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TABLE OF CONTENTS

May 30, 2008 Volume 32, Issue 22

PROPOSED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
Foster Parent Code
89 Ill. Adm. Code 3408063

POLLUTION CONTROL BOARD
Special Waste Classifications
35 Ill. Adm. Code 8088085

Nonhazardous Special Waste Hauling and the Uniform Program
35 Ill. Adm. Code 8098091

ADOPTED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
Permanency Planning
89 Ill. Adm. Code 3158103

COMMERCE COMMISSION, ILLINOIS
Net Metering
83 Ill. Adm. Code 4658116

Reports of Accidents or Incidents by Persons Engaging in the
Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities
83 Ill. Adm. Code 5958128

HUMAN SERVICES, DEPARTMENT OF
Office of Inspector General Investigations of Alleged Abuse or Neglect in
State-Operated Facilities and Community Agencies
59 Ill. Adm. Code 508132

NATURAL RESOURCES, DEPARTMENT OF
Freedom of Information
2 Ill. Adm. Code 8268156

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES
Second Notices Received.....8164

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS
Amateur Radio Month
2008-180.....8166

Men's Health Week
2008-181.....8166

Institute of Real Estate Management Week
2008-182.....8167

Lions Walk For Sight Day
2008-183.....8168

LIVESTRONG Day
2008-184.....8169

Maritime Day	
2008-185.....	8170
Aphasia Awareness Month	
2008-186.....	8171
Helping Citizens With Developmental Disabilities Days	
2008-187.....	8172
Missing Children's Day	
2008-188.....	8173
Archbishop Desmond Tutu Day	
2008-189.....	8174
Shared Housing Week	
2008-190.....	8175
Food Allergy Awareness Month	
2008-191.....	8176
LIVE UNITED Month	
2008-192.....	8176
National Women's Health Week	
2008-193.....	8177
National Cytotechnology Day	
2008-194.....	8178
National Transportation Week	
2008-195.....	8179
National Apprenticeship Act Anniversary Celebration Months	
2008-196.....	8180
Peace Officers Memorial Day	
2008-197.....	8181
Ukrainian Genocide Remembrance Day	
2008-198.....	8182
Haitian Flag Day	
2008-199.....	8183
National Governors Association Anniversary Days	
2008-200.....	8184
Certified Government Financial Manager Month	
2008-201.....	8184
Models For Change Day	
2008-202.....	8185
National Clean Beaches Week	
2008-203.....	8186
National Women In Transportation Day	
2008-204.....	8187
20 th Anniversary of the American Academy of Audiology	
2008-205.....	8188
Huntington's Disease Awareness Week	
2008-206.....	8189

Alex's Lemonade Days	
2008-207.....	8190
Longest Walk 2 and Native American Awareness Day	
2008-208.....	8191
Richard R. Heiberger Studios Day	
2008-209.....	8192

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
9	February 19, 2008	February 29, 2008
10	February 25, 2008	March 7, 2008
11	March 3, 2008	March 14, 2008
12	March 10, 2008	March 21, 2008
13	March 17, 2008	March 28, 2008
14	March 24, 2008	April 4, 2008
15	March 31, 2008	April 11, 2008
16	April 7, 2008	April 18, 2008
17	April 14, 2008	April 25, 2008
18	April 21, 2008	May 2, 2008
19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
21	May 12, 2008	May 23, 2008
22	May 19, 2008	May 30, 2008
23	May 27, 2008	June 6, 2008

24	June 2, 2008	June 13, 2008
25	June 9, 2008	June 20, 2008
26	June 16, 2008	June 27, 2008
27	June 23, 2008	July 7, 2008
28	June 30, 2008	July 11, 2008
29	July 7, 2008	July 18, 2008
30	July 14, 2008	July 25, 2008
31	July 21, 2008	August 1, 2008
32	July 28, 2008	August 8, 2008
33	August 4, 2008	August 15, 2008
34	August 11, 2008	August 22, 2008
35	August 18, 2008	August 29, 2008
36	August 25, 2008	September 5, 2008
37	September 2, 2008	September 12, 2008
38	September 8, 2008	September 19, 2008
39	September 15, 2008	September 26, 2008
40	September 22, 2008	October 3, 2008
41	September 29, 2008	October 10, 2008
42	October 6, 2008	October 17, 2008
43	October 14, 2008	October 24, 2008
44	October 20, 2008	October 31, 2008
45	October 27, 2008	November 7, 2008
46	November 3, 2008	November 14, 2008
47	November 10, 2008	November 21, 2008
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

Editor's Note: The Secretary of State Index Department is providing this opportunity to notify you that the next filing period for your Regulatory Agenda will occur from April 21, 2008 to July 1, 2008.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Foster Parent Code
- 2) Code Citation: 89 Ill. Adm. Code 340
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
340.40	Amend
340.50	Amend
340.APPENDIX A	Amend
340.APPENDIX B	Amend
- 4) Statutory Authority: 20 ILCS 520
- 5) A Complete Description of the Subjects and Issues Involved: PA 94-1010 amended the Children and Family Services Act, effective on October 1, 2006, to add in Section 340.40, Foster Parents Rights, right #7.5, requiring the Department to give foster parents relevant information concerning a child from the Department, whenever possible, prior to the child being placed in a licensed foster home, group home, child care institution, or in a relative home.

Appendix B is amended to include foster right #7.5 in the Foster Parent Law annual implementation plans.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of businesses affected: The Department has determined that the proposed amendments will not have an economic impact on small businesses.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the revisions were not anticipated at the time the regulatory agenda was completed.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 340

FOSTER PARENT CODE

SUBPART A: PURPOSE, DEFINITIONS AND INTRODUCTION

Section

- 340.10 Purpose
- 340.20 Definitions
- 340.30 Introduction

SUBPART B: FOSTER PARENT RIGHTS AND RESPONSIBILITIES

- 340.40 Foster Parent Rights
- 340.50 Foster Parent Responsibilities

SUBPART C: REQUIREMENTS FOR FOSTER PARENT ANNUAL PLAN

- 340.60 Content
- 340.70 Resolution of Foster Parent Grievances
- 340.80 Public Review
- 340.90 Annual Plan Submission

SUBPART D: REVIEW, APPROVAL, MONITORING AND REPORTING

- 340.100 Review and Approval Process
- 340.110 Monitoring
- 340.120 Reporting

SUBPART E: SEVERABILITY OF THIS PART

- 340.130 Severability of this Part

340.APPENDIX A Outline and Minimum Requirements for Foster Parent Law Annual [Implementation](#) Plan

340.APPENDIX B Rating Components for Foster Parent Law [Annual](#) Implementation

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

PlanPlans

AUTHORITY: Implementing and authorized by the Foster Parent Law [20 ILCS 520].

SOURCE: Adopted at 24 Ill. Reg. 8515, effective July 1, 2000; amended at 27 Ill. Reg. 1124, effective January 15, 2003; amended at 32 Ill. Reg. _____, effective _____.

SUBPART B: FOSTER PARENT RIGHTS AND RESPONSIBILITIES

Section 340.40 Foster Parent Rights

- a) *A foster parent's rights include, but are not limited to, the following:*
- 1)a) *The right to be treated with dignity, respect, and consideration as a professional member of the child welfare team.*
- 2)b) *The right to be given standardized pre-service training and appropriate ongoing training to meet mutually assessed needs and improve the foster parent's skills.*
- 3)e) *The right to be informed as to how to contact the appropriate child placement agency in order to receive information and assistance to access supportive services for children in the foster parent's care.*
- 4)d) *The right to receive timely financial reimbursement commensurate with the care needs of the child as specified in the service plan.*
- 5)e) *The right to be provided a clear, written understanding of a placement agency's plan concerning the placement of a child in the foster parent's home. Inherent in this right is the foster parent's responsibility to support activities that will promote the child's right to relationships with his or her own family and cultural heritage.*
- 6)f) *The right to be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's licensure, to be provided the opportunity to have a person of the foster parent's choosing present during the investigation, and to be provided due process during the investigation; the right to be provided the opportunity to request and receive mediation or an administrative review of decisions that affect*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

licensing parameters, or both mediation and an administrative review; and the right to have decisions concerning a licensing corrective action plan specifically explained and tied to the licensing standards violated.

- ~~7)g)~~ *The right, at any time during which a child is placed with the foster parent, to receive additional or necessary information that is relative to the care of the child.*
- 8) *The right to be given information concerning a child from the Department, as required under Section 5(u) of the Children and Family Services Act, and from a child welfare agency, as required under Section 7.4 (c-5) of the Child Care Act of 1969. [20 ILCS 520/1-15]*
- A) *At the time the caseworker places a child with a foster parent or prospective adoptive parent, or prior to placement of the child, whenever possible, the worker shall provide available information in writing (except as provided in subsection (a)(8)(B)) about the child necessary for the proper care of the child to the foster parent or prospective adoptive parent. The information to be provided to the caregiver shall include:*
- i) *The medical history of the child, including known medical problems or communicable diseases, information concerning the immunization status of the child, and insurance and medical card information;*
 - ii) *The educational history of the child, including any special educational needs and details of the child's Individualized Education Plan (IEP), Individual Family Service Plan (IFSP) when the child is receiving special education services, or 504 Educational Special Needs Plan, if applicable;*
 - iii) *A copy of the child's portion of the client service plan, including any visitation arrangements and all amendments or revisions; case history of the child, including how the child came into care; the child's legal status; the permanency goal for the child; a history of the child's previous placements; and reasons for placement changes,*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

excluding information that identifies or reveals the location of any previous foster or relative home caregiver; and

iv) Other relevant background information of the child, including any prior criminal history; information about any behavior problems, including fire setting, perpetration of sexual abuse, destructive behavior and substance abuse habits; likes and dislikes; etc.

B) In the case of an emergency placement, when all of the information referenced in subsection (a)(8)(A) is not available, the worker shall provide known information verbally as it becomes available and subsequently provide this information in writing.

C) In advance of placement, the caseworker may provide the foster parent or adoptive parent with a written summary of the information listed in subsection (a)(8)(A).

D) Within 10 working days after the placement, the worker shall obtain from the prospective adoptive parent, foster parent or other caregiver signed verification of receipt of the information described in subsection (a)(8)(A) and forward a copy of the information to the child's guardian ad litem.

E) Supervisory review and approval is required prior to providing any information to the foster parent or prospective adoptive parent.

9)h) *The right to be notified of scheduled meetings and staffings concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child, including individual service planning meetings, administrative case reviews, interdisciplinary staffings, and individual educational planning meetings; the right to be informed of decisions made by the courts or the child welfare agency concerning the child; the right to provide input concerning the plan of services for the child and to have that input given full consideration in the same manner as information presented by any other professional on the team; and the right to communicate with other professionals who work with the foster child within the context of the team, including therapists, physicians, and teachers.*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- [10\)†](#) *The right to be given, in a timely and consistent manner, any information a case worker has regarding the child and the child's family which is pertinent to the care and needs of the child and to the making of a permanency plan for the child. Disclosure of information concerning the child's family shall be limited to that information that is essential for understanding the needs of and providing care to the child in order to protect the rights of the child's family. When a positive relationship exists between the foster parent and the child's family, the child's family may consent to disclosure of additional information.*
- [11\)†](#) *The right to be given reasonable written notice of any change in a child's case plan, plans to terminate the placement of the child with the foster parent, and the reasons for the change or termination in placement. The notice shall be waived only in cases of a court order or when a child is determined to be at imminent risk of harm.*
- [12\)✕](#) *The right to be notified in a timely and complete manner of all court hearings, including notice of the date and time of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case; and the right to intervene in court proceedings or to seek mandamus under the Juvenile Court Act of 1987.*
- [13\)†](#) *The right to be considered as a placement option when a foster child who was formerly placed with the foster parent is to be re-entered into foster care, if that placement is consistent with the best interest of the child and other children in the foster parent's home.*
- [14\)✕](#) *The right to have timely access to the child placement agency's existing appeals process and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal.*
- [15\)✕](#) *The right to be informed of the Foster Parent Hotline established under Section 35.6 of the Children and Family Services Act and all of the rights accorded to foster parents concerning reports of misconduct by Department employees, service providers, or contractors, confidential handling of those reports, and investigation by the Inspector General appointed under Section 35.5 of the Children and Family Services Act.*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

[20 ILCS 520/1-15]

- b) [Implementation of these rights shall be explained in narrative form in the annual implementation plans described in Appendix A.](#)

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

Section 340.50 Foster Parent Responsibilities

- a) *A foster parent's responsibilities include, but are not limited to, the following:*
- 1)a) *The responsibility to openly communicate and share information about the child with other members of the child welfare team.*
 - 2)b) *The responsibility to respect the confidentiality of information concerning foster children and their families and act appropriately within applicable confidentiality laws and regulations.*
 - 3)c) *The responsibility to advocate for children in the foster parent's care.*
 - 4)d) *The responsibility to treat children in the foster parent's care and the children's family with dignity, respect, and consideration.*
 - 5)e) *The responsibility to recognize the foster parent's own individual and familial strengths and limitations when deciding whether to accept a child into care; and the responsibility to recognize the foster parent's own support needs and utilize appropriate supports in providing care for foster children.*
 - 6)f) *The responsibility to be aware of the benefits of relying on and affiliating with other foster parents and foster parent associations in improving the quality of care and service to children and families.*
 - 7)g) *The responsibility to assess the foster parent's ongoing individual training needs and take action to meet those needs.*
 - 8)h) *The responsibility to develop and assist in implementing strategies to prevent placement disruptions, recognizing the traumatic impact of placement disruptions on a foster child and all members of the foster*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

family; and the responsibility to provide emotional support for the foster children and members of the foster family if preventive strategies fail and placement disruptions occur.

- 9)j) *The responsibility to know the impact foster parenting has on individuals and family relationships; and the responsibility to endeavor to minimize, as much as possible, any stress that results from foster parenting.*
- 10)j) *The responsibility to know the rewards and benefits to children, parents, families, and society that come from foster parenting and to promote the foster parenting experience in a positive way.*
- 11)k) *The responsibility to know the roles, rights, and responsibilities of foster parents, other professionals in the child welfare system, the foster child, and the foster child's own family.*
- 12)l) *The responsibility to know and, as necessary, fulfill the foster parent's responsibility to serve as a mandated reporter of suspected child abuse or neglect under the Abused and Neglected Child Reporting Act; and the responsibility to know the child welfare agency's policy regarding allegations that foster parents have committed child abuse or neglect and applicable administrative rules and procedures governing investigations of those allegations.*
- 13) *The responsibility to know and receive training regarding the purpose of administrative case reviews, client service plans, and court processes, as well as any filing or time requirements associated with those proceedings; and the responsibility to actively participate in the foster parent's designated role in these proceedings.*
- 14)m) *The responsibility to know the child welfare agency's appeal procedure for foster parents and the rights of foster parents under the procedure.*
- 15)n) *The responsibility to know and understand the importance of maintaining accurate and relevant records regarding the child's history and progress; and the responsibility to be aware of and follow the procedures and regulations of the child welfare agency with which the foster parent is licensed or affiliated.*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

16)⊕ *The responsibility to share information, through the child welfare team, with the subsequent caregiver (whether the child's parent or another substitute caregiver) regarding the child's adjustments in the foster parent's home.*

17)⊕ *The responsibility to provide care and services that are respectful of and responsive to the child's cultural needs and are supportive of the relationship between the child and his or her own family; the responsibility to recognize the increased importance of maintaining a child's cultural identity when the race or culture of the foster family differs from that of the foster child; and the responsibility to take action to address these issues. [20 ILCS 520/1-20]*

b) Implementation strategies for these responsibilities shall be explained in narrative form in the annual implementation plans described in Appendix A.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 340.APPENDIX A Outline and Minimum Requirements for Foster Parent Law Annual Implementation Plan

This Appendix lists the minimum requirements for the contents of the Foster Parent Law Annual Implementation Plan. These are presented in an outline that may be followed by Department regions and purchase of service agencies in development of the plan. Other formats are acceptable if the plan addresses each of the minimum requirements.

- I. How the agency is addressing each foster parent right in the Foster Parent Law
- II. How the agency is addressing each foster parent responsibility in the Foster Parent Law
- III. Documentation of foster parent input into the development of the annual plan
- IV. Foster parent notification
 - A. Documentation of notification to foster parents of availability of plan
 - B. Summary of foster parent comments
 - C. Summary of agency response to foster parent comments
- V. Summary of agency response to public comments
- VI. Explanation of how foster parents and other stakeholders are involved in developing and monitoring the implementation of the annual plan
- VII. Summary of what worked well and response to deficiencies from prior year's plan, if applicable
- VIII. Agency procedures for addressing foster parent grievances regarding violations of the Foster Parent Law and process for notifying foster parents of the availability of the grievance procedures

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

**Section 340.APPENDIX B Rating Components for Foster Parent Law Annual
Implementation PlanPlans**

The following identifies the rating components that will be used in evaluating the Foster Parent Law Implementation Plans. Rating components are indicated under each foster parent right and responsibility. Unless otherwise noted, each component is worth one point. The narrative must describe how the agency or region does what each component requires in order to receive the point.

Foster Parent Rights (Explanation of how agency insures foster parent rights)

1. The right to be treated with dignity, respect, and consideration as a professional member of the child welfare team.

The agency or region has and implements strategies to ensure that its foster parents are treated with dignity and respect

Total – 5 points

2. The right to be given standardized pre-service training and appropriate ongoing training to meet mutually assessed needs and improve the foster parent's skills.

Minimum standardized pre-service training per 89 Ill. Adm. Code 402
(Licensing Standards for Foster Family Homes)
PRIDE or other DCFS approved training
Co-training approach (foster parent/staff)
Regular utilization of mutual assessment tool for training needs
Training commensurate with levels of care provided
Evidence of ongoing training schedule or calendar

Total – 6 points

3. The right to be informed as to how to contact the appropriate child placement agency in order to receive information and assistance to access supportive services for children in the foster parent's care.

24 hour/7 day availability of emergency support
Established method for accessing support services (e.g., SASS, placement stabilization and staff phone numbers and on-call schedules)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Total – 2 points

4. The right to receive timely financial reimbursement commensurate with the care needs of the child as specified in the service plan.

