests of the children while the licensee is provided an opportunity to correct the violation.
- b) Depending upon the severity of the allegations or violations, a protective plan shall either:
 - 1) prohibit the named individual from having any contact with the children in care; or
 - 2) require that all contact between the named individual and the children in care be supervised by an appropriate adult approved by the Department or supervising agency.
 - c) A protective plan issued under subsection (a)(2) or (a)(3) of this Section shall be reviewed by the licensing supervisor every 6 months.

Section 383.50 Corrective Plan

- a) A corrective plan is a written document approved by the licensing supervisor that lists violations of licensing standards and/or the Child Care Act, the actions to be taken by the licensee or permit holder to correct the violations, and the time frames for correcting the violations.
- b) A corrective plan is required when the licensing representative documents one or more violations and the violations are not corrected while the licensing representative is still on site at the program or facility and the licensee or permit holder can correct the violations within 60 days (the licensing supervisor may approve more than 60 days). When a licensee cannot correct the violation within 60 days, but the correction can reasonably be expected within the approved extended time frame and the children are adequately protected, the licensing supervisor may approve an extended time frame at the time he or she approves the corrective plan. The licensee must provide documentation to show that he or she

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needs additional time to correct the violation (e.g., an estimated start date from a repairman, a correction that is dependent upon weather conditions, etc.).

- c) A corrective plan is not required when the supervising agency determines that the violations are not capable of being corrected.
- d) A corrective plan is not required when the Department is issuing an administrative order of closure.
- e) Failure by the licensee or permit holder to submit or comply with a corrective plan may result in further enforcement action.

Section 383.55 Supervisory Review

- a) The licensing supervisor shall offer the licensee or permit holder a supervisory review, or a licensee or permit holder may request a supervisory review:
 - 1) when the licensee or permit holder questions whether one or more of the violations documented by the licensing representative occurred;
 - 2) when there is a disagreement regarding the application or interpretation of a specific Section of the Child Care Act or a licensing standard when substantiating a violation; or
 - 3) when the licensing supervisor believes that a supervisory review will be helpful to address ongoing issues with the licensee or permit holder.
- b) A supervisory review shall not be conducted to review a criminal conviction that constitutes a bar to licensure pursuant to Section 4.2(b) of the Child Care Act.
- c) A supervisory review shall not be offered when the Department is issuing an administrative order of closure.
- d) The supervisory review shall be scheduled within 14 days after the licensee's or permit holder's request and held at the earliest date.
- e) The licensing supervisor shall uphold the questioned violation when the licensing representative:

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- 1) documented sufficient evidence to substantiate the violation; and
 - 2) correctly interpreted and/or applied the Child Care Act or licensing standards in substantiating a violation.
- f) The licensing supervisor shall overturn the questioned violation when the licensing representative:
- 1) did not obtain and/or document sufficient evidence to substantiate the violation; or
 - 2) misinterpreted and/or misapplied the Child Care Act or licensing standards.
- g) The licensing supervisor shall prepare a written report summarizing the information presented at the supervisory review and make findings regarding each disputed violation. The report shall be provided to the licensee or permit holder by hand delivery or regular mail.

Section 383.60 Informal Review

- a) The purpose of an informal review is to:
- 1) allow the Department to gather the facts regarding the failure of the licensee or permit holder to submit a corrective plan or comply with the terms of a corrective plan or protective plan; and
 - 2) provide the licensee or permit holder an opportunity to demonstrate why the Department should not immediately initiate further enforcement action.
- b) Informal reviews are conducted by the Department's licensing administrators. A non-Department supervising agency shall refer all requests for informal reviews to the Department.
- c) The licensee or permit holder shall not be offered an informal review when the Department will be issuing or has issued an administrative order of closure.
- d) An informal review is not required:

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- 1) to review a criminal conviction that constitutes a bar to licensure pursuant to Section 4.2(b) of the Child Care Act; or
 - 2) when the Department determines that a violation cannot be corrected (e.g., extended incarceration of licensee) or it is not feasible to correct the violation.
- e) Except as provided in subsections (c) and (d), the licensing administrator shall notify the licensee or permit holder, by certified mail, of the right to request an informal review when the Department intends to initiate further enforcement action.

Section 383.65 Participants in an Informal Review

- a) The following persons shall participate in the informal review:
 - 1) The licensing administrator or designee shall attend and conduct the informal review; and
 - 2) the licensing representative, licensing supervisor and the licensee or permit holder shall attend any informal review.
- b) Other persons who may participate in an informal review include, but are not limited to:
 - 1) the licensee's or permit holder's attorney or authorized representative;
 - 2) a child welfare professional or other licensing representative with information relevant to the issue being reviewed; and
 - 3) a person designated by the Department to take notes at the informal review.

Section 383.70 Outcomes of the Informal Review

- a) After the informal review, the licensing administrator shall review all information and documentation presented and shall make one or more of the following findings:

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- 1) that the licensee or permit holder has or has not complied with the provisions of the corrective plan or protective plan;
 - 2) that the licensee or permit holder did not correct all of the violations according to the corrective plan, but there were mitigating reasons for the licensee's or permit holder's failure to do so and the Department is satisfied that the facility and responsible persons reasonably meet the licensing standards prescribed for the facility type;
 - 3) that the licensee or permit holder had not been offered a corrective plan prior to the informal review and it is appropriate to offer an initial corrective plan at this time; and/or
 - 4) a recommendation to initiate further enforcement action immediately.
- b) The licensing administrator shall prepare a written report summarizing the information presented at the informal review and making findings. The report shall be hand delivered to the licensee or permit holder or sent by certified mail.

Section 383.75 Grounds for Revocation, Refusal to Renew, and Refusal to Issue Full License

- a) The Department may initiate proceedings to revoke a license, to refuse to renew a license, or to refuse to issue full license to the holder of a permit in accordance with Sections 8 and 8.1 of the Child Care Act when grounds exist. (See Appendix A.)
- b) The Department shall initiate proceedings to revoke a license within 10 working days after issuing an administrative order of closure.

Section 383.80 Conditional License

- a) The Department may issue a conditional license to a currently licensed program or facility when the Department determines that continued operation of the program or facility does not constitute a threat to the health, safety, morals or welfare of the children served. A complete listing of deficiencies and a corrective plan approved by the Department shall be in existence at the time a conditional license is issued.

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- b) Prior to issuing a conditional license, the Department shall revoke or refuse to renew the current license, or the licensee shall surrender the current license. Upon revocation, non-renewal or surrender of the license, the Department and licensee shall execute a conditional license agreement and the Department shall issue a conditional license to operate the facility.
- c) A conditional license shall be valid for six months and is not renewable or extendable.
- d) The licensee must comply with the terms of the conditional license agreement, correct all violations, be in full compliance with the Child Care Act and licensing standards by the end of the fifth month of the conditional license, and remain in full compliance until the date of expiration of the conditional license.
- e) The licensee must submit a new and complete initial application for licensure before the end of the third month of the conditional license in order for the application to be considered timely and sufficient.
- f) Failure by the licensee to comply with the conditional license agreement may result in the issuance of an administrative order of closure or denial of a new license.
- g) The Department shall not issue a conditional license to the holder of a permit.

Section 383.85 Notice of Intent to Revoke, Refuse to Renew, or Refuse to Issue Full License

- a) The Department shall provide written notice to a licensee or permit holder of intent to revoke a license, refuse to renew a license or refuse to issue a full license to a permit holder. The notice shall be hand delivered with a certificate of delivery or sent by certified mail, return receipt requested, to "the addressee only".
- b) The notice shall state:
 - 1) the Department's intended action and a short and plain statement of the matters that are the basis for the Department's action (the latter element may be satisfied by attaching a statement of charges);

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- 2) that the licensee or permit holder may request an administrative hearing if the licensee or permit holder disagrees with, and wishes the appointment of an Administrative Law Judge to review, the Department's intended action; and
- 3) that a request for administrative hearing must be in writing and must be received by the Administrative Hearings Unit within 10 days from the postmark date of the notice. The request for administrative hearing must be hand-delivered, mailed or faxed to:

DCFS Administrative Hearings Unit
406 East Monroe, Station 15
Springfield, Illinois 62701
Fax: 217/557-4652

- c) When the Department has issued a notice of intent to revoke, notice of refusal to renew or notice of refusal to issue a full license following an administrative order of closure, the licensee or permit holder may request that a hearing be scheduled within 21 days, as provided in Section 383.110 of this Part.
- d) If the licensee or permit holder does not request an administrative hearing within the time frame set forth in this Section, or if the Department determines, upon holding an administrative hearing pursuant to Subpart C of this Part, that the license should be revoked or the renewal or full license denied, then the license shall be revoked or the renewal or full license shall be denied.

Section 383.90 Surrender of a License or Permit

- a) A licensee or permit holder may voluntarily surrender a license or permit to the Department or supervising agency.
- b) A licensee may surrender his or her foster home, day care home, group day care home, or day care center license by so stating, orally or in writing, to the licensing representative or supervising agency. A surrender that is given orally shall be confirmed in writing by the licensee or the licensing representative.
- c) A surrender for a program or facility other than a foster home, day care home, group day care home, or day care center shall be executed on a form prescribed by the Department. The licensee shall verify, in writing, whether:

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- 1) the Department is investigating the licensee, the permit holder or the owners, operators or employees of the facility for any licensing complaint or report of suspected abuse or neglect involving the facility or actions while discharging duties at the facility;
 - 2) litigation is pending between the licensee or permit holder, the facility and the Department; or
 - 3) the licensee suspects that the facility or facilities supervised by it are under investigation by any agency of any state, their respective inspectors general, or any local, State or federal law enforcement agencies.
- d) Surrender of a license or permit terminates all rights and privileges associated with the license or permit. A surrendered license or permit shall not be renewed, reissued, reinstated or restored.
 - e) Failure by a foster home, day care home or group day care home licensee or permit holder to submit a completed application for address change to the Department or supervising agency prior to, or within 14 days after, a change of residence shall be deemed a surrender of the foster home, day care home, or group day care home license or permit.
 - f) A licensed child welfare or day care agency shall attach to the surrender a complete listing of the names and addresses of all licensed child care programs and facilities supervised by the agency, any pending license applications that have not yet been determined by the supervising agency, and any license exempt day care homes, relative care homes, independent living facilities, youth transitional housing programs, or other programs for children and youth operated by the agency.
 - g) When a surrender of a license or permit occurs after the Department has offered an informal review or issued an administrative order of closure, but before the Department has issued a notice of intent to revoke, refusal to renew, or refusal to issue full license, the Department shall notify the licensee or permit holder, in writing, that the surrender shall be construed as a "surrender with cause".
 - h) Surrender of a license or permit after the Department has issued a notice of intent described in Section 383.85 of this Part shall be deemed an abandonment of the

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licensee's or permit holder's right to seek review of the decision under Subpart C of this Part, and the license or permit shall be revoked or the renewal or full license shall be denied.

Section 383.95 Acquiring a New License After Surrender With Cause

When the licensing record reflects that a license or permit was surrendered "with cause", the Department shall not accept an application for a new license from the licensee or permit holder until at least one year has elapsed from the date of the surrender.

Section 383.100 Investigations of Complaints Concerning Unlicensed Facilities

- a) *Whenever the Department is advised, or has reason to believe, that any person, group of persons or corporation is operating a child welfare agency or a child care facility without a license or permit, it shall make an investigation to ascertain the fact. If the Department is denied access, it shall request intervention of local, county or State law enforcement agencies to seek an appropriate court order or warrant to examine the premises. [225 ILCS 10/11]*
- b) The licensing representative shall begin a licensing complaint investigation within 2 business days after receipt of the complaint by the Department's licensing unit and shall complete the investigation within 30 days after receipt of the complaint. However, upon written notice to the licensee, the investigation may be extended for an additional 30 days.
- c) The licensing representative shall:
 - 1) interview the person making the complaint, if known, and others who may have information relevant to the complaint;
 - 2) obtain and review any relevant documentation;
 - 3) make one or more unannounced visits to the program or facility, during the hours of operation, to gather information and evidence relevant to the complaint, and to determine whether the program or facility is being or has operated without a valid permit or license, or is exempt from licensure under the Child Care Act; and
 - 4) complete and document the licensing complaint investigation.

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- d) At the conclusion of the licensing complaint investigation, the licensing representative shall determine whether the program or facility is subject to licensure by the Department and is operating without a valid permit or license, or is exempt from licensure under the Child Care Act, and shall document this finding.
- e) Within 5 days after supervisory approval of the determination, the Department shall notify the operator of the program or facility, in writing, of the finding. The licensing representative shall provide notice to the operator, by certified mail, when, by law, a license is required for the type of child care provided. The notice shall explain how to make an application for a license.
- f) Within 5 days after supervisory approval of the determination, the licensing representative shall notify the complainant, in writing, of whether the program or facility is operating without a valid permit or license, or is exempt from licensure under the Child Care Act.
- g) *If the Department finds that the child welfare agency or child care facility is being, or has been, operated without a license or permit, the Department shall report the results of its investigation to the Attorney General and to the appropriate State's Attorney for investigation and, if appropriate, prosecution. [225 ILCS 10/11]*
- h) If the operator continues to operate the program or facility and does not make efforts to obtain a license, the Department may issue an administrative order of closure when the Department makes a finding in accordance with Section 383.105 of this Part. The Department shall report the matter to the Attorney General, and to the State's Attorney for the county in which the program or facility is located, for prosecution.

Section 383.105 Administrative Order of Closure

- a) *Whenever the Department expressly finds that the continued operation of a child care facility, including such facilities defined in Section 2.10 of the Child Care Act and unlicensed facilities, jeopardizes the health, safety, morals, or welfare of children served by the facility, the Department shall issue an order of closure directing that the operation of the facility terminate immediately, and, if applicable, shall initiate revocation proceedings under Section 9 of the Child*

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Care Act *within 10 working days. A facility closed under this Section may not operate during the pendency of any proceeding for the judicial review of the decision of the Department to issue an order of closure or to revoke or refuse to renew the license, except under court order.* [225 ILCS 10/11.2]

- b) All administrative orders of closure shall be issued in writing by the Director.
- c) An administrative order of closure shall be hand-delivered to the licensee or permit holder.

Section 383.110 Appeal After Issuance of an Administrative Order of Closure

- a) When the Department has issued a notice of intent to revoke, refusal to renew or refusal to issue a full license following an administrative order of closure, the licensee or permit holder may request that a hearing be scheduled within 21 days. The request shall be directed to the Department's Administrative Hearings Unit and shall specifically state that the Department has served an administrative order of closure on the program or facility and has served the requisite notice of intent on the licensee, and that a hearing date within 21 days is requested.
- b) Upon receipt of the request for a hearing, the Chief Administrative Law Judge shall verify with the Regional Licensing Administrator that an administrative order of closure and notice of intent were served. Upon verification, a hearing date shall be scheduled within 21 days after the date the appellant's written request for administrative hearing was received.
- c) The Administrative Law Judge shall present a written opinion and recommendation to the Director within 21 days after the record of the administrative hearing is completed. Upon agreement of the parties, the time frame for completion of the written opinion and recommendation may be extended.
- d) The Director shall issue a final administrative decision within 7 days after receipt of the Administrative Law Judge's recommended decision.
- e) All other requirements in Subpart C of this Part not in conflict with the provisions in this Section shall apply to hearings after issuance of an administrative order of closure.

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SUBPART C: ADMINISTRATIVE HEARINGS

Section 383.115 Who May Request an Administrative Hearing

- a) A licensee or permit holder has the right to request an administrative hearing to review an enforcement action listed in Section 383.120 of this Part, personally or by:
 - 1) an authorized representative, including an attorney, authorized in writing by a party to assist in the administrative hearing process; or
 - 2) an individual legally authorized to act on behalf of the licensee or permit holder when the licensee or permit holder is incompetent, incapacitated, or otherwise unable to speak for him/herself. A certified copy of the court order authorizing the individual to act on behalf of the licensee or permit holder must be provided.
- b) If a licensee or permit holder has an authorized representative or an individual legally acting on his or her behalf, that representative or individual may exercise the rights of the licensee or permit holder in the administrative hearing process. These rights include the right to:
 - 1) review and copy record material;
 - 2) receive Department notices;
 - 3) speak in the administrative hearing process; and
 - 4) take any other actions permitted an appellant during the administrative hearing process.

Section 383.120 What May Be Reviewed Through the Administrative Hearing Process

The following decisions may be reviewed through the administrative hearing process under this Part:

- a) revocation of a license;
- b) refusal to renew a license; and

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- c) refusal to issue a full license to the holder of a permit.

Section 383.125 What May Not Be Reviewed Through the Administrative Hearing Process

The Chief Administrative Law Judge shall decide whether an issue is appropriate for the administrative hearing process pursuant to this Part. The following circumstances are not appropriate for the administrative hearing process under this Part:

- a) the Department has already made a final administrative decision on the issue as a result of a previous administrative hearing;
- b) the issue does not involve a decision to revoke a license, refuse to renew a license, or refuse to issue a full license to the holder of a permit;
- c) a court has made a judicial decision on the issue sought to be reviewed through the administrative hearing process;
- d) denial of a license or a permit;
- e) a disagreement about the terms and conditions contained in a conditional license agreement;
- f) a disagreement about the terms and conditions contained in a corrective plan or protective plan;
- g) when the licensee or permit holder has surrendered the license or permit;
- h) denial of a new license upon expiration of a conditional license; or
- i) the matter is reviewable under another administrative rule.