Regular board payment (attached rate schedule)

Payment for additional services, such as respite care and camp

Timely assessment and payment commensurate with levels of care provided

Method of resolving payment problems

Total – 4 points

5. The right to be provided a clear, written understanding of a placement agency's plan concerning the placement of a child in the foster parent's home. Inherent in this right is the foster parent's responsibility to support activities that will promote the child's right to relationships with his or her own family and cultural heritage.

Foster parent participation in development of the case plan

Timely notification of changes in case plan/permanency goal, including method of notification

Foster parent participation/input into visitation/ communication plan

Total – 3 points

6. The right to be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's licensure, to be provided the opportunity to have a person of the foster parent's choosing present during the investigation, and to be provided due process during the investigation; the right to be provided the opportunity to request and receive mediation or an administrative review of decisions that affect licensing parameters, or both mediation and an administrative review; and the right to have decisions concerning a licensing corrective action plan specifically explained and tied to the licensing standards violated.

Policy describing the agency's investigation of alleged violations and demonstration of how the agency disseminates that information to foster parents

Person of foster parent's choosing present during the investigation

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Specified time frames for investigation as required by 89 Ill. Adm. Code 383

Procedure for appealing negative results/corrective action plans (NOTE: Merely stating that DCFS procedure is followed is not sufficient.)

Total – 4 points

7. The right, at any time during which a child is placed with the foster parent, to receive additional or necessary information that is relative to the care of the child.

Caseworker training in all information to be disclosed
Description of how caseworkers are held accountable for sharing the information

Total – 2 points

8. [The right to be given information concerning a child from the Department as required under Section 5 of the Children and Family Services Act and from a child welfare agency as required under Section 7.4 \(c-5\) of the Child Care Act of 1969.](#)

[The agency has clear rules and procedures as to what information to share and how to share it with foster parents \(see Section 340.40\)](#)
[Staff training in all pertinent policies and procedures](#)
[Description of how caseworkers are held accountable for sharing the information](#)

[Total – 4 points](#)

98. The right to be notified of scheduled meetings and staffings concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child, including individual service planning meetings, administrative case reviews, interdisciplinary staffings, and individual educational planning meetings; the right to be informed of decisions made by the courts or the child welfare agency concerning the child; the right to provide input concerning the plan of services for the child and to have that input given full consideration in the same manner as information presented by any other professional on the team; and the right to communicate with other professionals who work with the foster child within the context of the team, including therapists, physicians, and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

teachers.

Foster parents notified and encouraged to participate in all meetings and staffings about foster children in their care

Foster parents informed of decisions made by agencies and courts

Foster parents encouraged to give input into case planning and input is given full consideration

Foster parents encouraged to communicate with all child team members

Total – 4 points

109. The right to be given, in a timely and consistent manner, any information a case worker has regarding the child and the child's family which is pertinent to the care and needs of the child and to the making of a permanency plan for the child. Disclosure of information concerning the child's family shall be limited to that information that is essential for understanding the needs of and providing care to the child in order to protect the rights of the child's family. When a positive relationship exists between the foster parent and the child's family, the child's family may consent to disclosure of additional information.

A description is given to foster parents at intake, and a prescribed method of disclosing information is utilized

Ongoing sharing of information that is pertinent to the well-being and health of the child

Total – 2 points

110. The right to be given reasonable written notice of any change in a child's case plan, plans to terminate the placement of the child with the foster parent, and the reasons for the change or termination in placement. The notice shall be waived only in cases of a court order or when a child is determined to be at imminent risk of harm.

14 day notice (not applicable for movements involving imminent risk)

Notice in writing

Appeal, including emergency review process, is given to foster parent

Total – 3 points

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1211. The right to be notified in a timely and complete manner of all court hearings, including notice of the date and time of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case; and the right to intervene in court proceedings or to seek mandamus under the Juvenile Court Act of 1987.

Method for notifying foster parents of hearings and their right to be heard
Description of how caseworkers are held accountable for notifying foster parents

Total – 2 points

1312. The right to be considered as a placement option when a foster child who was formerly placed with the foster parent is to be re-entered into foster care, if that placement is consistent with the best interest of the child and other children in the foster parent's home.

Method for checking past placement records, when possible
Process for determining best interest regarding placement decision

Total – 2 points

1413. The right to have timely access to the child placement agency's existing appeals process and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal.

Documentation that an internal appeals system has been established and description of how it prohibits retaliation
Process for accessing the external DCFS appeals system, when necessary

Total – 2 points

1514. The right to be informed of the Foster Parent Hotline established under Section 35.6 of the Children and Family Services Act and all of the rights accorded to foster parents concerning reports of misconduct by Department employees, service providers, or contractors, confidential handling of those reports, and investigation by the Inspector General appointed under Section 35.5 of the Children and Family Services Act.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Training/brochures available on the Foster Parent Hotline and the Office of the Inspector General

Total – 1 point

| **Foster Parent Responsibilities** (Explanation of how agency makes foster parents aware of and helps to achieve or meet their responsibilities)

1. The responsibility to openly communicate and share information about the child with other members of the child welfare team.

Training on type and importance

Total – 1 point

2. The responsibility to respect the confidentiality of information concerning foster children and their families and act appropriately within applicable confidentiality laws and regulations.

Initial and ongoing training on importance of confidentiality
Laws and regulations available to foster parents

Total – 2 points

3. The responsibility to advocate for children in the foster parent's care.

Educational advocacy training available
Court training available
Service appeal brochures and training available
Encouragement to participate in staffings, Administrative Case Reviews,
Placement Review Teams, case conferences and court hearings

Total – 4 points

4. The responsibility to treat children in the foster parent's care and the children's family with dignity, respect, and consideration.

Initial and ongoing training on this topic
Monitoring by staff charged with case management

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Total – 4 points

5. The responsibility to recognize the foster parent's own individual and familial strengths and limitations when deciding whether to accept a child into care; and the responsibility to recognize the foster parent's own support needs and utilize appropriate supports in providing care for foster children.

Ongoing mutual assessment method
Training based on assessments
Placements based on strengths
Support needs addressed

Total – 4 points

6. The responsibility to be aware of the benefits of relying on and affiliating with other foster parents and foster parent associations in improving the quality of care and service to children and families.

Affiliations with foster parent associations are encouraged and facilitated
Internal support groups encouraged, and information provided to foster parents

Total – 2 points

7. The responsibility to assess the foster parent's ongoing individual training needs and take action to meet those needs.

Method and tool for assessing general training needs of foster parents
Process for providing for identified needs

Total – 2 points

8. The responsibility to develop and assist in implementing strategies to prevent placement disruptions, recognizing the traumatic impact of placement disruptions on a foster child and all members of the foster family; and the responsibility to provide emotional support for the foster children and members of the foster family if preventive strategies fail and placement disruptions occur.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Method of early identification of children at risk of disrupting or creating disruption in the family

Support for foster children and family members if preventive strategies fail

Training in purpose and availability of stabilization services

Total – 3 points

9. The responsibility to know the impact foster parenting has on individuals and family relationships; and the responsibility to endeavor to minimize, as much as possible, any stress that results from foster parenting.

Training/methods to recognize and minimize stress factors Respite available

"Voluntary hold" methods explained and understood

Counseling and other supports available

Total – 4 points

10. The responsibility to know the rewards and benefits to children, parents, families, and society that come from foster parenting and to promote the foster parenting experience in a positive way.

Foster parents informed of events/activities that acknowledge and support foster parents and participation is encouraged

Training in the public relations aspect of foster parenting is made available

Total – 2 points

11. The responsibility to know the roles, rights, and responsibilities of foster parents, other professionals in the child welfare system, the foster child, and the foster child's own family.

Training and co-training with staff is required

Regular meetings with other team members are held and encouraged

Foster parents have a recognized voice within the agency's management organization (3 points)

Total – 5 points

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

12. The responsibility to know and, as necessary, fulfill the foster parent's responsibility to serve as a mandated reporter of suspected child abuse or neglect under the Abused and Neglected Child Reporting Act; and the responsibility to know the child welfare agency's policy regarding allegations that foster parents have committed child abuse or neglect and applicable administrative rules and procedures governing investigations of those allegations.

Training, initial and ongoing, including Sexually Abusive Children and Youth reporting responsibility
Written foster parent acknowledgment/contract
Training involving allegations against foster parents and the applicable rules and regulations that govern the investigation of the allegations

Total – 3 points

13. The responsibility to know and receive training regarding the purpose of administrative case reviews, client service plans, and court processes, as well as any filing or time requirements associated with those proceedings; and the responsibility to actively participate in the foster parent's designated role in these proceedings.

Training on the importance of participating
Emphasis on foster parents taking an active role in planning for permanency goal through court hearings, Administrative Case Reviews, etc.

Total – 2 points

14. The responsibility to know the child welfare agency's appeal procedure for foster parents and the rights of foster parents under the procedure.

Awareness of agency's internal appeal systems and utilization
Rights of foster parents spelled out

Total – 2 points

15. The responsibility to know and understand the importance of maintaining accurate and relevant records regarding the child's history and progress; and the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

responsibility to be aware of and follow the procedures and regulations of the child welfare agency with which the foster parent is licensed or affiliated.

Training provided on importance of complete records
Regulations/expectations are available in writing
Agency provides folder, notebook, or case record for the storage and/or transportation of foster parent records

Total – 3 points

16. The responsibility to share information, through the child welfare team, with the subsequent caregiver (whether the child's parent or another substitute caregiver) regarding the child's adjustments in the foster parent's home.

Training on this expectation is offered

Total – 1 point

17. The responsibility to provide care and services that are respectful of and responsive to the child's cultural needs and are supportive of the relationship between the child and his or her own family; the responsibility to recognize the increased importance of maintaining a child's cultural identity when the race or culture of the foster family differs from that of the foster child; and the responsibility to take action to address these issues.

Training encouraged and made available, both initial and ongoing
Internal and external resources made accessible or available

Total – 2 points

Other Scoring Components

1. The plan contains a description of an inclusive and representative process for involving foster parents in developing the plan – 2 points
2. The plan describes how agency case managers were involved – 2 points
3. The plan contains names of foster parents who had input into the plan – 2 points

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

4. The plan contains sign-off approval from foster parents – 2 points
5. The public notification requirement was met – 2 points
6. Previously identified deficiencies were addressed – 2 points
7. The plan related grievance procedure has been established with input from agency foster parents, and the plan is operational – 2 points
8. Foster parents are notified of the availability of the grievance process – 2 points

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Special Waste Classifications
- 2) Code Citation: 35 Ill. Adm. Code 808
- 3) Section Number: 808.121 Proposed Action:
Amend
- 4) Statutory Authority: Implementing Sections 21, 22, 22.01 and 22.9, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9, 27]
- 4) A Complete Description of the Subjects and Issues Involved: For a more detailed description of this rulemaking, see the Board's May 1, 2008 opinion and order Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil: 35 Ill. Adm. Code 808, 809, (R06-20). The amendments, initiated by a proposal filed on December 13, 2005, by NORA, An Association of Responsible Recyclers, formerly known as the National Oil Recycling Association, are intended to exempt from the manifesting requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809), used oil that is defined by, and managed in accordance, with Part 739 (35 Ill. Adm. Code 739). Additionally, the amendments are intended to exempt from the special waste hauling permit requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809), shipments that contain no special waste other than used oil that is defined by and managed in accordance with Part 739 (35 Ill. Adm. Code 739).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: NORA, which filed this rulemaking with the Board, states that it used no published study or report in developing its proposal.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendment does not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R06-20 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Tim Fox, at 312/814-6085.

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312/814-3620, or download them from the Board's Web site at www.ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: NORA, a trade association of companies providing used oil collection and recycling services originally proposed these regulations. The substantive amendments affect any generators and transporters of used oil that are defined by and managed in accordance with the Board's used oil management regulations.
 - B) Reporting, bookkeeping or other procedures required for compliance: As the proposed rulemaking would provide an exemption from existing requirements, it does not require procedures for compliance.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 808
SPECIAL WASTE CLASSIFICATIONS

SUBPART A: GENERAL PROVISIONS

Section	
808.100	Purpose, Scope and Applicability
808.101	Transitional Rule
808.110	Definitions
808.111	Incorporations by Reference
808.121	Generator Obligations
808.122	Manifests
808.123	Small Quantity Generators

SUBPART B: CLASSES OF SPECIAL WASTE

Section	
808.240	Special Waste Classes
808.241	Default Classification of Special Wastes
808.242	Special Handling Waste
808.243	Wastes Categorized by Source
808.244	Wastes Categorized by Characteristics
808.245	Classification of Wastes

SUBPART C: CRITERIA AND DATA REQUIREMENTS

Section	
808.300	Introduction
808.301	Degree of Hazard Determination by Computer
808.302	Data Base and Bioassay Procedures

SUBPART D: REQUEST FOR WASTE CLASSIFICATION

Section	
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 808.400 Introduction
- 808.401 Application Forms
- 808.402 Application for Waste Classification
- 808.410 Physical and Chemical Analysis
- 808.411 Significant Trace Constituents
- 808.412 Common Names
- 808.413 Wastestream Description
- 808.420 Quality Assurance Plan
- 808.430 Degree of Hazard Data
- 808.431 Toxicological Testing

SUBPART E: REVIEW OF CLASSIFICATION REQUESTS

- Section
- 808.501 Order of Requesting Information
- 808.502 Completeness
- 808.503 Standard for Classification

SUBPART F: WASTESTREAM CLASSIFICATION DETERMINATIONS

- Section
- 808.520 Time for Agency Action
- 808.521 Conditions of Wastestream Classification
- 808.522 Final Agency Action

SUBPART G: MODIFICATION, APPEAL AND ENFORCEMENT

- Section
- 808.541 Request for Modification
- 808.542 Appeal
- 808.543 Effect of Classification
- 808.544 Enforcement
- 808.545 Modification

SUBPART H: CATEGORICAL AND CHARACTERISTIC WASTES

- Section
- 808.600 Introduction

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

808.APPENDIX A Assignment Of Special Waste To Classes

808.APPENDIX B Toxicity Hazard

AUTHORITY: Implementing Sections 21, 22, 22.01 and 22.9, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9].

SOURCE: Adopted in R89-13A at 14 Ill. Reg. 14043, effective August 15, 1990; amended in R98-29 at 23 Ill. Reg. 6875, effective July 1, 1999; amended in R06-20 at 32 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 808.121 Generator Obligations

- a) Each person who generates waste shall determine whether the waste is a special waste.

BOARD NOTE: 35 Ill. Adm. Code 722 requires the person to also determine if the waste is a hazardous waste.

- b) No person shall deliver special waste to a transporter unless the waste is accompanied by a manifest as specified in Section 808.122, and the transporter has a special waste hauling permit issued pursuant to 35 Ill. Adm. Code 809. The following are exceptions to this prohibition:
- 1) The person is subject to the small quantity generator exemption of Section 808.123.
 - 2) The transporter and waste are subject to a transporter exemption under 35 Ill. Adm. Code 809.211.
 - 3) The Agency has determined pursuant to this Part that the waste is not a special waste.
 - 4) The waste consists of municipal water or wastewater treatment plant sludge regulated under a sludge management plan approved by the Agency pursuant to 35 Ill. Adm. Code 309.208.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 5) The generator is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739.
- 6) A transporter is not required to have a special waste hauling permit to transport a load that contains no special waste other than used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739 if the transporter has registered with the Agency as a used oil transporter.
- c) *No person shall cause, threaten or allow the treatment, storage or disposal of special waste in Illinois except:*
- 1) *At a facility permitted or otherwise authorized to manage the special waste pursuant to 35 Ill. Adm. Code 703 or 807 [415 ILCS 5/21(d) and (e)]~~(Sections 21(d) and (e) of the Act)~~; or*
- 2) *At a facility owned and operated by such person and subject to the on-site disposal exemption of Section 21(d) of the Act [415 ILCS 5/21(d)]~~(Section 21(d) of the Act)~~.*
- d) No person shall deliver special waste to a transporter or a permitted facility without a supplemental wastestream permit.
- e) No person shall deliver to a transporter or permitted facility special waste with a wastestream identification number unless the waste conforms with the wastestream description in the wastestream classification determination.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Nonhazardous Special Waste Hauling and the Uniform Program
- 2) Code Citation: 35 Ill. Adm. Code 809
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
809.211	Amend
809.301	Amend
809.302	Amend
809.501	Amend
- 4) Statutory Authority: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, and 22.2 and 27] (see P.A. 90-219)
- 5) A Complete Description of the Subjects and Issues Involved: For a more detailed description of this rulemaking see the Board's May 1, 2008, opinion and order Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil: 35 Ill. Adm. Code 808, 809, (R06-20). The amendments, initiated by a proposal filed on December 13, 2005, by NORA, An Association of Responsible Recyclers, formerly known as the National Oil Recycling Association, are intended to exempt from the manifesting requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809), used oil that is defined by, and managed in accordance with, Part 739 (35 Ill. Adm. Code 739). Additionally, the amendments are intended to exempt from the special waste hauling permit requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809), shipments that contain no special waste other than used oil that is defined by and managed in accordance with Part 739 (35 Ill. Adm. Code 739).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: NORA, which filed this rulemaking with the Board, states that it used no published study or report in developing its proposal.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R06-20 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Tim Fox, at 312/814-6085.