Section 383.130 The Right to Request an Administrative Hearing

- a) The appellant must file a timely and sufficient appeal within 10 days after the postmark date of the notice of intent issued per Section 383.85 of this Part.
- b) The notice of intent shall include clear instructions on how to request and receive an administrative hearing.

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- c) This explanation shall be provided in writing in the appellant's primary language.
- d) When requested, Department staff shall assist the licensee or permit holder in preparing a written request for an administrative hearing.

Section 383.135 Notices of Department Decisions

- a) The following notices shall be hand delivered with a certificate of delivery or sent by certified mail, return receipt requested, to "the addressee only":
 - 1) the Department's notice of intent issued per Section 383.85 of this Part;
 - 2) notice of an administrative hearing; and
 - 3) the final administrative decision.
- b) All other notices referenced in this Subpart shall be sent by regular mail.

Section 383.140 The Role of the Chief Administrative Law Judge

- a) The Chief Administrative Law Judge may grant a request for an administrative hearing when:
 - 1) the original written request for an administrative hearing was received by the Chief Administrative Law Judge within 10 days after the postmark of the notice of intent issued per Section 383.85 of this Part. The date of request for an administrative hearing is the postmark on the appellant's request for an administrative hearing; and
 - 2) the issue is within the jurisdiction of this Part as set forth in Section 383.120.
- b) The Chief Administrative Law Judge may dismiss a request for an administrative hearing for the following reasons:
 - 1) the matter is not reviewable because the Department has not provided written notice to the licensee or permit holder of intent to revoke a license,

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refuse to renew a license or refuse to issue a full license to a permit holder, as provided in Section 383.85 of this Part;

- 2) the request for administrative hearing was not submitted to the Chief Administrative Law Judge in writing within the time frame set out in Section 383.85 of this Part;
- 3) the appellant has withdrawn the request for an administrative hearing in writing; or
- 4) the appellant has abandoned his or her request for an administrative hearing. Grounds for abandonment include:
 - A) failure by the appellant or the appellant's authorized representative, without good cause, to appear at a hearing or pre-hearing conference;
 - B) surrender of the license or permit after requesting an administrative hearing; or
 - C) failure by the appellant to notify the Chief Administrative Law Judge of a change of address and a notice of the administrative hearing, sent to the appellant's last known address, was returned as "undeliverable", "unclaimed", "refused", "moved", or "no forwarding address".
- c) A party seeking to vacate an order of abandonment shall file a motion within 14 days after notice of the entry of an order of abandonment or default, showing good cause why the party failed to appear or participate.
- d) The Chief Administrative Law Judge shall provide written notice of the decision to grant or deny the request for an administrative hearing within 30 days after receipt of the request for an administrative hearing. If the Chief Administrative Law Judge finds that the issue is not reviewable under this Subpart but can be appropriately heard through another appeal process, in accordance with 89 Ill. Adm. Code 435 (Administrative Appeals and Hearings), the Department shall forward the request to the proper hearing authority and notify the appellant of this action.

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- e) If a request for an administrative hearing is granted, the notice issued by the Chief Administrative Law Judge to the appellant shall provide:
- 1) a hearing date within 30 days after the date the appellant's written request for administrative hearing was received;
 - 2) a location for the hearing at a time and place reasonably convenient for all parties;
 - 3) If the appellant is a foster family home licensee, a statement that a telephonic hearing in lieu of an in-person hearing may be scheduled when the decision to revoke or refuse to renew a foster family home license is based solely upon an allegation that the licensee did not file a timely and/or complete application for renewal of the foster family home license. However, the notice of hearing shall state that the appellants (foster parents) have the right to request an "in person" hearing. The appellants may exercise their right by sending a written request for an "in person" hearing within 15 days after the date of the notice of hearing;
 - 4) a statement of the parties' rights during the administrative hearing process;
 - 5) the name and address of the licensee or permit holder, if not represented by counsel, or the name of the licensee and the name and address of the counsel, if represented by counsel;
 - 6) the name and business address of the Department representative for the administrative hearing;
 - 7) a citation to Section 9 of the Child Care Act that grants the Department the legal authority and jurisdiction to hold the hearing;
 - 8) a reference to the particular Sections of the statutes and administrative rules involved. This element may be satisfied by attaching a statement of charges;
 - 9) a short and plain statement of the matters that are the basis of the complaint. This element may be satisfied by attaching a statement of charges;

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- 10) the reasons that may be deemed an abandonment under Section 383.140 of this Part and the cause for the entry of a final administrative decision before hearing;
 - 11) the docket number assigned to the case;
 - 12) the name and mailing address of the Administrative Law Judge and any other parties, unless the names or addresses are confidential under the Abused and Neglected Child Reporting Act or Department of Children and Family Services Act, or other applicable statute; and
 - 13) a statement of the action sought.
- f) All administrative hearings conducted pursuant to this Part are open to the public, except that portions of the hearing may be closed when combined with matters concerning the Abused and Neglected Child Reporting Act or 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services).

Section 383.145 Rights and Responsibilities in Administrative Hearings

- a) An appellant may bring a representative, including legal counsel, to the hearing. Expenses of a representative or of an appellant's witnesses shall be paid by the appellant.
- b) An appellant may request the licensing representative or other persons who may have information relevant to the issues in dispute to attend the hearing by asking the Chief Administrative Law Judge to issue appropriate subpoenas. Witness fees and travel expenses for persons other than Department or supervising agency employees are the responsibility of the party requesting the subpoena.
- c) Any motions from the appellant or the Department shall be filed with the Administrative Law Judge at least 10 calendar days before the hearing. Copies shall be sent to the Department's representative and the appellant.
- d) At the appellant's request, the Department shall provide an interpreter at no cost to the appellant if English is not the appellant's primary language or a sign interpreter if the appellant is hearing impaired.

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- e) Both the appellant and the Department have the right to examine and copy documents and other information to be used by either party and to receive a list of witnesses to be called by either party at the hearing by requesting them at least 10 calendar days before the hearing. The Administrative Law Judge may prohibit the introduction of the requested evidence if not provided within the time frame.
- f) At any time prior to the commencement of the administrative hearing, the Department may amend the statement of charges to include subsequent acts or omissions in violation of the Child Care Act or licensing standards of which the Department has provided the appellant notice.
- g) At any time prior to the entry of a final administrative order, the appellant may withdraw the request for an administrative hearing and accept the Department's decision to revoke, refuse to renew or refuse to issue a full license, or may abandon the right to an administrative hearing by surrendering the license.
- h) During the administrative hearing, the appellant and the Department have the right to:
 - 1) present and question witnesses;
 - 2) present any information relevant to the issues;
 - 3) question or disprove any information, including an opportunity to question opposing witnesses; and
 - 4) dispose of any disputed issue by stipulation, agreed settlement, consent order, or default any time prior to the conclusion of the administrative hearing.
- i) The Department:
 - 1) carries the burden of proof of justifying the decision to revoke a license, refuse to renew a license, or refuse to issue a full license to a permit holder; and
 - 2) must prove that a preponderance of the evidence supports the decision.

Section 383.150 The Administrative Law Judge

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- a) **Appointment of the Administrative Law Judge**
The Chief Administrative Law Judge shall select and the Director shall appoint a trained, impartial Administrative Law Judge from the available pool to conduct the administrative hearing. The Administrative Law Judge shall:
- 1) be an attorney licensed to practice law in the State of Illinois;
 - 2) possess knowledge and information acquired through training and/or experience relevant to the field of child and family welfare law, including familiarity with Department rules, procedures and functions;
 - 3) not have been involved in the decision to take the action being reviewed or have rendered legal advice to the decision maker on the issue; and
 - 4) not have a personal or professional interest that interferes with exercising objectivity or have any bias against the parties or issues reviewed. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.
- b) **Functions of the Administrative Law Judge**
The Administrative Law Judge shall have all authority allowed under the Illinois Administrative Procedure Act [5 ILCS 100]. This authority shall include, but is not limited to, the following:
- 1) conduct a fair, impartial and formal hearing in which the strict rules of evidence do not apply;
 - 2) provide for the recording of the hearing;
 - 3) inform participants of their individual rights and their responsibilities;
 - 4) conduct preliminary and prehearing telephone conferences, if necessary, between the parties and/or their representatives to provide information about the procedural aspects of the hearing, narrow the issues and discuss possible stipulations and contested points of law, in order to expedite the actual hearing;

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- 5) take necessary steps to develop a full and fair record that contains all relevant facts. The Administrative Law Judge shall admit any evidence having probative value that is relevant and material to the facts in issue, subject to objections only as to the weight to be given such evidence;
- 6) administer an oath or an affirmation to all witnesses;
- 7) quash or modify subpoenas for good cause, including, but not limited to, relevance, scope, materiality and emotional harm or trauma to the subpoenaed witness;
- 8) preserve all documents and evidence for the record;
- 9) ask questions of any witnesses called to testify;
- 10) for good cause shown, permit a witness to testify at the hearing by telephone;
- 11) rule upon evidentiary issues and contested issues of law at the hearing or take matters under advisement pending issuance of the written opinion and recommendation;
- 12) order the removal of any person from the hearing room who is creating a disturbance, whether by physical actions, profanity or other conduct that disrupts the hearing;
- 13) identify the issues, consider all relevant facts and receive or request any additional information necessary to decide the matter in dispute, including, but not limited to, the submission of briefs, memoranda of law, affidavits or post hearing briefs; and
- 14) present a written opinion and recommendation to the Director within 30 calendar days after the record of the administrative hearing is completed or transcript is received, unless an extension is granted by the Chief Administrative Law Judge. The report shall include a recommended decision on whether there is a preponderance of evidence, based on information considered at the hearing contained in the administrative record, to support the Department's decision to revoke a license, refuse to renew a license, or refuse to issue a full license to a permit holder. The

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opinion shall contain findings of fact, conclusions of law and a recommendation.

Section 383.155 Final Administrative Decision

- a) **Making the Final Administrative Decision**
The Director shall receive the recommended decision from the Administrative Law Judge and shall agree, disagree, or modify the recommended decision based upon a preponderance of evidence standard. The Director's decision is the final administrative decision of the Department. If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who shall be responsible for assuring compliance with the decision.
- b) **Notice of the Availability of Judicial Review**
The Department shall include a notice to the appellant as part of the final administrative decision. This notice shall include the name of the person responsible for compliance, if applicable, and shall advise the appellant that, under the provisions of the Administrative Review Law [735 ILCS 5/Art. III], the appellant may seek judicial review of the Department's decisions if it is unfavorable to him or her, within the statutory time frame.
- c) **Who Receives Copies of the Final Administrative Decision**
The appellant or authorized representative, the Department or supervising agency licensing representative and licensing supervisor, the Central Office of Licensing, the Department's representative, the Administrative Law Judge, and the Chief Administrative Law Judge shall receive a copy of the final administrative decision.

Section 383.160 Records of Administrative Hearings

The Chief Administrative Law Judge shall maintain the permanent record of the administrative hearing and the final administrative decision. All hearing decisions shall be available for public inspection during regular business hours. However, confidential information shall be deleted in conformance with 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department), and State and federal laws and rules and regulations on confidentiality.

SUBPART D: SEVERABILITY OF THIS PART

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Section 383.165 Severability of This Part

If any court of competent jurisdiction finds that any Section, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

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Section 383.APPENDIX A Statutory Grounds for Revocation or Refusal to Renew a License

- a) *Revocation or Refusal to Renew Licenses; Grounds.*
The Department may revoke or refuse to renew the license of any child care facility or child welfare agency or refuse to issue a full license to the holder of a permit should the licensee or holder of a permit:
- 1) *fail to maintain standards prescribed in Title 89, Chapter III, subchapter e: Requirements for Licensure;*
 - 2) *violate any of the provisions of the license issued;*
 - 3) *furnish or make a misleading or any false statement or report to the Department;*
 - 4) *refuse to submit to the Department any reports or refuse to make available to the Department any records required by the Department in making investigation of the facility for licensing purposes;*
 - 5) *fail or refuse to submit to an investigation by the Department;*
 - 6) *fail or refuse to admit authorized representatives of the Department at any reasonable time for the purposes of investigation;*
 - 7) *fail to provide, maintain, equip and keep in safe and sanitary condition premises established or used for child care as required under standards prescribed by the Department, or as otherwise required by any law, regulation or ordinance applicable to the location of the facility;*
 - 8) *refuse to display its license or permit;*
 - 9) *be the subject of an indicated report under Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5] or fail to discharge or sever affiliation with the child care facility of an employee or volunteer at the facility with direct contact with children who is the subject of an indicated report under Section 3 of that Act;*
 - 10) *fail to comply with the provisions of Section 7.1 of the Child Care Act;*

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- 11) *fail to exercise reasonable care in the hiring, training and supervision of facility personnel;*
 - 12) *fail to report suspected abuse or neglect of children within the facility, as required by the Abused and Neglected Child Reporting Act;*
 - 13) *fail to comply with Section 7.4(c-5) of the Child Care Act;*
 - 14) *fail to comply with Section 5.1 or 5.2 of the Child Care Act; or*
 - 15) *be identified in an investigation by the Department as an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], or be a person whom the Department knows has abused alcohol or drugs, and has not successfully participated in treatment, self-help groups or other suitable activities, and the Department determines that because of such abuse the licensee, holder of the permit, or any other person directly responsible for the care and welfare of the children served, does not comply with standards relating to character, suitability or other qualifications established under Section 7 of the Child Care Act. [225 ILCS 10/8]*
- b) *Further Grounds for Revocation or Refusal to Renew Licenses.*
The Department shall revoke or refuse to renew the license of any child care facility or refuse to issue a full license to the holder of a permit should the licensee or holder of a permit:
- 1) *fail to correct any condition that jeopardizes the health, safety, morals, or welfare of children served by the facility;*
 - 2) *fail to correct any condition or occurrence relating to the operation or maintenance of the facility comprising a violation under Section 8 of the Child Care Act; or*
 - 3) *fail to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises, and provisions for personal care, medical services, clothing, education and other essentials in the proper care, rearing and training of children. [225 ILCS 10/8.1]*

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NOTICE OF ADOPTED RULES

Section 383.APPENDIX B Resource Reference List

- a) Laws of the State of Illinois
 - 1) Abused and Neglected Child Reporting Act [325 ILCS 5]
 - 2) Administrative Review Law [735 ILCS 5/Art. III]
 - 3) Child Care Act of 1969 [225 ILCS 10]
 - 4) Children and Family Services Act [20 ILCS 505]
 - 5) Illinois Administrative Procedure Act [5 ILCS 100]
 - 6) Juvenile Court Act of 1987 [705 ILCS 405]

- b) Administrative Rules of the Illinois Department of Children and Family Services
 - 1) 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect)
 - 2) 89 Ill. Adm. Code 331 (Unusual Incidents)
 - 3) 89 Ill. Adm. Code 357 (Purchase of Service)
 - 4) 89 Ill. Adm. Code 401 (Licensing Standards for Child Welfare Agencies)
 - 5) 89 Ill. Adm. Code 405 (Licensing Standards for Day Care Agencies)
 - 6) 89 Ill. Adm. Code 409 (Licensing Standards for Youth Transitional Housing Programs)
 - 7) 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department)
 - 8) 89 Ill. Adm. Code 435 (Administrative Appeals and Hearings)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Licensing Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 383
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
383.1	Repealed
383.2	Repealed
383.3	Repealed
383.4	Repealed
383.5	Repealed
383.6	Repealed
383.7	Repealed
383.8	Repealed
383.9	Repealed
- 4) Statutory Authority: 25 USC 1901 and 20 ILCS 505/5
- 5) Effective Date of Repealer: March 17, 2008
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain any incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Repealer Published in the Illinois Register: March 23, 2007; 31 Ill. Reg. 4499
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No

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NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Repealer: This Part is being repealed and replaced with new rules. The content of this repealed Part will be replaced in rules titled Licensing Enforcement (89 Ill. Adm. Code 383).
- 16) Information and questions regarding this adopted repealer shall be directed to:

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

Telephone: 217/524-1983
TTY: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us
Facsimile: 217/557-0692

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 10
- 3) Section Number: 10.250 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13]
- 5) Effective Date of Amendment: March 12, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: September 7, 2007; 31 Ill. Reg. 12647
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking is a Departmental decision to implement an optional part of the federal Farm Bill to simplify the change reporting requirements to improve payment accuracy. As a result of this rulemaking, non-assistance food stamp only households, except those households defined in 89 Ill. Adm. Code Section 121.125(b), will have their eligibility redetermined every six months alternating

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between a face-to-face interview and a mail-in redetermination form. This rulemaking will also change the 12-month certification period for a small number of households to every six months.

These revisions in change reporting requirements will be beneficial to these households because it will simplify their change reporting requirements and the benefit level of these households will not be subject to as much fluctuation as under current reporting requirements. During the six months between redeterminations, these households will only be required to report a change of circumstances when the household's gross income exceeds the household's gross income limit (130% of the Federal Poverty Level).

Companion amendments are being adopted in 89 Ill. Adm. Code 121.