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312/814-3620, or download them from the Board's Web site at www.ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: NORA, a trade association of companies providing used oil collection and recycling services originally proposed these regulations. The substantive amendments affect any generators and transporters of used oil that are defined by and managed in accordance with the Board's used oil management regulations.
- B) Reporting, bookkeeping or other procedures required for compliance: As the proposed rulemaking would provide an exemption from existing requirements, it does not require procedures for compliance.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULINGPART 809
NONHAZARDOUS SPECIAL WASTE HAULING
AND THE UNIFORM PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
809.101	Authority, Policy and Purposes
809.102	Severability
809.103	Definitions
809.104	Incorporations by Reference
809.105	Public Records

SUBPART B: NONHAZARDOUS SPECIAL WASTE HAULING PERMITS

Section	
809.201	Nonhazardous Special Waste Hauling Permits – General
809.202	Applications for Nonhazardous Special Waste Hauling Permit – Contents
809.203	Applications for Nonhazardous Special Waste Hauling Permit – Signatures and Authorization
809.204	Applications for Nonhazardous Special Waste Hauling Permit – Filing and Final Action by the Agency
809.205	Nonhazardous Special Waste Hauling Permit Conditions
809.206	Nonhazardous Special Waste Hauling Permit Revision
809.207	Transfer of Nonhazardous Special Waste Hauling Permits
809.208	Nonhazardous Special Waste Hauling Permit Revocation
809.209	Permit No Defense
809.210	General Exemption from Nonhazardous Special Waste Hauling Permit Requirements
809.211	Exemptions for Nonhazardous Special Waste Transporters
809.212	Duration of Nonhazardous Special Waste Hauling Permits

SUBPART C: DELIVERY AND ACCEPTANCE

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Section
809.301 Requirements for Delivery of Nonhazardous Special Waste to Transporters
809.302 Requirements for Acceptance of Nonhazardous Special or Hazardous Waste from Transporters

SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

- Section
809.401 Permit Availability
809.402 Nonhazardous Special Waste Symbols

SUBPART E: MANIFESTS, RECORDS AND REPORTING

- Section
809.501 Manifests, Records, Access to Records, Reporting Requirements and Forms

SUBPART F: DURATION OF PERMITS AND TANK NUMBERS

- Section
809.601 Duration of Special Waste Hauler Permits and Tank Numbers (Repealed)

SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

- Section
809.701 General Provision

SUBPART H: EFFECTIVE DATES

- Section
809.801 Compliance Date
809.802 Exceptions (Repealed)

SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

- Section
809.901 Definitions (Repealed)
809.902 Disposal Methods (Repealed)
809.903 Rendering Innocuous by Sterilization (Repealed)
809.904 Rendering Innocuous by Incineration (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 809.905 Recordkeeping Requirements for Generators (Repealed)
809.906 Defense to Enforcement Action (Repealed)

SUBPART J: UNIFORM PROGRAM

Section

- 809.910 Uniform State Hazardous Waste Transportation Registration and Permit Program
809.911 Application for a Uniform Permit
809.912 Application for Uniform Registration
809.913 Payment of Processing and Audit Fees
809.914 Payment of Apportioned Mile Fees
809.915 Submittal of Fees
809.916 Previously Permitted Transporters
809.917 Uniform Registration and Uniform Permit Conditions
809.918 Uniform Registration and Uniform Permit Revision
809.919 Transfer of Uniform Registration and Uniform Permits
809.920 Audits and Uniform Registration and Uniform Permit Revocation
809.921 Permit No Defense

809.APPENDIX A Old Rule Numbers Referenced (Repealed)

AUTHORITY: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, and 22.2 and 27] (see P.A. 90-219).

SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7, 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg. 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg. 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640, effective September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 5635, effective March 27, 1996; amended in R98-29 at 23 Ill. Reg. 6842, effective July 1, 1999; amended in R00-18 at 24 Ill. Reg. 14747, effective September 25, 2000; amended in R06-20 at 32 Ill. Reg. _____, effective _____.

SUBPART B: NONHAZARDOUS SPECIAL WASTE HAULING PERMITS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 809.211 Exemptions for Nonhazardous Special Waste Transporters

The following persons need not obtain a nonhazardous special waste hauling permit nor carry a manifest if they haul only the waste indicated:

- a) Any person licensed in accordance with the Private Sewage Disposal Licensing Act [225 ILCS 225] and who hauls only septic tank pumpings.
- b) Any person who hauls only livestock waste intended for land application pursuant to 35 Ill. Adm. Code 560.
- c) Transporters of municipal water or wastewater treatment plant sludge that is to be applied to land and that is regulated under a sludge management scheme approved by the Agency pursuant to 35 Ill. Adm. Code 309.208.
- d) Any person licensed in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 610] and who hauls only grease, meat packing scraps, dead animals and parts of animals for delivery to a renderer.
- e) Any person operating under rules and regulations adopted pursuant to the Illinois Oil and Gas Act [225 ILCS 725] and who hauls only oil and gas extraction wastes as defined in that Act.
- f) Any person who hauls only radioactive wastes as defined by the Radiation Protection Act [420 ILCS 40].
- g) Any person who hauls only coal combustion fly ash.
- h) Any person who hauls only declassified waste or refuse.
- i) Any person who hauls only special waste exempted by 35 Ill. Adm. Code 808.123 (small quantity generators of 220 pounds or less per month of special waste).
- j) Any person who hauls potentially infectious medical waste that is regulated under 35 Ill. Adm. Code Subtitle M.
- k) Any person who hauls used tires regulated under 35 Ill. Adm. Code 848.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- l) [Any person who hauls only used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739, and who has registered with the Agency as a used oil transporter.](#)

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

SUBPART C: DELIVERY AND ACCEPTANCE

Section 809.301 Requirements for Delivery of Nonhazardous Special Waste to Transporters

No person may deliver any special waste generated within Illinois or for disposal, storage or treatment within Illinois unless that person concurrently delivers a manifest completed in accordance with Subpart E of this Part to a special waste transporter who holds a current nonhazardous special waste hauling permit or Uniform Program Registration and Permit issued by the Agency under Subpart B or C of this Part. [The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739. A transporter is not required to have a special waste hauling permit to transport a load that contains no special waste other than used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739 if the transporter has registered with the Agency as a used oil transporter.](#)

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

Section 809.302 Requirements for Acceptance of Nonhazardous Special or Hazardous Waste from Transporters

- a) No person may accept any special waste for disposal, storage or treatment within Illinois from a special waste transporter unless the special waste transporter has a valid nonhazardous special waste hauling permit or Uniform Program Registration and Permit issued by the Agency under Subpart B or J of this Part and concurrently presents to the receiver of the special waste, or the receiver's agent, a completed, signed manifest as required by Subpart E of this Part, which manifest designates the receiver's facility as the destination for the special waste. [The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739. A transporter is not required to have a special waste hauling permit to transport a load that contains no special waste other than used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739 if the transporter has](#)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

[registered with the Agency as a used oil transporter.](#)

- b) No person may deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations.

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

SUBPART E: MANIFESTS, RECORDS AND REPORTING

Section 809.501 Manifests, Records, Access to Records, Reporting Requirements and Forms

- a) Any person who delivers special waste to a permitted nonhazardous special or hazardous waste transporter shall complete a uniform hazardous waste manifest to accompany the special waste from delivery to the destination of the special waste. The manifest form will be provided or prescribed by the Agency. [The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739. A transporter is not required to have a special waste hauling permit to transport a load that contains no special waste other than used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739 if the transporter has registered with the Agency as a used oil transporter.](#)
- b) The transporter shall include in the manifest the following:
- 1) The name of the generator of the special waste and generator number;
 - 2) Information stating when and where the special waste was generated;
 - 3) The name of the person from whom delivery is accepted and the name of the site from which delivered;
 - 4) The name and permit number of the transporter;
 - 5) The date of delivery; and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 6) The classification and quantity of the special waste delivered to the transporter.
- c) Manifest copies to be sent to the Agency:
- 1) Every person who delivers RCRA hazardous waste or polychlorinated biphenyl (PCB) wastes to a transporter shall submit a copy of the Illinois manifest to the Agency within two days after the shipment. Every person who accepts RCRA hazardous waste or PCB waste from a transporter shall submit a copy of the Illinois manifest to the Agency within 30 days after receipt.
 - 2) A person who delivers RCRA hazardous waste or PCB wastes to a transporter on another state's manifest, such as where the destination state requires use of its manifest, does not have to submit manifest copies to the Agency.
 - 3) A person who delivers non-RCRA hazardous wastes or non-PCB wastes to a transporter does not have to send a copy of the manifest to the Agency. A person who accepts non-RCRA hazardous waste or non-PCB wastes from a transporter does not have to send a copy of the manifest to the Agency.
- d) The manifest will consist of at least four parts, in contrasting colors, such that an entry or signature on one part will be directly reproduced upon all underlying parts. The top part of the manifest shall be signed by the person who delivers special waste to a special waste transporter, acknowledging the delivery. The top part of the manifest shall also be signed by the special waste transporter, acknowledging receipt of the special waste. The person who delivers special waste to a special waste transporter shall retain the designated parts of the manifest as a record. The remaining parts of the manifest shall accompany the special waste shipment. At the destination, the manifest shall be signed by the person who accepts special waste from a special waste transporter, acknowledging receipt of the special waste.
- e) A permitted site that receives special waste for disposal, storage or treatment of special waste must be designated on the manifest as the final destination point. Any subsequent delivery of the special waste or any portion or product thereof to a special waste transporter shall be conducted under a manifest initiated by the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

permitted disposal, storage or treatment site.

- f) In all cases, the special waste transporter shall deliver the designated parts of the complete, signed manifest to the person who accepts delivery of special waste from the transporter. The special waste transporter shall retain the designated part of the complete, signed manifest as a record of delivery to a permitted disposal, storage or treatment site. In addition, at the end of each month, or longer if approved by the Agency, the owner and the operator of the permitted disposal, storage or treatment site who accepts special waste from a special waste transporter shall send the designated part of the completed manifest to the person who delivered the special waste to the special waste transporter.
- g) Every generator who delivers special waste to a special waste transporter, every person who accepts special waste from a special waste transporter and every special waste transporter shall retain their respective parts of the special waste manifest as a record of all special waste transactions. These parts shall be retained for three years and will be made available at reasonable times for inspection and photocopying by the Agency.

BOARD NOTE: The manifest requirements of 35 Ill. Adm. Code 722, 724 and 725 relative to RCRA hazardous wastes are not affected by this subsection. Generators and receiving facilities subject to those Parts shall continue to supply designated copies of all manifests to the Agency.

- h) Every generator who delivers nonhazardous special waste via a transporter to a facility located outside Illinois shall file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar year. Such reports shall, at a minimum, include the information specified in subsection (i) of this Section and should be received by the Agency no later than February 1.
- i) Every annual report required to be filed with the Agency by a generator for waste going out of state pursuant to subsection (h) of this Section shall include the following:
- 1) The IEPA identification number, name and address of the generator;
 - 2) The period (calendar year) covered by the report;
 - 3) The IEPA identification number, name and address for each off-site

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

treatment, storage or disposal facility to which waste was shipped during the period;

- 4) The name and IEPA special waste hauling number of each transporter used during the period for shipments to a treatment, storage or disposal facility;
 - 5) A description and the total quantity of each nonhazardous special waste shipped out of state, listed by IEPA identification number of each receiving site;
 - 6) The method of treatment, storage or disposal for each nonhazardous special waste; and
 - 7) A certification signed by the generator or the generator's authorized representative.
- j) Every in-State facility that accepts nonhazardous special waste from a nonhazardous special waste transporter shall file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar year. Such reports should, at a minimum, include the information specified in subsection (k) of this Section and be received by the Agency no later than February 1. This subsection is applicable to all nonhazardous special wastes that are delivered to a nonhazardous special waste transporter on or after January 1, 1991.
- k) Every annual report required to be filed with the Agency by a person accepting nonhazardous special waste from a nonhazardous special waste transporter pursuant to subsection (j) of this Section shall include the following information:
- 1) The IEPA identification number, name and address of the facility;
 - 2) The period (calendar year) covered by the report;
 - 3) The IEPA identification number, name and address of each nonhazardous special waste generator from which the facility received a nonhazardous special waste during the period;
 - 4) A description and the total quantity of each nonhazardous special waste

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the facility received from off-site during the period. This information shall be listed by IEPA identification number of each generator;

- 5) The method of treatment, storage or disposal for each nonhazardous special waste; and
- 6) A certification signed by the owner or operator of the facility or the owner's or operator's authorized representative.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Permanency Planning
- 2) Code of Citation: 89 Ill. Adm. Code 315
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
315.30	Amended
315.100	Amended
315.110	Amended
- 4) Statutory Authority: 20 ILCS 505
- 5) Effective Date of Amendments: May 30, 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 Illinois Register: June 15, 2007; 31 Ill. Reg. 8384
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between Proposal and Final Version: The federal Department of Health and Human Services (Administration for Children and Families) did not accept language in the proposed amendment that based the frequency of caseworker visits to children placed in residential facilities on the number of miles the facility is located from the caseworker's headquarters. Therefore, the language was deleted from Section 315.110(e) in the adopted text. Caseworkers will be required to visit children in distant placements at the same intervals as those in closer proximity to the caseworker's headquarters.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: The amendments improve the Department's ability to monitor children placed out-of-state by requiring more frequent caseworker visits. The revision also brings Department policies into compliance with Title IV-E requirements.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 315

PERMANENCY PLANNING

SUBPART A: PRINCIPLES OF PERMANENCY PLANNING

Section

- 315.10 Purpose
- 315.20 Definitions
- 315.30 Best Interests Health and Safety of the Child
- 315.40 Accountability
- 315.45 The Need for a Permanent Home
- 315.50 Reasonable Efforts/Reasonable Progress
- 315.60 The Child's Sense of Time
- 315.70 The Critical Decisions
- 315.80 Components of the Permanency Planning Process

SUBPART B: ASSESSMENT AND OTHER CASEWORK ACTIVITIES

Section

- 315.100 Assessment
- 315.110 Worker Interventions and Contacts
- 315.120 Family Meetings
- 315.130 Developing the Service Plan
- 315.140 Distributing the Service Plan
- 315.150 Revising the Service Plan
- 315.160 Case Reviews and Court Hearings

SUBPART C: SELECTING THE PERMANENCY GOAL

Section

- 315.200 Selection of the Permanency Goal
- 315.205 Return Home Within Five Months
- 315.210 Return Home Within One Year
- 315.215 Return Home Pending Status Hearing
- 315.220 Substitute Care Pending Court Determination on Termination of Parental Rights
- 315.225 Adoption
- 315.230 Guardianship

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

315.235	Independence
315.240	Cannot Be Provided for in a Home Environment
315.245	Concurrent Planning
315.250	Applicability of Reunification Services

SUBPART D: EVALUATION AND DECISIONMAKING

Section	
315.300	Evaluating Whether Children in Placement Should Be Returned Home
315.305	When Reunification Is Inappropriate
315.310	Termination of Services and Planning for Aftercare

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USCA 670 et seq.), the Juvenile Court Act of 1987 [705 ILCS 405], and the Adoption Act [750 ILCS 50].

SOURCE: Adopted at 23 Ill. Reg. 2539, effective February 1, 1999; amended at 25 Ill. Reg. 11785, effective September 14, 2001; amended at 26 Ill. Reg. 7720, effective May 24, 2002; amended at 26 Ill. Reg. 11765, effective August 1, 2002; amended at 28 Ill. Reg. 8465, effective June 4, 2004; amended at 32 Ill. Reg. 8103, effective May 30, 2008.

SUBPART A: PRINCIPLES OF PERMANENCY PLANNING

Section 315.30 Best Interests, Health and Safety of the Child

- a) Best Interests, Health and Safety of the Child
Permanency planning is an on-going process that first and foremost must consider the best interests, health and safety of the child in all planning decisions. Health and safety are the paramount factors that must be considered when determining the best interests of the child. This means that a child is or will be in a living arrangement that meets the placement selection criteria contained in 89 Ill. Adm. Code 301 (Placement and Visitation Services), [or, for an Indian child, that meets the placement selection criteria contained in 89 Ill. Adm. Code 307 \(Indian Child Welfare Services\)](#), and that protects the child's physical health and safety and promotes the child's emotional, medical, and developmental well-being. When evaluating the best interests of the child, the Department or its purchase of service provider shall consider the following factors as provided in the Juvenile Court Act:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) *the physical safety and welfare of the child, including food, shelter, health, and clothing;*
 - 2) *the development of the child's identity;*
 - 3) *the child's background and ties, including familial and religious, including the primary method and/or language of communication between the child and the biological parents or any other special communication needs;*
 - 4) *the child's sense of attachments, including:*
 - A) *where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);*
 - B) *the child's sense of security;*
 - C) *the child's sense of familiarity;*
 - D) *continuity of affection for the child;*
 - E) *the least disruptive placement alternative for the child;*
 - 5) *the child's wishes and long-term goals;*
 - 6) *the child's community ties, including church, school, and friends;*
 - 7) *the child's need for permanence, which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;*
 - 8) *the uniqueness of every family and child;*
 - 9) *the risks attendant to entering and being in substitute care; and*
 - 10) *the preferences of the persons available to care for the child. [705 ILCS 405/1-3].*
- b) The child's best interests and health and safety must be considered and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

documented throughout service intervention and during, but not limited to, the following activities:

- 1) investigation of allegations of abuse or neglect,
- 2) completion of safety and risk assessments,
- 3) completion of the comprehensive assessment,
- 4) worker/client contacts,
- 5) service planning,
- 6) permanency goal selection,
- 7) family meetings,
- 8) administrative case reviews,
- 9) legal screenings, and
- 10) permanency hearings and other court proceedings.

(Source: Amended at 32 Ill. Reg. 8103, effective May 30, 2008)

SUBPART B: ASSESSMENT AND OTHER CASEWORK ACTIVITIES

Section 315.100 Assessment

Assessment consists of an initial assessment of a child and family to determine whether a case should be opened and services delivered, a comprehensive assessment to determine the needs of the family to provide the appropriate intervention and services, and an ongoing assessment conducted throughout the duration of time that the children and family are receiving services. Initial assessment provides a baseline of family strengths and needs by which a caseworker and supervisor can evaluate subsequent progress.