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

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

217/785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 10

GENERAL ADMINISTRATIVE PROVISIONS

SUBPART A: APPLICABILITY AND DEFINITIONS

Section	
10.101	Incorporation by Reference
10.110	Applicability
10.120	Definitions
10.130	Assistance Programs
10.140	Assistance Program Restrictions

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section	
10.210	Rights of Clients
10.220	Nondiscrimination
10.225	Grievance Rights of Clients
10.230	Confidentiality of Case Information
10.235	Case Records
10.250	Reporting Change of Circumstances
10.263	Reporting Child Abuse/Neglect
10.268	Reporting Elder Abuse/Neglect
10.270	Notice to Client
10.280	Right to Appeal
10.281	Continuation of Assistance Pending Appeal
10.282	Time Limit for Filing an Appeal
10.283	Examining Department Records
10.284	Child Care
10.290	Voluntary Repayment of Assistance
10.295	Correction of Underpayments
10.300	Recovery of Assistance
10.310	Estate Claims
10.320	Real Property Liens
10.330	Filing and Renewal of Liens
10.340	Foreclosure of Liens

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NOTICE OF ADOPTED AMENDMENT

- 10.350 Release of Liens
- 10.360 Personal Injury Claims
- 10.370 Convictions of Fraud – Eligibility
- 10.380 Single Conviction of Fraud – Administrative Review Board

SUBPART C: APPLICATION PROCESS

- Section
- 10.410 Application for Assistance
- 10.415 Local Office Action on Application for Public Assistance
- 10.420 Time Limitations on the Disposition of an Application
- 10.430 Approval of an Application and Initial Authorization of Financial Assistance
- 10.438 General Assistance Approval Provisions
- 10.440 Denial of an Application

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

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15515, effective November 26, 1997; amended at 22 Ill. Reg. 19816, effective November 1, 1998; amended at 23 Ill. Reg. 6944, effective June 1, 1999; amended at 24 Ill. Reg. 7856, effective May 16, 2000; amended at 24 Ill. Reg. 18153, effective November 30, 2000; amended at 25 Ill. Reg. 7170, effective May 24, 2001; amended at 28 Ill. Reg. 1083, effective December 31, 2003; amended at 28 Ill. Reg. 5650, effective March 22, 2004; amended at 29 Ill. Reg. 8148, effective May 18, 2005; amended at 31 Ill. Reg. 6962, effective April 30, 2007; amended at 31 Ill. Reg. 7638, effective May 15, 2007; amended at 32 Ill. Reg. 4375, effective March 12, 2008.

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section 10.250 Reporting Change of Circumstances

- a) **General**
It is the responsibility of the client to report any change in circumstances, including but not limited to household composition or receipt of income or assets that might affect the client's assistance. This information shall be reported to the local office within ten working days after the change or prior to the expenditure of funds received, whichever occurs first. For non-assistance food stamp only households, food stamp households with earned income and TANF cases with earned income, see 89 Ill. Adm. Code 121.125 and 89 Ill. Adm. Code 112.302.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- b) **AABD**
When an individual other than the recipient maintains the recipient's funds (income and/or assets), it is the responsibility of that individual to report any changes in circumstances to the local office. Any changes that may affect the recipient's continued eligibility for financial assistance, including receipt of lump-sum payments, shall be reported to the local office within ten working days after the change.

(Source: Amended at 32 Ill. Reg. 4375, effective March 12, 2008)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Food Stamps
 - 2) Code Citation: 89 Ill. Adm. Code 121
 - 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
121.10	Amendment
121.120	Amendment
121.125	Amendment
 - 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
 - 5) Effective Date of Amendments: March 12, 2008
 - 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 the Illinois Register: September 7, 2007; 31 Ill. Reg. 12652
 - 10) Has JCAR issued a Statement of Objection to this rulemaking? No
 - 11) Differences between proposal and final version: No substantive changes were made to the text of the proposed rulemaking.
 - 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
 - 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
 - 14) Are there any amendments pending on this Part? Yes
- | | | |
|-------------------------|-------------------------|--|
| <u>Section Numbers:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
| 121.71 | Amendment | 31 Ill. Reg. 13076; September 14, 2007 |

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

121.94	Amendment	31 Ill. Reg. 15005; November 9, 2007
121.98	Amendment	31 Ill. Reg. 15005; November 9, 2007
121.63	Amendment	32 Ill. Reg. 2433; February 15, 2008

- 15) Summary and Purpose of Rulemaking: This proposed rulemaking is a Departmental decision to implement an optional part of the federal Farm Bill to simplify change reporting requirements to improve payment accuracy. As a result of this rulemaking, non-assistance food stamp only households, except those households defined in Section 121.125(b), will have their eligibility redetermined every six months alternating between a face-to-face interview and a mail-in redetermination form. This rulemaking will also change the 12-month certification period for a small number of households to every six months.

These revisions in change reporting requirements will be beneficial to these households because it will simplify their change reporting requirements and the benefit level of these households will not be subject to as much fluctuation as under current reporting requirements. During the six months between redeterminations, these households will only be required to report a change of circumstances when the household's gross income exceeds the household's gross income limit (130% of the Federal Poverty Level).

Companion amendments are being adopted in 89 Ill. Adm. Code 10.

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

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

217/785-9772

- 17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART A: APPLICATION PROCEDURES

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART D: ELIGIBILITY STANDARDS

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

SUBPART E: HOUSEHOLD CONCEPT

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

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section

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

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

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

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

DEPARTMENT OF HUMAN SERVICES

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Section

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

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)

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- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

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

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

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effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150

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days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a

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maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 4380, effective March 12, 2008.

SUBPART A: APPLICATION PROCEDURES

Section 121.10 Interviews

- a) All applicant households, including those submitting applications by mail, shall have face-to-face interviews in a food stamp office with a qualified eligibility worker prior to initial certification and all redeterminations. For earned income and non-assistance food stamp only households, an interview is required at every other redetermination (see Section 121.125). For persons completing a

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redetermination using the phone interview system, the automated phone interview substitutes for the face-to-face interview.

b) Interview Process

- 1) The individual interviewed may be the head of the household, spouse, any other adult member of the household who is sufficiently familiar with the household's circumstances to be able to assist in the determination of eligibility, or an authorized representative (see Section 121.1(e)(1) and (2)). The applicant may bring any person he/she chooses to the interview. Prior to beginning the interview, the applicant shall indicate which persons are not applying for food stamps because they are unable or unwilling to provide alien status verification.
- 2) The interviewer shall not simply review the information that appears on the application, but shall explore and resolve with the household unclear and incomplete information.
- 3) Households shall be advised of their rights and responsibilities during the interview, including the appropriate applications processing standard (see Sections 121.2 and 121.7) and the household's responsibility to report changes.
- 4) The interview shall be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy shall be protected during the interview. Facilities shall be adequate to preserve the privacy and confidentiality of the interview.

c) Waiver of Office Interviews

- 1) The office interview shall be waived if requested by any household which is unable to appoint an authorized representative and which has no household members able to come to the food stamp office because they are qualifying members as defined in Section 121.61.
- 2) The office interview shall also be waived on a case-by-case basis for any household which is unable to appoint an authorized representative and which has no household members able to come to the food stamp office because of transportation difficulties or similar hardships which the

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Department determines warrants a waiver of the office interview. These hardship conditions include, but are not limited to:

- A) illness;
 - B) care of household member;
 - C) hardships due to residency in a rural area;
 - D) prolonged severe weather;
 - E) work or training hours which prevent the household from participating in an in-office interview.
- 3) The Department shall determine if the transportation difficulty or hardship reported by a household warrants a waiver of the office interview and shall document in the case file why a request for a waiver was granted or denied.
 - 4) The Department has the option of conducting a telephone interview or a home visit for those households for whom the office interview is waived. Home visits shall be used only if the time of the visit is scheduled in advance with the household. However, a home visit interview for redetermination of eligibility for financial assistance/recertification does not have to be scheduled with the household in advance.
 - 5) Waiver of the face-to-face interview does not exempt the household from the verification requirements, although special procedures may be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided.
 - 6) Waiver of the face-to-face interview shall not affect the length of the household's certification period.
- d) The Department shall schedule all interviews as promptly as possible to ensure the eligible households receive an opportunity to participate within 30 days after the application is filed. If a household fails to appear for the scheduled interview, the Department will issue a Notice of Missed Interview that will inform the

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household that the household missed its scheduled interview and that the household is responsible for requesting another interview.

(Source: Amended at 32 Ill. Reg. 4380, effective March 12, 2008)

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.120 Redetermination of Eligibility

- a) Redetermination involves the completion of an application, an interview, a review of eligibility and cooperation in the verification of eligibility. For earned income and non-assistance food stamp only households, see Section 121.125. The local office shall provide the household with an opportunity to participate in its normal issuance cycle.
- b) In order to receive uninterrupted benefits, the household must:
 - 1) file a timely application;
 - A) households certified for more than two months must file an application by the 15th calendar day of the last month of the certification period.
 - B) households certified for one or two months must file an application within 17 calendar days from the date of Notice of Eligibility/Expiration of Certification.
 - 2) appear for the interview that is scheduled after the application is timely filed; and
 - 3) provide all requested verifications within ten calendar days after the date the verification was requested.
- c) The household is responsible for requesting another interview if it fails to appear for the interview that was scheduled after the application was filed.
- d) The redetermination application of a food stamp unit who fails to appear for a scheduled interview or provide requested verifications within ten calendar days is denied.