- a) Initial Assessment
The initial assessment consists of a preliminary assessment prior to case opening in order to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) assess the health and safety of the children to determine whether the child can safely remain in his or her current living arrangement;
 - 2) identify the level of risk of harm to the children in the family, develop and implement a safety plan (if at any time the aggravating circumstances appropriate for expedited termination of parental rights exist, the worker shall immediately follow the instructions for expedited termination of parental rights contained in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible));
 - 3) identify what interventions and services can be provided to address the causes of abuse and neglect, and assure a child's health and safety without placement;
 - 4) identify any needs of an emergency nature, including food, shelter, and clothing;
 - 5) [identify whether the child is an Indian child as defined in 89 Ill. Adm. Code 307 \(Indian Child Welfare Services\);](#)
 - 65) begin to identify and preliminarily select placement resources that meet the placement selection criteria contained in 89 Ill. Adm. Code 301 (Placement and Visitation Services); and
 - 76) identify any special communication needs the child may have, in addition to identifying the communication needs specified by the child's parents and/or legal guardians.
- b) Comprehensive Assessment
The comprehensive assessment is an assessment completed in time to ensure submittal of the service plan to the juvenile court no later than 45 days after placement as required by Section 2-10 of the Juvenile Court Act of 1987 [705 ILCS 405/2-10]. During the comprehensive assessment period the worker shall conduct at least weekly face-to-face visits with the parent and any children remaining in the custody of the parent. When the parent cannot be located, a diligent search shall be made to locate the parent, as required by 89 Ill. Adm. Code 332 (Diligent Searches Conducted by the Department of Children and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Family Services), and the parent's portion of the comprehensive assessment shall be completed within 30 days after the parent is located.

- 1) The comprehensive assessment shall consist of any part of the initial assessment that has not yet been completed and the following tasks:
 - A) completion of a social history of the child and family to determine the strengths and needs of the family;
 - B) continued assessment of the health and safety and level of risk to the children in the family (If at any time the aggravating circumstances appropriate for expedited termination of parental rights exist, the worker shall immediately follow the instructions for expedited termination of parental rights.);
 - C) assessment of the parents as it relates to their ability to care for the child, including referral for diagnostic mental health and substance abuse assessment, when indicated;
 - D) for children for whom the Department has legal responsibility, the comprehensive assessment shall also include:
 - i) a compilation of the medical and immunization history of the child and, where available, relevant medical history of the child's parents;
 - ii) location of missing or non-custodial parents and other relatives and their relationship to the family;
 - iii) a preliminary, age appropriate substance abuse screening of the child, if indicated by any other component of the assessment;
 - iv) a basic educational screening including identification of the child's current school and grade level, educational history, and identification of any educational goals and needs, including the need for any further educational testing or assessments.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) In addition, for those children, who are placed in substitute care, the comprehensive assessment shall also include:
- A) an initial health screening by a qualified medical provider in accordance with EPSDT standards, within 24 hours after placing the child in protective custody, of sufficient scope to permit the Department or purchase of service agency to ascertain enough about the current health of the child to identify:
 - i) any health needs requiring immediate attention; and
 - ii) any health information needed to make an informed placement decision.
- If a child is in the hospital at the time the Department takes protective custody, the hospital discharge summary shall serve as the initial health screening.
- B) a comprehensive health evaluation in time to submit the service plan to the juvenile court within the 45 day period after a child's placement in foster care that includes a physical, dental and mental health status of all children and a developmental screening on all children not yet of school age conducted by medical personnel and followed by more intensive evaluation as indicated or recommended. All children taken into Department custody are to be enrolled in Health Works within the first 45 days after the Department assumes custody.
- 3) For those children in foster or relative care, the comprehensive assessment shall include an assessment of whether the foster parent/relative caregiver identifying information shall be released to the parent. Identifying information of the foster parent/relative caregiver shall not be released to the child's parents or siblings in the care of their parents when any of the following is found in the assessment of the parent or other adult living in the home:
- A) A check of the Law Enforcement Agencies Data System (LEADS) identifies a conviction for any of the crimes listed in Appendix A(a)(1), (3), or (4) of 89 Ill. Adm. Code 301 (Placement and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Visitation Services); or

- B) The parent or other adult living in the home has threatened violence against a foster parent/relative caregiver or Department or purchase of service agency worker; or
 - C) The parent or other adult living in the home has exhibited violence against a foster parent/relative caregiver or Department or purchase of service agency worker in the past; or
 - D) The parent or other adult living in the home has or has threatened to abduct or harm the child.
- c) **Ongoing Assessment**
Ongoing assessment continues throughout the life of the case until service termination and shall be used to guide the Department or purchase of service agency in developing an appropriate case plan and guide decisionmaking concerning the Department's or purchase of service agency's reasonable efforts and the client's reasonable progress to correct conditions and/or behavior that threaten a child's health and safety. The ongoing assessment shall consist of reassessing health, safety and risk and the reapplication of any additional screenings as described in subsection (b) whenever the facts of the case indicate the need as well as well-child exams and a review of immunizations, until termination of services.

(Source: Amended at 32 Ill. Reg. 8103, effective May 30, 2008)

Section 315.110 Worker Interventions and Contacts

This Section applies to caseworker interventions and contacts made during the delivery of child welfare services and does not include the interventions and contacts required by child protective investigative staff during the course of child abuse and neglect investigations. To meet any of the intervention and contact requirements described in this Section with hearing impaired clients or limited non-English speaking clients, the worker must be able to facilitate communication using the client's primary mode of communication (e.g., fluency in the client's language or the use of foreign or sign language interpreters; e.g., [Braille](#) or taped communications for persons with visual impairments, etc.).

- a) **Initial Intervention and Contact by Caseworker**

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The assigned caseworker or person assigned by the supervisor, if the assigned caseworker is unavailable, must attend the shelter care hearing in court.
 - 2) The assigned caseworker must attempt face-to-face intervention and contact with the family in the home within five working days after the shelter care hearing or case assignment, whichever is earlier, unless the caseworker and supervisor believe, based upon the health, safety, and best interests of the child, that it is necessary to attempt contact sooner. If the family is unavailable, the caseworker shall make a second attempt within one working day after the failed attempt. If that attempt is also unsuccessful, the caseworker shall conduct a diligent search for the family.
- b) Ongoing Intervention and Contact
- 1) With Families
The families of children in placement shall be seen by the assigned caseworker at least monthly or more frequently as might be specified by the service plan unless parental rights have been terminated.
 - 2) With Children
The assigned caseworker shall see any child in substitute care in the child's living arrangement at least once every two weeks for the first month immediately following initial placement or a change in placement and at least once every month thereafter. When visiting children in substitute care, the caseworker must interview verbal children out of the presence of the caregiver.
 - 3) The above frequencies shall be followed, unless the supervisor, based on the assessment, determines and documents in the service plan, in writing, that the service plan requires more frequent or less frequent contact.
- c) Interventions and Contacts Following Reunification
During all interventions and contacts following reunification, the caseworker must see the child outside the presence of the parent.
- 1) Initial Intervention and Contact
Following the return home of a child who has been in substitute care, an

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

initial face-to-face intervention with the child and parent must be made via a visit in the home by the assigned caseworker within 24 to 72 hours after the child's return home. The timing of the visit will be based upon the safety plan completed when the child is returned home.

- 2) **First Month**
Following the initial visit, weekly or more frequent intervention and contact, as determined by the supervisor, with the child and parent in the home is required for the first month following reunification. At least two of the visits during this first month after reunification must be unannounced.
- 3) **Ongoing**
Frequency of intervention and contact subsequent to the first month of reunification shall be at least monthly until such time as safety and risk assessments indicate that there are no longer sufficient safety or risk factors present to require continued contact.
- d) **Contact With Foster Families/Relative Caregivers**
The assigned Department or purchase of service agency caseworker shall provide the primary foster parent or relative caregiver caring for a child for whom the Department is responsible with monthly face-to-face consultation and support and more often on an as needed basis. This face-to-face contact with the primary foster parent or relative caregiver may occur at the same time as contact with the children in placement is made, provided that children are given the opportunity to be seen and interviewed alone. If there are two or more foster children in one foster home with more than one worker, their respective workers shall together meet at least once every six months with the foster parent, in the foster home, to discuss issues affecting the children's care.
- e) **Children Placed in Residential Facilities**
Children placed in residential facilities (group homes or child care institutions and other facilities such as mental health and correctional facilities) must be visited by the assigned caseworker at least monthly, ~~unless the facility is located more than 50 miles from the caseworker's headquarters. If the facility is more than 50 miles from the caseworker's headquarters, visits shall occur every two months.~~
- f) **Children ~~Placed in Foster Care or Relative Care~~ Out of State Placements**
Children who are placed ~~in foster care or relative home care~~ out of state in

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

compliance with 89 Ill. Adm. Code 328 (Interstate Placement of Children) must be visited no less frequently than every ~~six~~twelve months by a caseworker of the Department or of the state in which the child has been placed. If the caseworker from the state in which the child is placed conducts the visits, that worker shall prepare a quarterly report regarding the health, safety and welfare of the child. A Department or Purchase of Service worker who visits a child placed in Illinois from another state shall prepare the same quarterly report. In either case, the supervising caseworker must submit the quarterly report to his or her respective interstate office, and not directly to the other caseworker.

(Source: Amended at 32 Ill. Reg. 8103, effective May 30, 2008)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Net Metering
- 2) Code Citation: 83 Ill. Adm. Code 465
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
465.5	New Section
465.10	New Section
465.20	New Section
465.30	New Section
465.35	New Section
465.40	New Section
465.50	New Section
465.60	New Section
465.70	New Section
465.80	New Section
- 4) Statutory Authority: Implementing Section 16-107.5 of the Public Utilities Act [220 ILCS 5/16-107.5] and authorized by Sections 16-107.5 and 10-101 of the Public Utilities Act [220 ILCS 5/16-107.5, 220 ILCS 5/10-101]
- 5) Effective Date of Rules: May 15, 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 Commission's Springfield office and is available for public inspection:
- 9) Notice of Proposal published in Illinois Register: 32 Ill. Reg. 1; January 4, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

Section 465.5: Definitions of "annual period", "net purchaser of electricity" and "net seller of electricity" are added.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

Section 465.6: "for electric power and energy supply" is added to definition of "time of use rate".

Section 465.30: Replaced "Prior to February 1, 2008" with "Each".

Section 465.35: Section is added.

Section 465.40: "beginning in 2009" is added.

Section 465.50: Originally proposed language is replaced with new adopted language.

Section 465.80: Section is added.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Act 95-420 added Section 16-107.5 to the Public Utilities Act. Section 16-107.5 requires electricity providers (electric utilities or alternative retail electric suppliers) to equip net metering facilities (defined in the Public Act) with metering equipment that can measure the flow of electricity in both directions at the same rate. Section 16-107.5 of the Act requires the Commission to establish standards for net metering. This Part establishes filing requirements and billing requirements for net metering.
- 16) Information and questions regarding these adopted rules shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIESPART 465
NET METERING

Section

465.5	Definitions
465.10	Application of Part 465
465.20	Purpose of this Part
465.30	Tariffs
465.35	Net Metering Application and Enrollment Procedures
465.40	Reporting Requirements
465.50	Electricity Provider Billing for Eligible Customers
465.60	Complaint Procedures
465.70	Penalty Provisions
465.80	Miscellaneous Provisions

AUTHORITY: Implementing Section 16-107.5 of the Public Utilities Act [220 ILCS 5/16-107.5] and authorized by Sections 16-107.5 and 10-101 of the Public Utilities Act [220 ILCS 5/16-107.5, 220 ILCS 5/10-101].

SOURCE: Emergency rules adopted at 32 Ill. Reg. 1, effective December 22, 2007, for a maximum of 150 days; adopted at 32 Ill. Reg. 8116, effective May 15, 2008.

Section 465.5 Definitions

Terms defined in Section 16-102 of the Public Utilities Act (Act) [220 ILCS 5/16-102] shall have the same meaning for purposes of this Part as they have under Section 16-102 of the Act, unless further defined in this Part.

"Annual period" means the period of 12 consecutive monthly billing periods ending on the last day of either the net metering customer's April monthly billing period or its October monthly billing period, whichever was selected by the customer in connection with its application for net metering.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

"Avoided costs" means the incremental costs to the electricity provider of electric energy or capacity or both, which, but for the purchase from an eligible customer, the electricity provider would generate itself or purchase from another source.

"Electric utility" means a public utility, as defined in Section 5/3-105 [220 ILCS 5/3-105] of the Act, that has a franchise, license, permit or right to furnish or sell electricity or light, except when used solely for communications purposes, to "retail customers" within a "service area" as both of these terms are defined in Section 5/16-102 of the Act.

"Electricity provider" means an electric utility, whether providing services within or outside of its service area, or an alternative retail electric supplier.

"Eligible customer" or "customer" means a retail customer that owns or operates a solar, wind, or other eligible renewable electrical generating facility with a rated capacity of up to 2,000 kilowatts that is located on the customer's premises and is intended primarily to offset the customer's own electrical requirements.

"Eligible renewable electrical generating facility" means a generator up to 2,000 kilowatts powered by solar electric energy, wind, dedicated crops grown for electricity generation, anaerobic digestion of livestock or food processing waste, fuel cells or microturbines powered by renewable fuels, or hydroelectric energy.

"Net electricity metering" or "net metering" means measurement during the billing period applicable to an eligible customer of the net amount of electricity supplied by an electricity provider to the customer's premises or provided to the electricity provider by the customer.

"Net purchaser of electricity" means that the total amount of generation produced by the customer is less than the customer's total usage during the applicable billing period.

"Net seller of electricity" means that the total amount of generation produced by the customer is greater than the customer's total usage during the applicable billing period.

"Time of use rate" means any contract or tariff under which the kWh price for electric power and energy supply is not uniform over all of the hours in a billing period.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

Section 465.10 Application of Part 465

This Part shall apply to all Illinois electric utilities and alternative retail electric suppliers as defined in the Act that are required to provide net metering services in accordance with Section 16-107.5 of the Act [220 ILCS 5/16-107.5].

Section 465.20 Purpose of this Part

The purpose of this Part is to establish standards for net metering in accordance with the requirements of Section 16-107.5 of the Act. Nothing in this Part is intended to conflict with or supersede 83 Ill. Adm. Code 452.

Section 465.30 Tariffs

Each electric utility subject to Section 16-107.5 of the Act shall file a tariff with the Illinois Commerce Commission (Commission) in compliance with Section 16-107.5 of the Act and this Part.

Section 465.35 Net Metering Application and Enrollment Procedures

- a) Each electricity provider shall establish an application form and procedures to enable eligible customers to participate in the net metering program offered by the electricity provider.
- b) An electricity provider may establish an enrollment cap of 1% of the peak demand supplied by the electricity provider in the previous calendar year in accordance with Section 16-107.5(j) of the Act. Nothing in this Part alters the authority of electricity providers to offer net metering beyond the limitations in Section 16-107.5(j) of the Act, if they so choose. Applicable electric utilities (e.g., Illinois Power Company, Central Illinois Light Company, Central Illinois Public Service Company, Commonwealth Edison Company and MidAmerican Energy Company) shall limit the number of eligible customers with generators that have a nameplate rating of 40 kilowatts and below to 200 new billing accounts until March 31, 2009.
- c) Each electricity provider shall establish an open enrollment period to receive net metering applications during the first month that net metering is available. If an electricity provider receives applications in excess of any applicable limits set

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

forth in subsection (b), that provider shall determine enrollment priority by lottery. Applications will not be accepted prior to the start of the open enrollment period. This subsection does not prohibit an electricity provider from providing an initial preference for customers that are already participating in net billing or other programs similar to net metering that are offered by that provider.

- d) After the end of the open enrollment period, or after any applicable limit provided for in subsection (b) has been met, whichever comes first, net metering enrollment priority shall be established on a first-come, first-served basis, according to an electricity provider's date stamp indicating receipt of a completed net metering application. Applicants that applied during the open enrollment period that did not establish enrollment priority during the open enrollment period shall have their enrollment priority established in accordance with this subsection (d) based upon the date stamp of the application submitted during the open enrollment period.
- e) Each completed application for net metering services shall be in writing and shall include:
 - 1) The customer's name, contact information and corresponding service location where the proposed net metering generation facility or facilities are located;
 - 2) The name plate capacity rating of the proposed net metering generation facility or facilities; and
 - 3) Sufficient information to permit the electricity provider to determine whether any facility on the application qualifies as an eligible renewable electrical generating facility.
- f) Electricity providers shall provide applicants with a single point mailing address for all net metering applications to which a completed application must be sent. Electricity providers shall date-stamp each completed application upon receipt and completeness determination. Upon receipt of a completed and executed application, electricity providers shall, within 10 business days after receipt of an application or completion of an open enrollment period, notify an applicant as to whether it is authorized to participate in the electricity provider's net metering program. An electricity provider shall state, in writing, its reasons for denying a prospective net metering customer's application. An electricity provider shall not

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

deny a prospective net metering customer's application in a manner that violates this Part, 83 Ill. Adm. Code 466 or Section 16-107.5 of the Act.

- g) If an electricity provider denies an application due to the cap provided for in subsection (b), the electricity provider shall offer the applicant the opportunity to be placed on a waiting list. If space becomes available under the cap, due to either attrition among enrolled customers or an increase in the electricity provider's peak demand, wait-listed customers shall be processed before new applications.
- h) Any authorization to net meter shall remain effective for as long as the customer remains eligible for net metering and continues taking generation service from the electricity provider, subject to the limitations in subsections (h)(1) and (h)(2).
 - 1) A customer authorized to net meter under subsection (f) shall submit an executed application for interconnection, pursuant to 83 Ill. Adm. Code 466, to the electric utility within 30 business days after the date of the notification from the electricity provider pursuant to subsection (f). An electricity provider may cancel the authorization if the customer has not submitted an executed application by the required date.
 - 2) The following provisions apply to any electricity provider that establishes enrollment limits, as provided for in subsection (b):
 - A) The electricity provider may cancel a customer's authorization to net meter if the customer has not executed an interconnection agreement pursuant to 83 Ill. Adm. Code 466 with the customer's electric utility within 12 months after receiving the interconnection agreement from the electric utility.
 - B) The electricity provider must automatically extend the authorization to net meter by an additional six months for an eligible customer that has executed an interconnection agreement within 12 months after receiving the interconnection agreement from the utility, but whose eligible renewable electrical generating facility has not commenced operation and passed any applicable witness test.
 - C) A customer seeking to extend the authorization to net meter for an additional six months must pay a deposit of \$25 for each kilowatt

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

of the nameplate rating of the customer's eligible renewable electrical generating facility, which shall be refunded only if the facility commences operation and passes any applicable witness test. A customer may only receive a single six-month extension.

- i) With respect to any customer that has been authorized for net metering offered by an electricity provider that is not the electric utility providing delivery service to the customer, the electricity provider must notify the electric utility of a customer's status as a net metering customer.
- j) With respect to any customer that has had its authorization for net metering canceled by an electricity provider that is not the electric utility providing delivery service to the customer, the electricity provider must notify the electric utility of the customer's status as a canceled net metering customer.

Section 465.40 Reporting Requirements

The report required by Section 16-107.5(k) of the Act shall be filed with the Manager of the Energy Division of the Illinois Commerce Commission by April 1 of each year beginning in 2009. The report shall include all information required under Section 16-107.5(k) of the Act, including, but not limited to, the following information: the total peak demand supplied by the electricity provider during the previous year; the total generating capacity of its net metering customers; whether the electricity provider intends to limit total generating capacity of its net metering customers to 1%; and the electricity provider's total number of net metering customers.

Section 465.50 Electricity Provider Billing for Eligible Customers

- a) Billing for all residential customers and non-residential customers with generators no greater than 40kW
 - 1) Customers taking services under rates other than time of use rates
 - A) The electric utility shall determine whether the customer is a net purchaser of electricity or a net seller of electricity during the billing period.
 - B) If the customer is a net purchaser of electricity during the billing period, the electricity provider shall assess charges on the net amount purchased at the tariffed or contract rate, as appropriate,

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

under which, the customer is taking service from the electricity provider. To the extent that the electric utility is not the electricity provider, the electric utility shall assess charges for delivery and other provided services at the tariffed rate under which the customer is taking electric service from the electric utility.

- C) If the customer is a net seller of electricity, the customer shall receive a credit from the electricity provider that is equal to the net kilowatt-hours supplied by the customer during the billing period. To the extent that the electric utility is not the electricity provider, the customer shall receive a credit for delivery service from the electric utility that is equal to the net kilowatt-hours delivered to the electric utility's system by the customer during the billing period. Any credits received by the customer will be carried over to subsequent billing periods. Unused credits will expire at the end of the annual period or earlier in the event the customer terminates service from the electricity provider.

2) Customers taking service under time of use rates

- A) The electric utility shall determine whether the customer is a net purchaser of electricity or a net seller of electricity during each discrete time period for which the tariffed or contract rate for electricity supply, as appropriate, is applicable. For each time period, the electricity provider shall multiply the tariffed or contract rate for electricity supply, as appropriate, by the amount purchased or sold by the customer to determine each time period's charge or credit. These amounts shall be summed to determine the net energy charge or credit for the billing period.
- B) If the customer is a net purchaser of electricity, the customer will remain responsible for all taxes, fees and utility delivery charges that would otherwise be applicable to the net amount of electricity used by the customer.
- C) If the customer is a net seller of electricity, the customer shall receive a monetary credit from the electricity provider that is equal to the energy credit determined for the billing period, plus kilowatt-hour based delivery charges multiplied by the net energy

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

supplied over the billing period. When eligible customers receive service under an electricity provider's bundled service rates, the monetary credit shall be equal to the applicable kilowatt-hour based bundled service charges, multiplied by the net energy supplied over the billing period. In the event that the electricity provider is not the electric utility, the monetary credit for delivery service shall be provided by the electric utility. Any monetary credits received by the customer will be carried over to subsequent billing periods. Unused credits will expire at the end of the annual period or earlier in the event that the customer terminates service from the electricity provider. For purposes of calculating the customer's electricity bill, any credits may be used to offset other charges assessed by the electricity provider.

- b) Billing for non-residential eligible customers with generators over 40 kW and no greater than 2,000 meters
 - 1) Customers taking service under rates other than time of use rates
 - A) The electric utility shall determine whether the customer is a net purchaser of electricity or a net seller of electricity during the billing period. If the customer is a net purchaser of electricity during the billing period, the electricity provider shall apply the applicable tariffed or contract rate, as applicable, to the net amount purchased. If the customer is a net seller of electricity, the electricity provider shall compensate the customer at the electricity provider's avoided cost of electricity supply. For purposes of calculating the customer's electricity bill, any resulting credits may be used to offset other charges assessed by the electricity provider.
 - B) The electric utility shall assess delivery charges, fees and taxes on the gross amount of electricity supplied to the eligible customer, regardless of whether the eligible customer is a net purchaser or a net seller. When an eligible customer receives service under an electricity provider's bundled service rates, delivery charges shall be the applicable bundled service rate under which that customer purchases electric service. For the purposes of calculating the customer's bill, any compensation to the customer may be used to offset other charges assessed by the utility.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 2) Non-residential customers taking service under time of use rates
 - A) The electric utility shall determine whether the customer is a net purchaser of electricity or a net seller of electricity during each discrete time period. For each time period, the electricity provider shall multiply the applicable rate to the amount purchased or sold by the customer to determine each time period's charge or credit. These amounts shall be summed to determine the net energy charge or credit for each billing period.
 - B) The electric utility shall assess delivery charges, fees and taxes on the gross amount of electricity supplied to the eligible customer, regardless of whether the eligible customer is a net purchaser or a net seller. In the case of an eligible customer receiving service under an electricity provider's bundled service rates, delivery services charges shall be the applicable bundled service rate under which the customer purchases electric services. For the purpose of calculating the customer's bill, any compensation to the customer may be used to offset other charges assessed by the electric utility.

Section 465.60 Complaint Procedures

Complaints alleging violations of this Part shall be filed pursuant to 83 Ill. Adm. Code Part 200.

Section 465.70 Penalty Provisions

- a) Upon complaint or on the Commission's own motion, the Commission may conduct an investigation of an electricity provider's actions under any Section of this Part. The Commission may, after notice and hearing:
 - 1) order an electricity provider to cease and desist or correct any violation of, or nonconformance with, any provision of this Part;
 - 2) require an electricity provider to make due reparations or refunds as permitted by statute;
 - 3) impose financial penalties for violations of, or non-conformance with, the provisions of this Part as permitted under the Act;

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 4) take other remedial and preventive action as provided for under the Act.
- b) These remedies shall be cumulative and may be imposed in addition to other remedies.

Section 465.80 Miscellaneous Provisions

- a) In accordance with Section 16-107.5(e) and (g) of the Act, nothing in this Part is intended to prevent an arms-length agreement between an electricity provider and an eligible customer that either sets forth different prices, terms and conditions for the provision of net metering service, including, but not limited to the provision of the appropriate metering equipment for non-residential customers, or that sets forth the ownership or title of renewable energy credits. In accordance with Section 16-107.5(m) of the Act, nothing in this Part is intended to affect any existing retail contract between an alternative retail electric supplier and an eligible customer.
- b) Nothing in this Part shall be construed to impose upon an alternative retail electric supplier any additional obligation that it does not otherwise have pursuant to the Act.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 595
- 3) Section Number: 595.110 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 6 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/6]
- 5) Effective Date of Amendment: May 15, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: 31 Ill. Reg. 13266; September 21, 2007
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required.
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of Amendment: The amendment will increase the dollar limit for accident reporting and also include liquefied natural gas facilities in the scope of the reporting requirements. Both changes are in response to changes in the federal pipeline safety rules.
- 16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 595

REPORTS OF ACCIDENTS OR INCIDENTS BY PERSONS ENGAGED IN THE
TRANSPORTATION OF GAS, OR WHO OWN OR OPERATE GAS PIPELINE FACILITIES

SUBPART A: GENERAL PROVISIONS

Section

595.10 Exemption from 83 Ill. Adm. Code 220

SUBPART B: REPORTS OF ACCIDENTS OR INCIDENTS

Section

595.110 Definitions
595.120 Reporting of Accidents or Incidents
595.130 Immediate Reports

AUTHORITY: Implementing and authorized by Section 6 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/6].

SOURCE: Filed July 16, 1970; codified at 8 Ill. Reg. 7616; amended at 10 Ill. Reg. 8970, effective June 1, 1986; recodified from 92 Ill. Adm. Code 1810 at 12 Ill. Reg. 12998; amended at 13 Ill. Reg. 2036, effective February 1, 1989; amended at 22 Ill. Reg. 20083, effective November 7, 1998; amended at 32 Ill. Reg. 8128, effective May 15, 2008.

SUBPART B: REPORTS OF ACCIDENTS OR INCIDENTS

Section 595.110 Definitions

"Accident or incident", for the purposes of this Part, shall mean any or all of the following, the cause of which is gas escaping from pipeline facilities [or liquefied natural gas facilities](#):

- personal injury requiring hospitalization;
- fatality; and

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

property damage exceeding \$~~50,000~~25,000.

"Commission" shall mean the Illinois Commerce Commission.

"Gas" shall mean natural gas, flammable gas or gas which is toxic or corrosive.

"Liquefied natural gas facility" means a pipeline facility that is used for liquefying natural gas or synthetic gas or transferring, storing, or vaporizing liquefied natural gas.

"Person" shall mean any individual, firm, joint venture, partnership, corporation, association, municipalities, cooperative association, and includes any trustee, receiver, assignee or personal representative thereof.

"Pipeline facilities" shall include new and existing pipe, rights-of-way and any equipment, facility or building used in the transportation of gas or the treatment of gas during the course of such transportation.

"Transportation of gas" shall mean the gathering, transmission or distribution of gas by pipeline or its storage within this state and not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Pipeline Safety Act.

(Source: Amended at 32 Ill. Reg. 8128, effective May 15, 2008)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies
- 2) Code Citation: 59 Ill. Adm. Code 50
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
50.10	Amend
50.20	Amend
50.30	Amend
50.40	Amend
50.50	Amend
50.70	Amend
50.80	Amend
50.90	Amend
50.100	Amend
- 4) Statutory Authority: Implementing and authorized by Section 1-17 of the Department of Human Services Act [20 ILCS 1305]
- 5) Effective Date of Amendments: May 16, 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: November 26, 2007; 31 Ill. Reg. 15427
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: There were no substantive changes to the rulemaking between the proposed and final version.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no agreements issued by JCAR.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 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: These amendments change the name of the Nurse Aide Registry to the Health Care Worker Registry, allow the reporting of abuse and neglect to be input into an automated system, and transfer all of the DHS OIG sections from the Department of Public Health Act to a new section in the Department of Human Services Act.
- 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) Do these amendments 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 begin on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICESPART 50
OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS OF ALLEGED ABUSE OR NEGLECT IN
STATE-OPERATED FACILITIES AND COMMUNITY AGENCIES

Section

50.10	Definitions
50.20	Reporting an allegation of abuse or neglect and death reports
50.30	Responsibilities of OIG for intake assessment
50.40	Method of investigation
50.50	Conducting investigations
50.60	Processing investigative reports, reconsideration and clarification requirements, and the contents of case files
50.70	Completed investigations
50.80	Appeals process
50.90	Reporting by the Inspector General to the Illinois Department of Public Health Health Care WorkerNurse Aide Registry
50.100	Removal of an employee's name from the Illinois Department of Public Health Health Care WorkerNurse Aide Registry

AUTHORITY: Implementing and authorized by Section 1-17 of the Department of Human Services Act [20 ILCS 1305].

SOURCE: Adopted at 22 Ill. Reg. 19334, effective October 19, 1998; emergency amendment at 23 Ill. Reg. 4513, effective April 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10812, effective August 23, 1999; emergency amendment at 26 Ill. Reg. 484, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8352, effective May 24, 2002; amended at 32 Ill. Reg. 8132, effective May 16, 2008.

Section 50.10 Definitions

For the purposes of this Part, the following terms are defined:

"Abuse." Any physical injury, sexual abuse, or mental injury inflicted on an individual other than by accidental means.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Access." Admission to a community agency or facility for the purpose of conducting imminent risk assessments and investigations, including but not limited to conducting interviews and obtaining and reviewing any documents or records that OIG believes to be pertinent to an investigation.

"Accidental." Occurring unexpectedly or by chance without intent or volition.

"Act." [The Department of Human Services Act \[20 ILCS 1305\]](#)~~The Abused and Neglected Long Term Care Facility Resident Reporting Act [210 ILCS 30].~~

"Administrative action." Measures taken by the community agency or the facility as a result of the findings or recommendations contained in the investigation that protect individuals from abuse or neglect, prevent recurrences, and eliminate problems.

"Aggravating circumstance." Any circumstance related to a finding of abuse or neglect that increases the severity of the act or omission of the employee or agency or facility that is beyond the essential components of a neglect or abuse finding.

"Allegation." Any assertion, complaint, suspicion or incident when abuse or neglect of individual may have occurred.

"Authorized representative." The administrative head or executive director of a community agency appointed by the community agency's governing body with overall responsibility for fiscal and programmatic management, or the facility director or hospital administrator of a Department facility. If this person is implicated in an investigation, the governing body of the community agency or the Secretary of the Department shall be deemed the authorized representative for that investigation.

"Community agency" or "agency." Any community entity or program providing mental health or developmental disabilities services that is licensed, certified or funded by the Department and not licensed or certified by any other human service agency of the State (e.g., Departments of Public Health, Public Aid, and Children and Family Services).

"Complainant." The required reporter or any person who reports a death or an allegation of abuse or neglect directly to OIG.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Complaint." A report of a death or an allegation of abuse or neglect reported directly to OIG.

"Credible evidence." Any evidence that relates to the allegation or incident and that is considered believable and reliable.

"Day." Working day, unless otherwise specified.

"Deflection." Those situations in which an individual is presented for admission to a facility or agency and the facility or agency staff do not admit. This includes triage, redirection and denial of admission.

"Department." The Department of Human Services.

"Egregious neglect." The substantive failure by an employee to provide adequate medical or personal care or maintenance that results in the death, serious medical condition, or serious deterioration of an individual's physical or mental condition, as determined by the Inspector General.

"Employee." Any person currently (or formerly) providing services at the direction of the owner or operator of the facility or the community agency on or off site. The service relationship can be with the individual, the facility or agency. Also, any employee or contractual agent of the Department of Human Services involved in providing or monitoring or administering mental health or developmental services. This includes but is not limited to payroll personnel, contractors, subcontractors, and volunteers.

"Facility." A mental health or developmental disabilities center operated by the Department.

"Final report." A completed investigative report approved by the Inspector General that summarizes the evidence and that indicates whether the allegation of abuse or neglect is substantiated, unsubstantiated, or unfounded based on the evidence gathered from the investigation, when the reconsideration and response period has expired.

"Imminent danger." A preliminary determination of immediate, threatened or impending risk of illness, mental injury, or physical injury or deterioration to an

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

individual's health that requires immediate action.

"Individual." Any person receiving mental health or developmental disabilities services from a facility or community agency operated, licensed, certified, or funded by the Department.

"Medical treatment." Any treatment, other than diagnostic procedures, that may only be ordered or rendered to an individual by a physician or dentist regarding an injury.

"Mental injury." Harm caused by an act or omission that precipitates emotional distress or maladaptive behavior in the individual, or could precipitate emotional distress or maladaptive behavior, including the use of words, signs, gestures or other actions toward or about and in the presence of individuals.

"Mitigating circumstance." Any circumstance that, although it does not change a substantiated finding of abuse or neglect, lessens the culpability or severity of the act or omission by the employee, facility or community agency.

"Neglect." The failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to an individual or in the deterioration of an individual's physical or mental condition.

"OIG." The Office of Inspector General of the Department.

"Physical abuse." Physical injury as defined in this Section.

"Physical injury." Physical harm to an individual caused by any non-accidental act or omission.

"Preliminary report." An investigative report that summarizes the evidence in an investigation with a recommendation as to whether the findings of the investigation indicate that the allegation should be substantiated, unsubstantiated, or unfounded.

"Preponderance of the evidence." Proof sufficient to persuade the finder of fact that a proposition is more likely true than not true.

"Required reporter." Any employee who suspects, witnesses, or is informed of an

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

allegation of abuse or neglect.

"Routine programmatic." Refers to services provided as part of the individual's habilitation plan, treatment plan, or as a regular or ongoing component of the community agency's or facility's general services or practices.

"Secretary." The Secretary of the Department or his or her designee.

"Serious injury." An injury that requires medical treatment.

"Sexual abuse." Any act of sexual contact, sexual penetration, sexual coercion, or sexual exploitation of an individual.

"Sexual contact." Inappropriate contact between an individual receiving services and another person involving either an employee's genital area, anus, buttocks or breasts or an individual's genital area, anus, buttocks or breasts.

"Substantiated." A preponderance of the evidence found during any investigation indicates that abuse or neglect occurred.

"Unfounded." There is no credible evidence to support the allegation that abuse or neglect occurred.

"Unsubstantiated." There is credible evidence, but less than a preponderance of evidence to show that abuse or neglect occurred.

(Source: Amended at 32 Ill. Reg. 8132, effective May 16, 2008)

Section 50.20 Reporting an allegation of abuse or neglect and death reports

- a) Reporting – by a facility, community agency or employee
 - 1) If an employee witnesses, is told of, or has reason to believe an incident of abuse or neglect or a death has occurred, the employee, community agency or facility shall report the allegation to the OIG hotline according to the community agency's or facility's procedures. The employee, community agency or facility shall report the allegation immediately, but no later than the time frames specified in subsections (a)(2) and (3) of this Section. Such an employee or representative of a community agency or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

facility shall be deemed the "required reporter" for purposes of this Part. Such reporting will additionally meet any requirements of 59 Ill. Adm. Code 115, 119 and 132 and Department administrative directives, as applicable.

- 2) Within four hours after the initial discovery of an incident of alleged abuse or neglect, the required reporter shall report the following allegations by phone to the OIG hotline:
 - A) Any allegation of abuse by an employee;
 - B) Any allegation of neglect by an employee, community agency or facility; and
 - C) Any injury or death of an individual that occurs within a facility or community agency program when abuse or neglect is suspected.
 - D) At a minimum, required reporters to the OIG hotline shall provide details concerning:
 - i) Information about the victim, including name, date of birth, sex, disability, identification number and/or social security number (if known);
 - ii) Information about the incident, including what happened, when it happened, where it happened, how it happened and the identification of all witnesses;
 - iii) Information about the accused (if known), including name, contact information and if the accused is presently working with or will be working with the alleged victim within the next 72 hours; and
 - iv) Information about the complainant, including name, contact information, relationship to the victim and the need for anonymity (if applicable).
- 3) Written documentation [of deaths](#) from the required reporter
~~A)Deaths-~~ Within 24 hours after initial discovery, the required reporter

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

shall ~~call the OIG Hotline and report~~ make the following reports on a prescribed form via fax or other electronic reporting system offered by OIG to the OIG Intake (as described in Section 50.30):

Ai) Any death occurring within 14 calendar days after discharge or transfer from a residential program or facility;

Bii) Any death occurring within 24 hours after deflection from a residential program or facility;

Ciii) Any other death of an individual occurring within a residential program or facility or at any Department-funded site even though not alleged to be a result of abuse or neglect.