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- 1) If a food stamp unit cooperates before the end of the current approval period, the application is reopened and a full month's benefit is given for the first month of the new period.
 - 2) If the food stamp unit cooperates after the end of the current approval period but within 30 days after the end of the period, the application is reopened and benefits are prorated from the date of cooperation.
- e) Amount of food stamp benefits
- 1) Except as provided in subsection (d)(2) of this Section, households that file the application after the last day of the previous certification period, shall have benefits prorated from the date that the application was filed. Households that are certified for one or two months will not have benefits prorated if the application is filed within 17 calendar days of the date of Notice of Eligibility/Expiration of Certification.
 - 2) Migrant and seasonal farmworker households shall receive a full allotment for the month of application if the household participated in the Food Stamp Program within 30 days prior to the date of application.
- f) If a redetermination application is pending and uninterrupted benefits cannot be provided due to the ten day verification standard, then the local office must provide benefits within five working days after the date the household provides the verification.

(Source: Amended at 32 Ill. Reg. 4380, effective March 12, 2008)

Section 121.125 Redetermination of Earned Income Households

- a) Non-assistance food stamp only households and food stamp households with a member who has earned income (see Section 121.40(b)), except for those households defined in subsection (b) of this Section, are redetermined every six months. The six-month redeterminations alternate between a face-to-face interview and a mail-in redetermination form. If an incomplete mail-in redetermination form is received, the Department will send the client a notice advising of the incomplete form and that the client has 10 days to complete the form. If a household chooses to complete its redetermination using the automated

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phone interview system, a unique confirmation number will verify that the phone interview application was completed and received by the Department.

- b) The following households are not ~~included~~~~earned income households~~:
- 1) migrant households in the migrant job stream;
 - 2) persons who receive income from sheltered workshops;~~and~~
 - 3) households with persons who receive Aid to the Aged, Blind or Disabled (see 89 Ill. Adm. Code 113), unless another household member has earned income ~~;~~
 - 4) households approved for one or two months due to a likelihood of frequent or major changes in unearned income or circumstances;
 - 5) households entitled to expedited service with postponed verifications (see Section 121.7);
 - 6) households receiving Express Stamps (see Section 121.8); and
 - 7) households with a member subject to the food stamp work requirement (this only applies in areas where the person has to meet work requirement; see Section 121.18).
- c) ~~Benefits are~~~~Earned income households have their benefits~~ calculated prospectively for six months. Income averaging is used to determine the amount of income to budget for the next six months, based on the income received during the ~~month~~~~fiscal months~~ before the last month of the approval period.
- d) During the six months between redeterminations, the household is only required to report when gross income exceeds the household's gross income limit (130% of the Federal Poverty Level).
- e) For any reported change that results in an increase in benefits, benefits are increased for the fiscal month following the fiscal month of report. If benefits decrease as a result of the reported change, benefits are decreased for the first month that can be affected following the end of the 10-day timely notice period.

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f) For other redetermination rules, see Section 121.120.

(Source: Amended at 32 Ill. Reg. 4380, effective March 12, 2008)

ILLINOIS RACING BOARD

NOTICE OF WITHDRAWAL OF PROPOSED RULES

- 1) Heading of the Part: Pentafecta
- 2) Code Citation: 11 Ill. Adm. Code 324
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
324.10	Withdraw
324.20	Withdraw
342.30	Withdraw
324.40	Withdraw
324.50	Withdraw
324.60	Withdraw
- 4) Date Notice of Proposed Amendment Published in the Illinois Register: March 21, 2008;
32 Ill. Reg. 4138
- 5) Reason for the Withdrawal: This rulemaking is being withdrawn because the agency will re-submit the proposed amendment with additional language.

ILLINOIS RACING BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Number: Proposed Action:
510.250 Withdraw
- 4) Date Notice of Proposed Amendment Published in the Illinois Register: March 21, 2008;
32 Ill. Reg. 4146
- 5) Reason for the Withdrawal: This rulemaking is being withdrawn because the agency will re-submit the proposed amendment with additional language.

ILLINOIS RACING BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT

- 1) Heading of the Part: Entries, Subscriptions, and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1413
- 3) Section Number: Proposed Action:
1413.140 Withdraw
- 4) Date Notice of Proposed Amendment Published in the Illinois Register: March 21, 2008;
32 Ill. Reg. 4150
- 5) Reason for the Withdrawal: This rulemaking is being withdrawn because the agency will re-submit the proposed amendment with additional language.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

WITHDRAWAL IN PART OF SUSPENSION OF EMERGENCY RULE

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities

Code Citation: 89 Ill. Adm. Code 147

Section Numbers: Section 147.Table A
Nutrition Level II
Ventilator Care Categories
Restorative Programs
Moderate/Intensive Skin Care
Nutrition Level I
Hydration
Morbid Obesity
Psychosocial Adaptation
Psychotropic Medication Monitoring
Close or Constant Observation – Section S
Section 147.150(c)(1)(E)(iii)
Section 147.175(d)(1)(C)

Date Originally Published in Illinois Register: 1/11/08
32 Ill. Reg. 415

Date Suspension Published in Illinois Register: 2/29/08

Date Suspension Became Effective: 2/13/08

Date Suspension Withdrawn: 2/26/08

The Joint Committee on Administrative Rules hereby Certifies that, pursuant to Section 5-125 of the Illinois Administrative Procedure Act and 1 Ill. Adm. Code 230.600(c)(6), the Joint Committee, at its meeting on 2/26/08, has withdrawn the Suspension on the above subsections and items of the emergency rule titled Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147; 32 Ill. Reg. 415). The Committee originally issued this Suspension at its 2/13/08 meeting.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

WITHDRAWAL IN PART OF SUSPENSION OF EMERGENCY RULE

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

The above cited subsections and items of the emergency rule now becomes effective for the remainder of the 150-day period for which originally adopted. All other provisions of the emergency rule remain under Suspension.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Medical Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1285
- 3) Illinois Register Citation to Notice of Proposed Amendment: 32 Ill. Reg. 4127; published March 21, 2008
- 4) The Information being corrected is as follows:

Item 13(A) on the Notice page should read "Those providing the services of licensed physicians may be affected by this rulemaking."

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND WITHDRAWAL IN PART OF
SUSPENSION OF EMERGENCY RULE

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities

Code Citation: 89 Ill. Adm. Code 147

Section Numbers: Section 147.Table A
Injections
Psychiatric Services III
Exceptional Care, Respiratory Services
Complex Wounds
Section 147.200(i)(16) and (17)

Date Originally Published in Illinois Register: 1/11/08
32 Ill. Reg. 415

Date Suspension Published in Illinois Register: 2/29/08
32 Ill. Reg. 3114

Date Suspension Became Effective: 2/13/08

Date of First Withdrawal in Part of Suspension: 2/27/08

Date of Second Withdrawal in Part of Suspension: 3/11/08

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 5-125 of the Illinois Administrative Procedure Act and 1 Ill. Adm. Code 230.600(c)(6), the Joint Committee, at its meeting on 3/11/08, has withdrawn in part the Suspension on the above subsections and items of the emergency rule titled Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147; 32 Ill. Reg. 415). The Committee originally issued this Suspension at its 2/13/08 meeting.

The above cited subsections and items of the emergency rule now become effective for the remainder of the 150-day period for which originally adopted. All provisions of the emergency rule, other than those for which the Suspension was withdrawn in part at the Committee's 2/26/08 and 3/11/08 meetings, remain under Suspension.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

SECRETARY OF STATE

Heading of the Part: Department of Personnel

Code Citation: 80 Ill. Adm. Code 420

<u>Section Numbers:</u>	420.10	420.380	420.640	420.810
	420.200	420.390	420.645	420.820
	420.210	420.400	420.660	420.825
	420.300	420.410	420.670	420.830
	420.310	420.420	420.700	420.835
	420.320	420.430	420.715	420.1000
	420.330	420.435	420.720	420.1010
	420.340	420.600	420.740	420.1020
	420.350	420.610	420.760	420.1030
	420.360	420.620	420.770	
	420.370	420.630	420.800	

Date Originally Published in the Illinois Register: 2/29/08
32 Ill. Reg. 3013

At its meeting on March 11, 2008, the Joint Committee on Administrative Rules objected to the Secretary of State's use of emergency rulemaking to adopt rules titled Department of Personnel (80 Ill. Adm. Code 420; 32 Ill. Reg. 3013) because there is no situation meeting the criteria for an emergency rulemaking under Section 5-45 of the IAPA. The personnel rule policies being revised or updated embrace statutory changes long known to the Secretary, some as far back as 1991. Any emergency situation that exists is agency created.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Medical Assistance Programs