B) ~~Abuse and neglect. Any required reporter must also complete the OIG prescribed form for reporting alleged abuse, neglect, and injury or death when abuse or neglect is suspected and submit the form via the fax or other electronic reporting system offered by OIG to the OIG Intake within 24 hours after phoning in the report.~~

4) Screening of reports prohibited by community agency or facility
Screening, delaying or withholding reports of incidents or allegations of abuse or neglect from OIG is not allowed.

5) Other community agency and facility requirements

A) Reporting to OIG shall not relieve the community agency or facility from any statutory or regulatory reporting requirements applicable to the community agency or facility.

B) If the authorized representative or his or her designee reviews the agency's or facility's ~~prescribed OIG form~~ or any other internal document regarding ~~for reporting~~ alleged abuse, neglect, or death or serious injury at the respective community agency or facility, he/she shall not delete, delay, withhold, limit or otherwise restrict any of the information contained in the form on the OIG prescribed reporting form. Information may be added by the authorized representative or his or her designee for clarification purposes only.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- b) **OIG hotline**
The OIG hotline (#1-800-368-1463) shall be communicated to individuals and guardians at the time of admission and the number shall be posted in plain sight at each community agency and facility location where individuals receive services.
- c) **Other reports of allegations of abuse and neglect**
- 1) Any other person, individual, family member, guardian, advocate, or staff from another community agency or facility who witnesses, is told of or has reason to believe an incident of alleged abuse or neglect or a death of an individual may have occurred, may report the incident to OIG by telephoning the OIG hotline, or in writing by fax or other electronic reporting system offered by OIG to the OIG Intake or mail at:
- Office of Inspector General
901 Southwind Road
Springfield, Illinois 62703
- 2) **Notifications**
- A) OIG shall notify the authorized representative of the community agency or facility or his or her designee within 3 working days that an allegation has been received unless such notification compromises the integrity of the investigation, such as, an allegation involving the authorized representative or his or her designee.
- B) The authorized representative of the community agency or facility shall notify the victim or guardian (if applicable) and the accused that an allegation has been received within 24 hours. If the authorized representative or designee is unable to reach the guardian by phone, a letter of notification shall be sent within 24 hours.
- C) OIG shall also contact the complainant immediately but no later than within 3 working days regarding the allegation.
- d) **Training and technical assistance**

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Any person, community agency, or facility may request training or technical assistance from OIG in identifying, reporting, investigating and preventing abuse or neglect, or participation in applicable OIG-sponsored training as referenced in Section [1-17\(j\)6.5](#) of the Act.

- e) **Misleading reports**
Nothing in this rule protects persons who knowingly make misleading reports to harass or compromise community agency or facility effectiveness from action available to either the community agency or facility. Nothing in this Part prohibits OIG, other enforcement authorities, or any employee jeopardized by such reporting from obtaining allowable remedies.

(Source: Amended at 32 Ill. Reg. 8132, effective May 16, 2008)

Section 50.30 Responsibilities of OIG for intake assessment

- a) **Availability of OIG**
OIG shall be available 24 hours a day to assess reports of allegations of abuse, neglect or death and provide any technical assistance with [making the report filing the required OIG prescribed form for reporting](#).
- b) **Responsibility of OIG for receiving the report**
OIG staff receiving the report of the allegation are responsible for assessing, based on the information received at intake, whether the allegation could constitute abuse or neglect and whether OIG has the authority to investigate in accordance with the Act. OIG shall make these assessments within one day after receiving the call.
- c) **Reports involving routine programmatic, licensure or certification matters**
 - 1) OIG shall have no supervision over or involvement in routine, programmatic, licensure or certification operations of the Department, the Bureau of Accreditation, Licensure and Certification, or any of the Department's funded agencies. (Section [1-17\(a\)6.2\(a\)](#) of the Act)
 - 2) If the reported allegation relates to licensure or certification standards or routine programmatic operations and is deemed not to be abuse or neglect, OIG shall refer the allegation to the appropriate agency or unit of government.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) If the reported allegation is not within OIG's authority or does not constitute abuse or neglect, OIG shall refer the complainant to the appropriate agency or unit of government.
- d) **Investigations by two or more State agencies**
When two or more State agencies could investigate an allegation of abuse or neglect at a community agency or facility, OIG shall not conduct an investigation that is redundant to an investigation conducted by another State agency (Section [1-17\(a\)6-2\(a\)](#) of the Act) unless another State agency has requested that OIG participate in the investigation (such as the Departments of State Police, Children and Family Services, or Public Health).
- e) **Referral to the Department of State Police**
The Inspector General shall, within 24 hours after receiving a report of an allegation of abuse or neglect or death of an individual served by a facility, determine whether the evidence indicates that any possible criminal act has been committed, or law enforcement expertise is required, and shall refer such allegations to the Department of State Police for investigation in accordance with Section [1-17\(b\)6-2\(b\)](#) of the Act. Also see Section 50.50(h)(1) of this Part.
- f) **Authorized representative**
If the allegation constitutes abuse or neglect and is within the jurisdiction of OIG, the authorized representative or his or her designee of a community agency or facility shall:
 - 1) Ensure the immediate health and safety of involved individuals and employees, including ordering medical examinations when applicable and removing alleged accused employees from having contact with the involved individuals when there is credible evidence supporting the allegation of abuse and neglect;
 - 2) Ensure OIG is notified; and
 - 3) Unless otherwise directed by OIG, initiate the preliminary steps of the investigation by a designated employee who has been trained in the OIG-approved methods to conduct initial interviews and gather evidence and documents and for whom there is no conflict of interest. This may include the need to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A) Secure the scene of the incident and preserve evidence, if applicable;
 - B) Identify and separate potential witnesses, when applicable;
 - C) Identify and record the names of all persons at the scene at the time of the incident and, when relevant, those who had entered the scene prior to the scene being secured;
 - D) Secure all relevant documents and physical evidence, such as clothing, if applicable;
 - E) Photograph the scene of the incident and the individual's injury, when applicable.
- g) OIG may determine what further action, if any, is necessary to protect the safety of any individual, secure the scene of the alleged incident, preserve the evidence and maintain the integrity of the investigation. Such action may include immediate emergency referrals (such as medical or housing services), the notification of law enforcement officials, requesting hospital services or contacting the Department or other State agencies for assistance.

(Source: Amended at 32 Ill. Reg. 8132, effective May 16, 2008)

Section 50.40 Method of investigation

- a) Determination of primary responsibility for investigation
 - 1) The Office of Inspector General shall determine whether OIG, or the community agency with OIG's investigative protocol, or the facility shall take primary responsibility for investigating the allegation. This determination shall be based on the nature of the allegation, frequency of allegations and complaints of a comparable type and knowledge of the facility or agency.
 - 2) OIG shall determine who shall assume primary responsibility for the investigation within one day after receipt of an allegation.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) OIG shall notify the authorized representative, the alleged victim or guardian (if applicable) and the accused in writing when an investigation will be opened and to whom the primary responsibility for the investigation will be assigned.
 - 4) OIG shall assume primary responsibility for investigating the following allegations of abuse or neglect:
 - A) Allegations of abuse by an employee other than mental injury;
 - B) Allegations of neglect by an employee or of neglect with an injury requiring medical treatment by a physician.
 - 5) For any other allegation, OIG may designate primary responsibility for the investigation to the community agency using the OIG investigative protocol or to the facility. If at any time during the course of the investigation, the community agency requests that OIG assume primary responsibility for the investigation, OIG shall do so.
 - 6) When OIG designates primary responsibility for the investigation to another entity (community agency or facility), OIG will provide investigative guidance and be available for assistance and shall retain the right to assume primary responsibility for the investigation.
 - 7) If an investigation results in a substantiated finding of abuse other than mental injury or results in a substantiated finding of neglect that has been determined to be egregious neglect, it shall result in the accused employee's identity and the OIG finding being reported to the [Health Care WorkerNurse Aide](#) Registry in accordance with Section 50.90.
- b) OIG investigations may include, but are not limited to, site visits, telephone contacts, requests for written statements and responses from the community agency or the facility.
 - c) Nothing in this Part precludes a community agency or facility from taking immediate action that may include protecting the individuals from danger or harm, notifying appropriate law enforcement officials, or taking any other administrative action deemed necessary by the community agency or facility, unless otherwise directed by OIG. However, the community agency or facility

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

should request approval from OIG prior to conducting its own investigation and before attempting to gather information related to the investigation.

(Source: Amended at 32 Ill. Reg. 8132, effective May 16, 2008)

Section 50.50 Conducting investigations

- a) Depending on the nature of the allegation, an investigation shall consist of, but not be limited to, the following procedures whether done by OIG, the community agency or the facility:
- 1) Ensure that the victim is not in imminent danger;
 - 2) Protect the integrity of the investigation at all times;
 - 3) Secure the scene of the incident;
 - 4) Identify and separate witnesses;
 - 5) Preserve and secure all evidence;
 - 6) Obtain statements from persons involved including victims, alleged perpetrators, and witnesses by face-to-face interviews, in writing, or by telephone; and
 - 7) Obtain copies of pertinent documents relating to the investigation, i.e., progress notes, incident or injury reports, patient or resident records, photographs, etc.
- b) Confidentiality
Any allegations or investigations of reports of abuse and neglect shall remain confidential until a final report is completed (Section [1-17\(a\)6.2\(a\)](#) of the Act). The identity of any person as a complainant (other than a required reporter) shall remain confidential in accordance with the Freedom of Information Act [5 ILCS 140] or unless identification is authorized by the complainant. Information concerning diagnosis and treatment for alcohol or drug abuse shall be disclosed to OIG by community agencies only in accordance with federal regulations at 42 CFR 2. Information concerning tests for human immunodeficiency virus (HIV) and diagnosis and treatment for acquired immune deficiency syndrome (AIDS)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

shall be disclosed to OIG by community agencies only in accordance with the AIDS Confidentiality Act [410 ILCS 305].

- c) All investigations shall be conducted in a manner that respects the dignity and human rights of all persons involved.
- d) Representation during interviews: An employee may request representation at an interview with OIG if he or she has reasonable grounds to believe that the interview may be used to support disciplinary action against him or her. If the investigator denies the request, the employee's statement may not be used in any subsequent disciplinary proceeding against that employee. The community agency or facility that employs the interviewee does not have the right to be present at an investigative interview.
- e) No person shall interfere with or obstruct an OIG interview or investigation.
- f) If the community agency or facility has responsibility for conducting the investigation, OIG shall be available on request to answer questions and provide advice or technical assistance regarding the investigatory process.
- g) OIG shall be granted access, for the purpose of investigating abuse or neglect, to any facility or program operated, funded, licensed or certified by the Department that is subject to the provisions of Section [1-176.2](#) of the Act.
 - 1) When advance notice to an authorized representative or his or her designee is not provided, OIG shall, on arrival at the community agency or facility site, request that an on-duty and on-site employee notify the authorized representative or his or her designee of OIG's arrival.
 - 2) Facilities and community agencies shall obtain and provide OIG with all written statements and any requested documents in a timely manner.
 - 3) There is reason to believe that a violation of an existing Department Rule may have occurred, OIG shall immediately notify the authorized representative or his or her designee of the community agency and the appropriate Department office or division.
- h) If OIG determines that:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The allegation involves a possible criminal act or that special expertise is required, OIG shall notify, within 24 hours, the Department of State Police or local law enforcement authorities, as appropriate.
- 2) An individual's health or safety is in imminent danger, the Inspector General shall immediately notify the Secretary or his or her designee and the authorized representative of the community agency or facility or his or her designee.
- 3) There is reason to believe that a violation of an existing Department rule may have occurred, OIG shall notify the authorized representative of the community agency or his or her designee and the appropriate Department office or division.

(Source: Amended at 32 Ill. Reg. 8132, effective May 16, 2008)

Section 50.70 Completed investigations

- a) The investigative report and the investigation shall be considered complete 30 calendar days after the notice required in Section 50.60(a)(5)(A) and (B) has been sent to the facility or agency, barring cases when reconsideration has been granted to any requestor.
- b) Distribution of completed investigative reports
 - 1) *The Inspector General shall provide a complete investigative report within 10 calendar days, to the Secretary, when abuse or neglect is substantiated or administrative action is recommended including a written response from a community agency or facility if one has been provided. (Section [1-17\(c\)6.2\(e\)](#) of the Act)*
 - 2) The Inspector General shall provide a completed investigative report within 10 calendar days to Equip for Equality, Inc., and the Illinois Guardianship and Advocacy Commission.
 - 3) The Inspector General shall provide a completed investigative report of all cases from Department facilities serving individuals with developmental disabilities within 10 calendar days to the Illinois Department of Public Health and the Department's Office of Developmental Disabilities.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 4) The Inspector General shall provide a completed investigative report of all cases from Department facilities serving individuals with mental illness within 10 calendar days to the Department's Office of Mental Health.
 - 5) If the Inspector General substantiates abuse or neglect at a community agency serving individuals with developmental disabilities or recommends administrative action, the investigative report shall be provided to the Department's Office of Developmental Disabilities within 10 calendar days.
 - 6) If the Inspector General substantiates abuse or neglect at a community agency serving individuals with mental illness or recommends administrative action, the investigative report shall be provided to the Department's Office of Mental Health within 10 calendar days.
 - 7) The Inspector General shall provide a completed investigative report of all cases substantiating abuse or neglect or recommending administrative action in community agencies within 10 calendar days to the Department's Bureau of Accreditation, Licensure and Certification.
 - 8) The Inspector General shall provide a completed investigative report in all cases substantiating abuse or neglect against a Department employee within 10 calendar days to the Department's Bureau of Labor Relations.
 - 9) The Inspector General shall provide a completed investigative report substantiating abuse or neglect if a legal issue is involved within 10 calendar days to the Department's General Counsel.
- c) The facility or agency shall inform the victim and the legal guardian (if applicable) and the accused employee whether the reported allegation was substantiated, unsubstantiated or unfounded. If the authorized representative or designee is unable to reach the guardian by phone, a letter of notification shall be sent within 24 hours.
 - d) The Office of the Inspector General shall inform the accused employee of the results of a reconsideration request or of any changes in the finding that resulted from a reconsideration within 15 days.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- e) If the finding substantiates abuse other than mental injury or results in a substantiated finding of neglect that has been determined to be egregious, the Inspector General shall report the identity and finding to the [Health Care WorkerNurse Aide](#) Registry. The Inspector General shall notify the accused employee of the right to appeal the action that placed his or her identity on the [Health Care WorkerNurse Aide](#) Registry as described in Section 50.90 of this Part.
- f) The Inspector General shall inform any person or a community agency who is subject to any action based on the findings of an investigation of their applicable appeal rights and responsibilities contained in Section 50.80 of this Part.
- g) Release of investigative reports
- 1) *Any allegations or investigations of reports of abuse and neglect shall remain confidential until a final report is completed. (Section [1-17\(a\)6-2\(a\)](#) of the Act)*
 - 2) Substantiated findings shall be released in accordance with the Act, the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] and the Freedom of Information Act [5 ILCS 140].
 - 3) *Unsubstantiated or unfounded findings shall remain confidential except that investigative reports shall be released pursuant to Section 6 of the [Abused and Neglected Long Term Care Facility Residents Reporting Act](#) [210 ILCS 30] or a valid court order. (Section [1-17\(a\)6-2\(a\)](#) of the Act)*
 - 4) The identity of any person as a complainant shall remain confidential in accordance with the Freedom of Information Act [5 ILCS 140], or unless authorized by the complainant in writing.
- h) Recommendations for sanctions
- 1) The Inspector General may recommend to the Illinois Department of Public Health and the Department of Human Services that sanctions be imposed against mental health and developmental disabilities facilities to protect residents, including:
 - A) appointment of on-site monitors or receivers;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- B) transfer or relocation of residents; and
 - C) closure of units.
- 2) The Inspector General may seek the assistance of the Attorney General of Illinois or the State's attorney for imposing sanctions listed in subsection (h)(1).

(Source: Amended at 32 Ill. Reg. 8132, effective May 16, 2008)

Section 50.80 Appeals process

There shall be an appeals process for any person or community agency that is subject to any action based on the findings of an investigation. (Section [1-17\(c\)6.2](#) of the Act)

- a) A person or community agency may appeal an action taken based on a finding of an investigation on the grounds that the action was unduly punitive or unduly lenient.
- b) The Inspector General shall inform the agency or employees of the right to appeal under this Part.
- c) The employee or community agency may request a hearing no later than 30 calendar days after the action occurred. The employee or community agency shall submit a letter to the Bureau of Administrative Hearings, Department of Human Services, 100 S. Grand Ave. East, Springfield, Illinois 62762, requesting a hearing and setting out the reasons why the action was in error.
- d) The hearings under this Section shall be conducted in accordance with the Department's rules on the conduct of hearing and appeals at 89 Ill. Adm. Code 508.
- e) At the hearing, the community agency, the facility or the Department shall have the burden of proving that its action was fair and supported by a preponderance of credible evidence.

(Source: Amended at 32 Ill. Reg. 8132, effective May 16, 2008)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 50.90 Reporting by the Inspector General to the Illinois Department of Public Health Health Care WorkerNurse-Aide Registry

- a) An employee's identity and the investigative finding will not be forwarded to the Health Care WorkerNurse-Aide Registry when the Inspector General has issued an amended investigative report, as a result of a reconsideration, that no longer contains a substantiated finding.
- b) After the Inspector General's investigative report becomes a final report, the Inspector General shall notify the employee against whom the Inspector General has substantiated abuse as defined in this Part other than mental injury, or against whom the Inspector General has substantiated neglect that has been determined to be egregious, that his or her identity and the investigative finding will be placed on the Health Care WorkerNurse-Aide Registry maintained by the Illinois Department of Public Health. The employee's identity will not be forwarded to the Registry when:
 - 1) The grievance and arbitration rights of the employee have not been exhausted, unless three months have expired since the initiation of the grievance process by the employee, whichever comes first.
 - 2) A Health Care WorkerNurse-Aide Registry hearing has been requested and has not been completed.
- c) The notification to the employee of the decision to place his or her name and the investigative finding on the Health Care WorkerNurse-Aide Registry shall be provided to the last known address of the employee by certified mail and shall include:
 - 1) A clear and concise statement of the grounds on which the report to the Health Care WorkerNurse-Aide Registry is based.
 - 2) Information on the opportunity to request a Registry hearing to contest the decision to place the employee's name and the reporting of the investigative finding on the Health Care WorkerNurse-Aide Registry, or in lieu of a request for a hearing, the opportunity to submit a written response to the decision to place the employee's name and the reporting of the investigative finding to the Health Care WorkerNurse-Aide Registry.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) Explanation of the mechanism by which the employee can request a hearing.
- d) If the employee requests a Registry hearing:
- 1) The Registry hearing shall be separate and distinct from the Inspector General's appeal process described in Section 50.80.
 - 2) The employee and the Department may provide written and oral evidence at the hearing.
 - 3) The Department shall be required to establish by a preponderance of the evidence that the Office of the Inspector General's finding of abuse other than mental injury or OIG's finding of neglect that has been determined to be egregious warrants reporting to the [Department of Public Health's Health Care WorkerNurse Aide](#) Registry.
 - 4) Hearings under this Section shall be conducted in accordance with the Department's rules on the conduct of hearings and appeals at 89 Ill. Adm. Code 508. In the event there is a conflict between 89 Ill. Adm. Code 508 and this Part, the provisions of this Part shall prevail.
 - 5) If applicable, the employee must give written notice to the Department's Bureau of Administrative Hearings, Department of Human Services, 100 South Grand Avenue East, Springfield, Illinois 62762 that he or she has initiated the grievance or arbitration process and the date of initiation. The notice must include a copy of the grievance.
 - 6) The employee may request a hearing no later than 30 calendar days after receipt of the notice issued pursuant to Section 50.70(e). The employee shall file an appeal in writing to the Bureau of Administrative Hearings, Department of Human Services, 100 South Grand Avenue East, Springfield, Illinois 62762, requesting a hearing and setting out the reasons why the proposed report to the Registry is not warranted.
- e) If the employee does not request a hearing or if the hearing results in a finding that the Inspector General's report to the [Health Care WorkerNurse Aide](#) Registry is valid, the Inspector General shall report the name of the employee to the [Health Care WorkerNurse Aide](#) Registry maintained by the Illinois Department of Public

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Health and notify the employee of the report.

- f) The Inspector General's report to the [Health Care WorkerNurse Aide](#) Registry shall include:
- 1) The identity of the employee and identification of the substantiated finding that resulted in the name of the employee being placed on the [Health Care WorkerNurse Aide](#) Registry;
 - 2) the finding from the Department's Registry hearing, if one was held; and
 - 3) A brief statement from the reported employee if the employee chooses to make a statement.
- g) If an employee's name and the finding has been reported to the [Health Care WorkerNurse Aide](#) Registry because three months since the initiation of the grievance process has elapsed, where the grievance and arbitration process or a decision from the Civil Service Commission ultimately overturns the action, the authorized representative must give written notice to the Office of the Inspector General. The Inspector General shall report the results of the grievance or arbitration process to the [Health Care WorkerNurse Aide](#) Registry maintained by the Illinois Department of Public Health and notify the employee of the report.

(Source: Amended at 32 Ill. Reg. 8132, effective May 16, 2008)

Section 50.100 Removal of an employee's name from the Illinois Department of Public Health [Health Care WorkerNurse Aide](#) Registry

- a) A name and the finding will be removed from the [Health Care WorkerNurse Aide](#) Registry if a grievance or arbitration proceeding overturns the action against the employee.
- b) An employee may petition, in writing, the Department of Human Services for removal of the finding against the employee at any time after the name has been placed on the [Health Care WorkerNurse Aide](#) Registry, but not more than once in every 12 months.
- c) The petition shall be sent to the Department's Bureau of Administrative Hearings, 100 South Grand Avenue East, Springfield, Illinois 62762.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- d) The Office of Inspector General shall conduct an investigation on the petition.
- e) Following the investigation, the Department's Bureau of Administrative Hearings shall conduct a hearing in accordance with 89 Ill. Adm. Code 508 and inform the Department of its decision.
- f) At the hearing, the petitioner shall have the burden to demonstrate by a preponderance of evidence that removal of the finding from the [Health Care WorkerNurse Aide](#) Registry is in the public interest.
- g) The hearing officer's recommended decision shall take into account, but not be limited to, the following considerations included in the petition:
 - 1) Statement of the nature of the abuse or neglect that has been determined to be egregious for which the petitioner's name was placed on the [Health Care WorkerNurse Aide](#) Registry;
 - 2) Evidence that the petitioner is now rehabilitated, trained or educated and able to perform duties in the public interest;
 - 3) Evidence of the petitioner's conduct since name was placed on the [Health Care WorkerNurse Aide](#) Registry; and
 - 4) Evidence of the petitioner's candor and forthrightness in presenting information in support of the petition.
- h) The Inspector General shall, upon receiving the Department's hearing decision, request the Department of Public Health to remove a finding from the [Health Care WorkerNurse Aide](#) Registry in instances in which the hearing decision finds that it is in the public interest to do so.

(Source: Amended at 32 Ill. Reg. 8132, effective May 16, 2008)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Freedom of Information
- 2) Code Citation: 2 Ill. Adm. Code 826
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
826.420	Amendment
826.EXHIBIT C	Amendment
826.EXHIBIT D	Amendment
- 4) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140]
- 5) Effective Date of Amendments: May 16, 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 rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: This Part is not subject to First Notice as it is a required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act (IAPA).
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: These amendments are adopted in conformance with Section 5-15 of the IAPA, so the adopted version is the final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes are necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: A new category for charges for requests of information in electronic format for database records for recreational, harvesting, hunting licenses, permits and stamps is being added. Language in Exhibits C and D pertaining to copying costs of \$.35 is being deleted as it is no longer applicable to fees charged for Freedom of Information Requests.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Virginia Yang, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION

SUBTITLE D: CODE DEPARTMENTS

CHAPTER VI: DEPARTMENT OF NATURAL RESOURCES

PART 826

FREEDOM OF INFORMATION

SUBPART A: INTRODUCTION

- Section
- 826.10 Summary and Purpose
- 826.20 Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

- Section
- 826.110 Submission of Requests
- 826.120 Form and Content of Requests

SUBPART C: PROCEDURES FOR DEPARTMENT RESPONSE
TO REQUESTS FOR PUBLIC RECORDS

- Section
- 826.210 Timeline for Department Responses
- 826.220 Types of Department Responses

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

- Section
- 826.310 Appeal of a Denial
- 826.320 Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

- Section
- 826.410 Inspection of Records at Department Offices
- 826.420 Copies of Public Records

- 826.EXHIBIT A Request for Public Records

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

826.EXHIBIT B	Deferral of Response to Request for Public Records
826.EXHIBIT C	Approval of Request for Public Records
826.EXHIBIT D	Partial Approval of Request for Public Records
826.EXHIBIT E	Denial of Request for Public Records
826.EXHIBIT F	FOIA Appeal: Executive Director's Response

AUTHORITY: Implementing and authorized by the Freedom of Information Act [5 ILCS 140/1 et seq.].

SOURCE: Adopted at 11 Ill. Reg. 18641, effective November 2, 1987; amended at 18 Ill. Reg. 8616, effective May 31, 1994; amended at 26 Ill. Reg. 10504, effective July 1, 2002; amended at 29 Ill. Reg. 5022, effective March 24, 2005; amended at 32 Ill. Reg. 8156, effective May 16, 2008.

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section 826.420 Copies of Public Records

- a) Copies of public records shall be provided to the requestor only upon payment of any charges which are due.
- b) Charges shall be waived if the requestor is a State Agency, a constitutional officer, or a member of the General Assembly. Charges may be waived in any other case where the Freedom of Information Officer determines that the waiver serves the public interest.
- c) Charges for copies of public records shall be assessed in accordance with the following fee schedule:
 - 1) Requests totaling 15 pages or more – \$.15 per page. No charge for requests totaling 14 pages or less.
 - 2) Audio and video tapes – \$5.00 each.
 - 3) Photographs – digital photographs \$.35 each; reproduction from negatives – assessed at the actual cost to the Department.
 - 4) Copies of over-sized maps duplicated in-house – \$5.00 each.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 5) Commercial copying of blueprints, maps and special materials shall be assessed at the actual cost to the Department.
- 6) Print-outs of databases – \$.70 per page.
- 7) CD Rom, 3490 data cartridge, transfer by Department personnel to file transfer protocol site and e-mail – \$250. Minimum fee for up to 2,000 records is \$250, fee for each additional 1,000 records is \$25, with a maximum fee of \$1,500.
- 8) [Electronic format file of database records for recreational, harvesting, hunting and fishing licenses, permits and stamps – \\$250 per annual listing.](#)

(Source: Amended at 32 Ill. Reg. 8156, effective May 16, 2008)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 826.EXHIBIT C Approval of Request for Public Records

From: Freedom of Information Officer
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

To: _____
Name

Address

Description of Records Requested:

The response for your request dated _____ and received in this office on _____ for the above captioned records has been approved.

- The documents you requested are enclosed.
- The documents will be made available upon receipt of payment for copying costs in the amount of \$ _____ (~~_____ pages @ \$.35 per page~~).
- You may inspect the records at _____ on _____ (date).

FOI Officer Date

(Source: Amended at 32 Ill. Reg. 8156, effective May 16, 2008)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 826.EXHIBIT D Partial Approval of Request for Public Records

From: Freedom of Information Officer
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

To: _____
Name

Address

Description of Records Requested:

Your request dated _____ and received in this office on _____ for the above captioned records has been partially approved.

Those parts of your request which have been approved:

- The documents you requested are enclosed.
- The documents will be made available upon receipt of payment for copying costs in the amount of \$ _____ (~~_____ pages @ \$.35 per page~~).
- You may inspect the records at _____ on _____ (date).

The following portions of your request have been denied for the reasons cited:

The individual who reached the determination that the records you requested are to be denied is:

(Name and Title)

You have the right to appeal the denial of the records you have requested to the Director of the Department of Natural Resources by submitting a written notice of appeal to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Director
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

FOI Officer

Date

(Source: Amended at 32 Ill. Reg. 8156, effective May 16, 2008)

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 May 13, 2008 through May 19, 2008 and have been scheduled for review by the Committee at its June 17, 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>
6/28/08	<u>Illinois Racing Board</u> , Claiming Races (11 Ill. Adm. Code 510)	3/28/08 32 Ill. Reg. 4323	6/17/08
6/28/08	<u>Illinois Racing Board</u> , Pentafecta (11 Ill. Adm. Code 324)	3/28/08 32 Ill. Reg. 4315	6/17/08
6/28/08	<u>Illinois Racing Board</u> , Pick(N)Pools (11 Ill. Adm. Code 308)	3/28/08 32 Ill. Reg. 4311	6/17/08
6/28/08	<u>Illinois Racing Board</u> , Trifecta (11 Ill. Adm. Code 306)	3/28/08 32 Ill. Reg. 4307	6/17/08
6/28/08	<u>Department of Healthcare and Family Services</u> , Hospital Services (89 Ill. Adm. Code 148)	2/29/08 32 Ill. Reg. 2885	6/17/08
6/28/08	<u>Secretary of State</u> , The Illinois Library System Act (23 Ill. Adm. Code 3030)	3/14/08 32 Ill. Reg. 3610	6/17/08
6/28/08	<u>Secretary of State</u> , Illinois State Library Grant Programs (23 Ill. Adm. Code 3035)	3/14/08 32 Ill. Reg. 3637	6/17/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/28/08	<u>Secretary of State</u> , Public Library Construction Grants (Repealer) (23 Ill. Adm. Code 3060)	3/14/08 32 Ill. Reg. 3667	6/17/08
6/29/08	<u>Illinois Racing Board</u> , Entries, Subscriptions, and Declarations (11 Ill. Adm. Code 1413)	3/28/08 32 Ill. Reg. 4327	6/17/08

PROCLAMATIONS

2008-180**Amateur Radio Month**

- WHEREAS, the Federal Communications Commission (FCC) defines the Amateur Radio Service as a voluntary, noncommercial communication service, used by persons interested in radio technique as a hobby, and not for reasons of financial gain or broadcast; and
- WHEREAS, the American Radio Relay League (ARRL), a not-for-profit organization, is the largest organization of radio amateurs in the United States, with more than 155,000 members; and
- WHEREAS, amateur radio operators, also known as ham radio operators, use radio technology mostly as a form of personal enjoyment, however, amateur radio is also a vital asset in the field of emergency communications, and has been formally recognized by a number of national relief organizations; and
- WHEREAS, during natural disasters, normal telephone and cell phone systems are disrupted, creating a need for amateur radio operators to step in and coordinate their communication efforts with disaster relief teams; and
- WHEREAS, amateur radio operators have played a significant role in aiding relief workers in national emergencies, including the Oklahoma City Bombing in April 1995, the terrorist attacks on September 11, 2001, the Hurricanes Katrina and Rita, and the tornadoes that ravaged Illinois communities in April 2004 and March 2006; and
- WHEREAS, this year on June 28-29 the ARRL Amateur Radio Field Days exercise will be held to demonstrate radio amateur's skills and readiness to provide self supporting communications even in fields without further infrastructure:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2008 as **AMATEUR RADIO MONTH** in Illinois, and encourage all citizens to recognize the services this state's amateur radio operators provide in keeping our communities safe.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-181**Men's Health Week**

PROCLAMATIONS

WHEREAS, despite advances in medical technology and research, men continue to live an average of almost six years less than women; and

WHEREAS, recognizing and preventing men's health problems is not just a man's issue. Because of its impact on wives, mothers, daughters, and sisters, men's health is truly a family issue; and

WHEREAS, educating the public and health care providers about the importance of a healthy lifestyle and early detection of male health problems will help to reduce rates of mortality from disease, improve overall health, and save health care dollars; and

WHEREAS, men who are educated about the value of preventative health will be more likely to participate in health screening; and

WHEREAS, the Men's Health Network worked with Congress to develop National Men's Health Week – the week leading up to and including Father's Day - as a special campaign to help educate men and their families about the importance of positive health attitudes and preventative health practices; and

WHEREAS, Men's Health Week will raise awareness of a broad range of men's health issues, including heart disease, diabetes, prostate, testicular and colon cancer; and

WHEREAS, all of the citizens of this state are encouraged recognize the importance of a healthy lifestyle, regular exercise and medical check-ups:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 9-15, 2008 as **MEN'S HEALTH WEEK** in Illinois, and encourage all citizens to pursue preventative health practices and early detection efforts.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-182**Institute of Real Estate Management Week**

WHEREAS, the Chicago-based Institute of Real Estate Management (IREM), an 18,000-member, international association of real estate management professionals, is celebrating its 75th anniversary in 2008; and

PROCLAMATIONS

WHEREAS, the Institute of Real Estate Management, an affiliate of the National Association of REALTORS®, is recognized as a leading provider of quality education to real estate managers around the world; and

WHEREAS, IREM members have earned at least one of four distinguished professional designations based on meeting strict requirements in the areas of education and experience and are pledged to adhere to a rigorously enforced code of ethics; and

WHEREAS, IREM members help to improve the quality of life for the people who live, work, and shop in the properties they manage; and

WHEREAS, the Institute of Real Estate Management is also a leader in educating the real estate management profession on how to best protect people and property against natural and man-made disasters; and

WHEREAS, IREM members are committed to adopting sustainable building operating practices to help ensure that the properties they manage are environmentally responsible, healthy places to live, work, and shop; and

WHEREAS, the members of the Institute of Real Estate Management add value to the properties they manage and enhance the tax base for the benefit of the community as a whole:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 1-7, 2008 as **INSTITUTE OF REAL ESTATE MANAGEMENT WEEK** in Illinois, in recognition of their 75th anniversary and the important services provided by IREM and its members.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-183**Lions Walk for Sight Day**

WHEREAS, the International Association of Lions Clubs is a worldwide organization dedicated to humanitarian service and the prevention of blindness, whose membership spans 202 countries with over 1.3 million members under the motto "We Serve"; and

PROCLAMATIONS

WHEREAS, the first Lions Clubs in Illinois began in 1917 and since that time they have raised millions of dollars to help the blind and visually impaired, as well as provide research, training and recreation; and

WHEREAS, on June 1, Lions and volunteers will join together as the Lions of Illinois Foundation sponsors the Fourth Annual "Walk For Sight" to raise public awareness of the 13 programs provided by the Foundation to over 18,000 children and adults in Illinois with vision and hearing impairments every year; and

WHEREAS, the "Walk for Sight" also helps to enable the foundation to extend their important services to more visually impaired men, women and children who need them and highlights the need for continued recognition of the visually and hearing impaired; and

WHEREAS, the Lions of Illinois Foundation, sponsor of the "Walk for Sight" continues to aid and provide needed services in conjunction with local Lions Clubs across Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 1, 2008 as **LIONS WALK FOR SIGHT DAY** in Illinois in recognition of over 90 years of public service by the Lions Clubs in Illinois.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-184**LIVESTRONG Day**

WHEREAS, according to the American Cancer Society, cancer is the 2nd leading cause of death in Illinois; and

WHEREAS, Illinois has the 14th highest overall cancer incidence rate among the 50 states and the District of Columbia; and

WHEREAS, 3 out of 4 people in their lifetime will have a family member diagnosed with cancer, 1 in 3 women and 1 in 2 men will be diagnosed with cancer in their lifetime, and 1.4 million people will be diagnosed this year; and

WHEREAS, according to the American Cancer Society there were an estimated 62,010 new cancer cases in Illinois in 2007; and