Code Citation: 89 Ill. Adm. Code 120

Section Numbers: 120.60
120.384

Date Originally Published in the Illinois Register: 12/21/07
31 Ill. Reg. 16629

At its meeting on 3/11/08, the Joint Committee on Administrative Rules objected to the Department of Healthcare and Family Services' lack of timeliness in proposing its rulemaking titled Medical Assistance Programs (89 Ill. Adm. Code 120; 31 Ill. Reg. 16629). PA 94-847, effective 1/1/07, specifically required implementation of the provisions articulated in this rulemaking by 7/1/07.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 11, 2008 through March 17, 2008 and have been scheduled for review by the Committee at its April 15, 2008 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.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
4/24/08	<u>State Fire Marshal</u> , Fire Safety Standards for Cigarettes (41 Ill. Adm. Code 400)	11/26/07 31 Ill. Reg. 15757	4/15/08
4/25/08	<u>Department of Human Services</u> , Office of the Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 Ill. Adm. Code 50)	11/26/07 31 Ill. Reg. 15427	4/15/08
4/27/08	<u>Secretary of State</u> , Uniform Partnership Act (Repealer) (14 Ill. Adm. Code 165)	1/18/08 32 Ill. Reg. 828	4/15/08
4/27/08	<u>Secretary of State</u> , Revised Uniform Limited Partnership Act (Repealer) (14 Ill. Adm. Code 170)	1/18/08 32 Ill. Reg. 830	4/15/08
4/30/08	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	1/11/08 32 Ill. Reg. 298	4/15/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF FAILURE TO REMEDY

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

- 1) Heading of Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3)

<u>Section Numbers:</u>	<u>Action:</u>
120.32	Objection/Suspension
120.33	Objection/Suspension
- 4) Notice of emergency published in Illinois Register: 31 Ill. Reg. 15854 - 11/26/07
- 5) Date JCAR issued Statement of Objection and Suspension: 11/13/07
- 6) Summary of Action taken by the Agency: The Department did not respond to the Objection and Suspension, and no response to JCAR's Objection constitutes a refusal to amend or repeal the rule under Section 5-120 of the Illinois Administrative Procedure Act.
- 7) JCAR Action: At its March 11, 2008 meeting, JCAR voted to publish a Notice of Failure to Remedy because the Department's refusal does not remedy JCAR's Objection.

PROCLAMATIONS

2008-86**VNA of Fox Valley Day**

WHEREAS, the Visiting Nurse Association of Fox Valley (VNA), is a humanitarian, not-for-profit organization dedicated to providing compassionate, dependable and comprehensive primary care and community health services; and

WHEREAS, VNA of Fox Valley recognizes that each individual is unique and is to be treated with dignity and extends quality care to individuals regardless of their ability to pay for service in accordance with established VNA charitable care policies; and

WHEREAS, VNA of Fox Valley was founded in 1918 and in addition to serving the poor and uninsured in their community health centers, the majority of those served in their home health and hospice programs are the frail elderly and critically ill; and

WHEREAS, on May 24, VNA will host a Gala at Fox Valley Country Club in North Aurora to celebrate their 90th Anniversary;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 24, 2008 as **VNA OF FOX VALLEY DAY** in Illinois and urge all Illinois residents to recognize the many contributions VNA has made in our state.

Issued by the Governor March 7, 2008

Filed by the Secretary of State March 14, 2008

2008-87**Medical Laboratory Professionals Week**

WHEREAS, the health and well-being of all citizens depends upon the hard work of individuals with educated minds and skilled hands; and

WHEREAS, medical laboratory professionals, which include clinical laboratory scientists/medical technologists, clinical laboratory technicians/medical laboratory technicians, histologic technicians, cytotechnologists, phlebotomists, clinical chemists, clinical microbiologists, pathologists' assistants, pathologists, forensic scientists, and other related professionals play a critical role in providing patients with the best possible health care; and

WHEREAS, the role of medical laboratory professionals is to perform and evaluate medical laboratory tests to detect, diagnose, monitor treatment, and help prevent diseases. In addition, they perform tests to identify and detect biohazardous substances; and

PROCLAMATIONS

WHEREAS, the tireless efforts of these dedicated health care professionals have helped to save countless lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 20 – 26, 2008 as **MEDICAL LABORATORY PROFESSIONALS WEEK** in Illinois, and encourage all citizens to recognize these dedicated men and women who make vital contributions to the quality of health care in our state and across the United States.

Issued by the Governor March 10, 2008

Filed by the Secretary of State March 14, 2008

2008-88**Loyalty Day**

WHEREAS, this nation is kept strong and free by the loyal citizens who preserve our precious American heritage through their positive patriotic declarations and actions; and

WHEREAS, all loyal citizens should make it their duty to inspire complete patriotism among all of our peoples; and

WHEREAS, we urgently need a vigorous display of true red, white and blue Americanism, thus convincing friends and foe alike that our nation is firmly united for self-preservation; and

WHEREAS, every individual, school, church, organization, business establishment and household within the State of Illinois are invited to participate in pledging allegiance to our Flag, Country, and the men and women in uniform, through active participation in patriotic programs being sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary on May 1, 2008:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2008 as **LOYALTY DAY** in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor March 10, 2008

Filed by the Secretary of State March 14, 2008

2008-89**State Farm Day**

PROCLAMATIONS

WHEREAS, State Farm Insurance Companies was founded in 1922, by George J. Mecherle, a farmer from Merna, Illinois; and

WHEREAS, State Farm's mission is to help people manage the risks of everyday life, recover from the unexpected, and realize their dreams; and

WHEREAS, State Farm has grown over the past 86 years from a small farm mutual auto insurer to the leading United States home insurer and one of the world's largest financial institutions; and

WHEREAS, State Farm employs 68,000 associates, including more than 16,500 in Illinois; and

WHEREAS, about 17,000 State Farm agents are spread around the world, including 1,000 in Illinois who provide products and services to thousands of families and businesses; and

WHEREAS, State Farm is a model corporate citizen, demonstrating a proven commitment to helping to build safe, strong, and educated communities – not only in Illinois but throughout the nation; and

WHEREAS, State Farm's Good Neighbor Citizenship shows through the company's support and encouragement of associate and agent volunteerism, numerous initiatives to promote safety ranging from child passenger safety to financial safety, and working collaborations that strengthen and support public education; and

WHEREAS, State Farm's success is built on a foundation of shared values – quality service and relationships, mutual trust, integrity, and financial strength:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9, 2008 as **STATE FARM DAY** in Illinois in recognition of State Farm's outstanding commitment to Illinois and its citizens.

Issued by the Governor March 10, 2008

Filed by the Secretary of State March 14, 2008

2008-90**Red, White, and BBQ Competition Days**

WHEREAS, on May 24th and 25th, 2008, the Westmont Lions Club will hold the second annual "Red, White, and BBQ Competition" in Westmont, Illinois; and

PROCLAMATIONS

WHEREAS, the "Red, White, and BBQ Competition," as an Illinois State Championship, allows teams to qualify for national level barbeque competitions; and

WHEREAS, this event, a Kansas City Barbecue Society (KCBS) sanctioned event, will bring together amazing entertainment and award winning BBQ competitors; and

WHEREAS, the State of Illinois is proud to recognize the many talented individuals who are putting their barbeque skills to the test during this event:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 24-25, 2008 as the **RED, WHITE, AND BBQ COMPETITION DAYS** in Illinois, and encourage all citizens to recognize and participate in this entertaining event that will undoubtedly showcase a variety of tasty barbeque recipes.

Issued by the Governor March 10, 2008

Filed by the Secretary of State March 14, 2008

2008-91**Federal Employee of the Year Day**

WHEREAS, the hard work and dedication of men and women across the United States has been instrumental in making our nation strong and prosperous; and

WHEREAS, a special day is set aside each year to recognize the outstanding service of dedicated federal employees; and

WHEREAS, this year, the 51st Annual Federal Employee of the Year Awards Luncheon will be held on April 28, 2008 at The Hyatt Regency Chicago. The theme for this year's ceremony is "Celebrating Outstanding Federal Employees"; and

WHEREAS, at this prestigious ceremony, federal employees who have dedicated themselves to giving superior service to the American public will be honored; and

WHEREAS, awards will be given to the outstanding employee in each of eleven categories that cover various types of jobs within the federal workforce:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 28, 2008 as **FEDERAL EMPLOYEE OF THE YEAR DAY** in Illinois, and encourage all citizens to join in honoring these hard working individuals, and to recognize the exceptional services they provide for our society.

PROCLAMATIONS

Issued by the Governor March 11, 2008
Filed by the Secretary of State March 14, 2008

2008-92
Health Care Workers Day

WHEREAS, the health and well-being of our citizens is a major concern of Illinois health care professionals; and

WHEREAS, the Chicago area is recognized as a preeminent medical resource and its commitment to the community is evident in its health care organizations; and

WHEREAS, a health care team, as a vital component in the provision of modern health care, consists of nurses, allied health professionals, support staff, financial services personnel, administrative staff, physicians and volunteers, and each of those individuals are all integral parts of a successful health care team; and

WHEREAS, health care employees make much-needed contributions in every health care facility and help increase the greater Chicagoland area's reputation for health care excellence; and

WHEREAS, the more than 140 hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council honor health care workers for their many contributions to the health and well-being of the people in their communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 6, 2008 as **HEALTH CARE WORKERS DAY** in Illinois, and urge all citizens to recognize the achievements of these dedicated workers.

Issued by the Governor March 11, 2008
Filed by the Secretary of State March 14, 2008

2008-93
World TB Day

WHEREAS, 521 cases of active tuberculosis disease were reported in Illinois in 2007 and an estimated 650,000 Illinoisans are infected with the bacterium that causes tuberculosis; and

WHEREAS, Illinois reports the fifth highest number of tuberculosis cases of any state in the nation; and

PROCLAMATIONS

- WHEREAS, there is a disproportionate burden of TB in minorities and persons born outside the United States; and
- WHEREAS, each year thousands of household members, health care employees and others who share the air of infectious tuberculosis patients are at risk of becoming infected with the tuberculosis bacterium and progressing to active disease; and
- WHEREAS, in 2007 there was an 8.4 percent decrease in the number of patients in Illinois with active tuberculosis, but a 25 percent increase in the number of drug-resistant cases of tuberculosis; and
- WHEREAS, the Illinois Department of Public Health is working to promote prompt diagnosis and treatment of tuberculosis cases, implementation of strategies to prevent tuberculosis in children, improved working relationships between public health providers and private providers, hospitals, long term care facilities, correctional facilities, managed care organizations and others, and decreased tuberculosis transmission in health care facilities and community settings; and
- WHEREAS, maintaining control of TB in Illinois requires strengthening current TB control and prevention systems, and progress toward the elimination of TB cannot occur without mobilizing support and engaging in global TB prevention and control; and
- WHEREAS, the theme for this year's World Tuberculosis Day, "I Am Stopping TB," and the national theme of "Partnerships for TB Elimination," recognizes that tuberculosis prevention and control is possible, that every individual can have a role in stopping TB, and that Illinois is committed to working toward the elimination of tuberculosis:
- THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 24, 2008 as **WORLD TB DAY** in Illinois and urge all citizens to increase their awareness and understanding of tuberculosis infection and disease and to join the global effort to stop the spread of this disease.

Issued by the Governor March 12, 2008

Filed by the Secretary of State March 14, 2008

2008-94**National Public Works Week**

- WHEREAS, public works infrastructure, facilities and services are of vital importance to the health, safety and well-being of the people of Illinois; and

PROCLAMATIONS

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers and administrators, representing state and local units of government, who are responsible for and must design, build, operate and maintain the transportation, water supply, sewage and refuse disposal systems, public buildings and other structures and facilities essential to serving our citizens; and

WHEREAS, it is in the public interest for the citizens and civic leaders of this country to gain knowledge of, and to maintain a progressive interest in the public works needs and programs of their respective communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 18-24, 2008 as **NATIONAL PUBLIC WORKS WEEK** in Illinois, and encourage all citizens to join with representatives of governmental agencies and the American Public Works Association in activities and ceremonies designed to pay tribute to public works professionals, engineers and administrators, and to recognize the substantial contributions they have made to our national health and welfare.

Issued by the Governor March 12, 2008

Filed by the Secretary of State March 14, 2008

2008-95**United States Army Reserve Day**

WHEREAS, on April 23, the United States Army Reserve will observe its 100th anniversary; and

WHEREAS, in 1908 Congress authorized a Medical Reserve Corps, a reserve of civilian medical officers who could be ordered to active duty by the Secretary of War during a time of national emergency; and

WHEREAS, what began in the early 20th century as a strategic reserve force of 160 physicians is now an operational 21st century force with an authorized end strength of 205,000 soldiers that can support the Army during times of peace and war; and

WHEREAS, Army Reserve soldiers have trained and served with excellence during many of the world's most serious conflicts, including World War I, World War II, the wars in Korea and Vietnam, the Cold War, the military action in Panama, the Persian Gulf War, and military actions in Somalia, Haiti, Bosnia and Kosovo; and

PROCLAMATIONS

WHEREAS, 183,553 Army Reserve soldiers, including 3,848 from Illinois, have mobilized or deployed in support of the Global War on Terrorism. Currently there are 262 Army Reserve soldiers from Illinois serving in Iraq, Afghanistan, and 18 other countries; and

WHEREAS, as the United States armed forces face a constantly changing world theater, the Army Reserve has played a critical role in the Army's transformation into a smaller, lighter, quicker force; and

WHEREAS, with over one million soldiers available at any time, the Army Reserve continues to produce a highly-skilled, flexible force that can provide the Army with the support needed to face the ever-changing demands of the 21st century:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 23, 2008 as **UNITED STATES ARMY RESERVE DAY** in Illinois, and encourage all citizens to join in recognizing the brave men and women who have served and are serving in the Army Reserve.

Issued by the Governor March 12, 2008

Filed by the Secretary of State March 14, 2008

2008-96**National Aquatic Month**

WHEREAS, people of almost all ages and conditions can enjoy swimming; and

WHEREAS, the physical exercise of swimming provides lasting health benefits, including improved cardiovascular fitness, stronger muscles, and greater flexibility. Swimming is an especially beneficial means of exercise for pregnant women, the overweight, and those rehabilitating from physical injuries; and

WHEREAS, swimming and aquatic-related facilities provide a valuable source of recreation for the whole family and are ideal places for relieving stress. Swimming facilities, aquatic programs and other related activities provide people of all ages a place to learn and grow and to build self-esteem, confidence, and self-worth; and

WHEREAS, furthermore, individual and organized forms of recreation are vital to balanced lives and contribute to personal accomplishment and family unity; and

PROCLAMATIONS

WHEREAS, the State of Illinois' is extremely proud of its many lakes and rivers, along with countless local swimming facilities, that provide the opportunity for all of our residents to receive the great benefits of swimming:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2008 as **NATIONAL AQUATIC MONTH** in Illinois, and encourage all citizens to recognize the role that swimming plays in improving the physical and mental health and overall quality of life of people in this state and throughout the country.

Issued by the Governor March 12, 2008

Filed by the Secretary of State March 14, 2008

2008-97**Medical Assistants Week**

WHEREAS, today, doctors in Illinois are under mounting pressure. Due to increasing medical liability insurance rates, many doctors have been forced to leave our state; and

WHEREAS, in 2005, the legislature passed, and I approved, legislation that amends medical liability insurance rates and regulation, which will hopefully keep and attract more doctors here; and

WHEREAS, in the meantime, medical assistants are helping doctors in Illinois cover the vacuum of medical services left behind by the departure of their colleagues; and

WHEREAS, doctors are seeing three to four times the number of patients they would normally see because of the loss of their peers, and medical assistants provide the necessary support needed to keep their offices functioning and running smoothly; and

WHEREAS, patients are also receiving better care and treatment thanks to medical assistants, who improve their knowledge and skills through educational programs offered by professional organizations such as the Illinois Society of Medical Assistants:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois do hereby proclaim October 20-24, 2008 as **MEDICAL ASSISTANTS WEEK** in Illinois in recognition of medical assistants for their commitment and dedication to the medical profession and to the well-being of patients, especially during this trying time for them and doctors.

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Filed by the Secretary of State March 14, 2008

PROCLAMATIONS

**2008-98
Tire Safety Week**

- WHEREAS, simple, regular tire care and maintenance is critical to ensuring the safety of drivers and their families on our roadways; and
- WHEREAS, despite the importance of regular tire care and maintenance, in 2007 the Rubber Manufacturers Association, a trade group that represents U.S. tire manufacturers, found that only 15 percent of drivers check tire pressure properly; and
- WHEREAS, other data collected by the National Highway Traffic Safety Administration found that at least one in four passenger cars and one in three light trucks, sport utility vehicles and minivans had one or more significantly underinflated tires; and
- WHEREAS, there are four essential elements of tire care and maintenance: checking tire inflation pressure (including the spare) once a month and before long trips, periodic wheel alignment, rotation of tires every 5,000 to 8,000 miles, and checking tire tread regularly; and
- WHEREAS, in addition to the safety benefits, proper tire care also helps the environment and saves consumers money by improving fuel economy and extending the life of tires; and
- WHEREAS, this year during National Tire Safety Week, April 20-26, the Rubber Manufacturers Association will lead a nationwide consumer education initiative called "Be Tire Smart – Play Your Part":

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 20-26, 2008 as **TIRE SAFETY WEEK** in Illinois in support of the Rubber Manufacturer Association's campaign, and to encourage citizens to check their tires and drive safely for the sake of their own lives and the lives of others.

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ILLINOIS ADMINISTRATIVE CODE

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