PROCLAMATIONS

- WHEREAS, more than 560,000 Americans are expected to die from cancer this year. African-American men and women have the highest mortality rates for all cancer sites combined, and cancer is the number one killer of those under age 85; and
- WHEREAS, the State of Illinois has concern and compassion for all people affected by cancer; and
- WHEREAS, by uniting people affected by cancer to raise awareness through education, prevention, screening and early detection efforts, we gain strength in the fight against cancer in Illinois; and
- WHEREAS, we are committed to ensuring that all cancer patients are treated with compassion and respect, and are provided with the tools and resources necessary to battle the physical, emotional and practical challenges of a cancer diagnosis; and
- WHEREAS, Illinois is home to world renowned cancer research universities, cancer treatment facilities and government research institutions; and
- WHEREAS, LIVESTRONG Day exemplifies the spirit of people affected by cancer-survivors, caregivers, friends, family, physicians, nurses, social workers and researchers throughout Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 13, 2008 as **LIVESTRONG DAY** in Illinois.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-185**Maritime Day**

- WHEREAS, first observed in 1933, National Maritime Day commemorates the first voyage of a steamship across the Atlantic Ocean; and
- WHEREAS, the S. S. Savannah departed for what eventually became a 29-day journey on May 22, 1819, sailing from Savannah, Georgia to Liverpool, England; and
- WHEREAS, this historic voyage marked the beginning of the steamship age in maritime history; and

PROCLAMATIONS

WHEREAS, according to information provided by the U.S. Department of Transportation's Maritime Administration, in March 2004, more than 80 percent of the military cargo shipped to the Middle East in support of the United States Armed Forces during the Iraqi conflict arrived via U.S. flag commercial or government vessels; and

WHEREAS, we pay tribute to the men and women of the United States Merchant Marines, serving the country with valor and strength, who have contributed significantly to the strength and economic growth of our nation; and

WHEREAS, we salute the countless number of seamen who have lost their lives in World Wars I and II and other conflicts that have taken place throughout the history of our country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16, 2008 as **MARITIME DAY** in Illinois, and encourage all citizens to recognize the important roles the Merchant Marines play in ensuring the safety and economic prosperity of our great nation.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-186**Aphasia Awareness Month**

WHEREAS, aphasia is a communication disorder caused by brain damage which occurs most often as the result of stroke or brain injury, although it can also occur with other neurological disorders, such as brain tumors; and

WHEREAS, many people with aphasia also have weakness or paralysis in their right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language; and

WHEREAS, the effects of aphasia may include a loss or reduction in ability to speak, comprehend, read, and write, while intelligence remains intact; and

WHEREAS, stroke is the 3rd leading cause of death in Illinois, after heart disease and cancer; and

PROCLAMATIONS

WHEREAS, stroke is a leading cause of serious long-term disability. There are about 5,800,000 stroke survivors in the United States, many living with moderate to severe disabilities; and

WHEREAS, it is estimated that there are about 780,000 new and recurrent strokes per year in the United States with approximately 30% of these resulting in aphasia; and

WHEREAS, aphasia affects at least 1,740,000 in the United States, including an estimated 74,000 people in Illinois; and

WHEREAS, there are approximately 20 support groups in Illinois to provide help, support, education, and communication opportunities for people with aphasia and their families or caregivers; and

WHEREAS, June is recognized by the U.S. Congress as National Aphasia Awareness Month to draw more attention to the disorder and highlight the need to find new solutions for serving individuals experiencing aphasia and their families or caregivers:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2008 as **APHASIA AWARENESS MONTH** in Illinois, to help make the voices of those with aphasia heard because they are often unable to communicate their condition to others.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-187**Helping Citizens with Developmental Disabilities Days**

WHEREAS, a "developmental disability" is defined as a disorder caused by mental retardation, cerebral palsy, epilepsy, autism, or any other condition which results in impairment similar to that of mental retardation. A developmental disability originates before the age of 18 and is expected to continue indefinitely; and

WHEREAS, approximately 1.5 percent of the U.S. population is afflicted with a developmental disability or mental retardation. Due to the early onset and debilitating nature of these disorders, many more children are affected than adults; and

WHEREAS, one of the main purposes of the Knights of Columbus, a fraternal order with 1.7 million members around the world, is to support various charitable causes that seek to make our families and communities stronger. It has donated \$1 billion and volunteered 400 million hours of service in the past decade; and

PROCLAMATIONS

WHEREAS, the Illinois State Council of the Knights of Columbus will hold their 39th Annual Fund Drive for the Mental Retardation / Learning Disabilities Program from September 19 – 21, 2008, distributing the funds they raise to more than 300 organizations throughout Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 19 – 21, 2008 as **HELPING CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS** in Illinois, and encourage all citizens to contribute what they can to assist the people that are afflicted with these disorders.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-188**Missing Children's Day**

WHEREAS, there are 2,163 pending missing children under the age of 18 in the State of Illinois, which represents only a small percentage of the children that are estimated to be missing nationwide as reported through a national study conducted by the United States Department of Justice; and

WHEREAS, there are four different categories that classify missing children. The largest number of missing children are runaways, followed by those that have been abducted by family members, those that are lost, injured, or otherwise missing, and the smallest category, but the one in which the child is at the greatest risk of injury or death, are those that have been abducted by non-family members; and

WHEREAS, locating and safely returning missing children to their homes is a statewide, national, and international objective; and

WHEREAS, on August 29, 1985 in Chicago, Illinois, Governors from the states of Illinois, Indiana, Iowa, Kentucky, Missouri and Wisconsin signed the "Interstate Agreement on Missing and Exploited Children," and since then, the states of Ohio, Kansas, Michigan, Minnesota, North Dakota, South Dakota and Nebraska have also joined in the initiative. This agreement was the beginning of the development of an interstate network established to improve the process of identifying and recovering missing children in our communities; and

WHEREAS, in 2002, the Illinois State Police implemented the America's Missing: Broadcast Emergency Response (AMBER) Alert Notification Plan. AMBER Alert was

PROCLAMATIONS

developed as a quick and efficient way to notify the public and any city, town, village, county, or state law enforcement agency in Illinois, of specific information regarding the abduction of a child whose life may be in danger. To date, AMBER Alert has been instrumental in recovering 19 missing children; and

WHEREAS, inappropriate use of the Internet can expose our children to significant dangers, 53 Illinois State Police officers, certified to conduct NetSmartz workshops, have taught over 6,000 students, teachers, and parents how to stay safer on the Internet; and

WHEREAS, teaching your children to run away from danger, never letting your children go places alone, knowing where and with whom your children are at all times, talking openly with your children about safety and having a list of family members who can be contacted in case of an emergency, are among the list of preventative tips that will help keep your children safe from kidnapping and abductions:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 25, 2008 as **MISSING CHILDREN'S DAY** in Illinois, and encourage all citizens to observe this day by turning on porch lights and vehicle headlights to "LIGHT THE WAY HOME" for our missing children throughout the country.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-189**Archbishop Desmond Tutu Day**

WHEREAS, Desmond Tutu, born on October 7, 1931, is a South African cleric who rose to worldwide fame during the 1980s as an opponent of apartheid; and

WHEREAS, Archbishop Tutu's call for disinvestment by South Africa's black majority and organization of peaceful protest marches was a major cause of apartheid's end and led to the release of Nelson Mandela from a lengthy political imprisonment; and

WHEREAS, Bishop Tutu was awarded the 1984 Nobel Peace Prize for his non-violent efforts to end the practice of apartheid; and

WHEREAS, Archbishop Tutu has received the Martin Luther King Jr. Humanitarian Award, the Magubela Prize for Liberty, the Pacem in Terris (Peace on Earth) Award, the Bill of Rights Award, the Albert Schweitzer Humanitarian Award, the Sydney

PROCLAMATIONS

Peace Prize, the Gandhi Peace Prize, and the 2008 OUTSPOKEN Award, as well as numerous other international awards and honorary degrees; and

WHEREAS, Archbishop Tutu has been a global leader in the fight against intolerance, violence, tuberculosis, AIDS, and other issues that impact the world's people; and

WHEREAS, the Abraham Lincoln Presidential Library Foundation will award its Lincoln Leadership Prize to Archbishop Desmond Tutu on May 13, 2008 in Chicago, Illinois for his lifelong service to humanity and his key role in world history:

THEREFORE I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 13, 2008 to be **ARCHBISHOP DESMOND TUTU DAY** in Illinois, and urge all residents of the state to learn and appreciate Tutu's permanent legacy of equality and service to humanity.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-190**Shared Housing Week**

WHEREAS, shared housing provides affordable living arrangements that offer economic benefit, companionship and community living for Illinois citizens; and

WHEREAS, shared housing includes shared group residences for older persons, special populations and programs that match unrelated individuals to share homes and apartments; and

WHEREAS, shared housing offers participants independence, security and help with everyday chores; and

WHEREAS, shared housing provides an affordable housing option to people of all ages in transitional periods; and

WHEREAS, shared housing programs are sponsored by recognized community-based organizations where applicants are carefully screened and monitored by professionals to ensure a compatible match or a comfortable shared group living arrangement:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 18-24, 2008 as **SHARED HOUSING WEEK** in Illinois.

PROCLAMATIONS

Issued by the Governor May 9, 2008
Filed by the Secretary of State May 13, 2008

2008-191**Food Allergy Awareness Month**

WHEREAS, a food allergy occurs when the immune system mistakenly believes that a food is harmful, thereby causing a person to have a severe allergic reaction, or an anaphylaxis – a sudden, severe allergic reaction involving major organs in the body simultaneously. In severely allergic individuals it can cause death in a matter of minutes if untreated; and

WHEREAS, there are eight types of foods that account for ninety percent of allergic reactions, such as: peanuts, tree nuts (walnuts, pecans, brazil nuts, etc.) fish, shellfish, eggs, milk, soy, and wheat. The leading cause of severe allergic reactions, however, is peanuts; and

WHEREAS, approximately 12 million Americans suffer from food allergies, and it is estimated that food allergy reactions cause 30,000 visits to the emergency room and 150 deaths each year; and

WHEREAS, swelling of the tongue and throat, vomiting, difficulty breathing, or the presence of a rash, are some symptoms of food allergy and anaphylaxis, and typically appear within minutes to two hours after a person has eaten the food he or she is allergic to; and

WHEREAS, currently, there is no cure for food allergies and the only way to avoid a reaction is for an individual to avoid the food that is causing the reaction:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2008 as **FOOD ALLERGY AWARENESS MONTH** in Illinois to raise awareness of food allergies and to educate the public about the associated health risks.

Issued by the Governor May 9, 2008
Filed by the Secretary of State May 13, 2008

2008-192**LIVE UNITED Month**

PROCLAMATIONS

WHEREAS, during the month of June, United Ways across the country will be joining together to give people a chance to get involved and make lasting changes in their communities; and

WHEREAS, educating people in our communities about the state of health and human services can lead to more volunteerism and improve conditions for all; and

WHEREAS, by supporting three key issues—education, income and health—each person in our state can help create opportunities for people to improve their lives so they can become independent; and

WHEREAS, by giving our fellow citizens the chance to reach their potential, earn a living and build savings and to care for their health, not only will those individuals be helped, but entire neighborhoods will be strengthened; and

WHEREAS, all people in the state of Illinois can join together to improve lives by giving, advocating or volunteering to bolster health and human services in our state; and

WHEREAS, to help achieve this goal, each of the 60 United Ways in our state invite all residents of Illinois to participate in LIVE UNITED Month, advancing the common good:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2008 as **LIVE UNITED MONTH** and urge all citizens to observe this month with appropriate programs, activities and ceremonies that advance the common good.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-193**National Women's Health Week**

WHEREAS, National Women's Health Week celebrates the extraordinary progress in women's health and recognizes that still more needs to be done to safeguard the health of women for generations to come; and

WHEREAS, women from all walks of life and at every stage of life have unique health needs that should be addressed in their own right; and

WHEREAS, keeping women healthy and safe and promoting awareness of women's health issues depends on partnerships with social, health, and other services; and

PROCLAMATIONS

WHEREAS, women can promote health and prevent disease and illness by taking simple steps to improve their physical, mental, social and spiritual health; and

WHEREAS, under my administration, the Illinois Healthy Women program has been created to provide health care to women who otherwise would go without; and

WHEREAS, on October 1, 2007 Illinois become the first and only state to offer free breast and cervical cancer screening and low-cost treatment to all uninsured women in Illinois under the Illinois Breast and Cervical Cancer Program (IBCCP). The number of women who have been served and screened through the IBCCP continues to grow thanks to the expansions we have made to the program in Illinois; and

WHEREAS, women's health remains a priority for families, communities, and government, and our commitment to keeping women healthy is stronger than ever:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 11 – 17, 2008 as **NATIONAL WOMEN'S HEALTH WEEK** in Illinois, and encourage all women, during this week, to renew their commitment to their health and well-being.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-194**National Cytotechnology Day**

WHEREAS, cytotechnologists are specialists in the field of medical technology whose primary responsibility is to examine cells to detect a variety of diseases including cancer and pre-cancerous changes; and

WHEREAS, these skilled professionals are called upon daily to examine various medical specimens and advise physicians, who in turn, use this vital information to chart the course of treatment for their patients; and

WHEREAS, through the diagnostic skill of cytotechnologists, it is possible to detect cancer in the early stages of development, greatly increasing the chances of survival for many; and

WHEREAS, there are several hundred cytotechnologists in the State of Illinois and only about 9,000 nationwide; and

PROCLAMATIONS

WHEREAS, the Illinois Society of Cytology will join the American Society of Cytotechnology in observing National Cytotechnology Day on May 13, 2008:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 13, 2008 as **NATIONAL CYTOTECHNOLOGY DAY** in Illinois in honor of the valuable contributions cytotechnologists make to the health and well-being of our citizens.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-195**National Transportation Week**

WHEREAS, our transportation system not only gives us freedom and mobility, allowing us to move from place to place, but it also boosts the nation's economy, and strengthens our nation's security; and

WHEREAS, advancing knowledge of the transportation industry and increasing public awareness on the significant nature transportation plays in the nation's economy, are two goals the National Defense Transportation Association (NDTA) has set forth for National Transportation Week; and

WHEREAS, the first National Transportation Week was observed in 1953 with the help of the Women's Transportation Club of Houston. This group originally set up a scholarship program benefiting transportation degree students at the University of Houston, but with no interested applicants; and

WHEREAS, seeing that the students and the public were virtually unaware and uninterested in the transportation industry, attempts were then made to sway past Presidents of the United States to proclaim National Transportation Week as a way of promoting the transportation industry, though their efforts were not officially honored until 1962; and

WHEREAS, in Illinois, not only has our Department of Transportation been expanding the road system and supporting public transportation, but has been successful in reducing highway fatalities, improving opportunities for small, women, and minority owned businesses and upgrading process management throughout the organization. IDOT was the first state Department of Transportation to receive ISO 9001:2000 certification, an international standard that provides a universal baseline for quality process management; and

PROCLAMATIONS

WHEREAS, the observance of National Transportation Week provides an opportunity for the transportation community to join together for greater awareness about the importance of transportation and also focuses on making youth aware of transportation-related careers:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 11 – 17, 2008 as **NATIONAL TRANSPORTATION WEEK** in Illinois, in recognition of the dedicated transportation professionals and military service members for their tireless efforts to make America's transportation network the best in the world.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-196**National Apprenticeship Act Anniversary Celebration Months**

WHEREAS, the National Apprenticeship Act (also known as the Fitzgerald Act), is a federal law in the United States which regulates apprenticeship and on-the-job training programs; and

WHEREAS, apprentice programs in the U.S. were largely unregulated prior to 1937 when Congress passed the National Apprenticeship Act, establishing a national advisory committee whose task was to research and draft regulations to establish minimum standards for apprenticeship programs; and

WHEREAS, the Act was later amended to permit the United States Department of Labor to issue regulations protecting the health, safety and general welfare of apprentices, and to encourage the use of contracts in the hiring and employment of them; and

WHEREAS, apprenticeship training provides this state with highly trained and efficient craft workers; and

WHEREAS, labor, management, the Federal Office of Apprenticeship, Illinois Workforce Services, Illinois Labor Commission, Illinois Division of Professional and Occupational Licensing, secondary education, and post-secondary education have joined hands to promote and expand apprenticeship; and

WHEREAS, they have formed the Illinois Steering Committee to bring together the leaders of various industries and labor and governmental entities who are engaging in

PROCLAMATIONS

administration, teaching, guidance, and the preparation of apprenticeship with the purposes of providing skilled craft workers for Illinois and the nation; and

WHEREAS, it is appropriate for Illinois to recognize this effort on behalf of apprenticeship training and those that are actively seeking a better future through apprenticeship; and

WHEREAS, this year, the Illinois State Apprenticeship Committee and Conference will be held May 19-23. This event is intended to promote the exchange of information and ideas between all crafts and trades:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May and June 2008 as **NATIONAL APPRENTICESHIP ACT ANNIVERSARY CELEBRATION MONTHS** in Illinois, in recognition of the 70th anniversary of the passing of the National Apprenticeship Act.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-197**Peace Officers Memorial Day**

WHEREAS, all citizens owe a tremendous debt of gratitude to the dedicated men and women of law enforcement who selflessly serve to protect our lives and keep our families and communities safe; and

WHEREAS, every day, the men and women who work in law enforcement face great risks and in many cases, put their safety on the line as they perform their duties; and

WHEREAS, peace officers are skilled professionals who must act as counselors, communicators and experts at crisis intervention. In addition, they must preserve the safety of our lives and property, and maintain their professional demeanor in stressful situations; and

WHEREAS, these officers must possess the intuitive sense to resolve conflicts and save lives; and

WHEREAS, we could not live safely and comfortably in our communities without the hard work and sacrifices made each day by our peace officers; and

PROCLAMATIONS

WHEREAS, the State of Illinois is pleased to recognize peace officers for their hard work to ensure the safety of our communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby declare May 15, 2008 as **PEACE OFFICERS MEMORIAL DAY** and order all State facilities to fly their flags at half-staff from sunrise to sunset on May 15, 2008 in honor of the heroism of all our law enforcement officers, especially those who have given their lives so that others might live.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-198**Ukrainian Genocide Remembrance Day**

WHEREAS, 75 years ago, under the leadership of Joseph Stalin, by using food as a weapon the Soviet regime committed an act of genocide against the Ukrainian nation for their resistance and opposition to the Soviet Union's political and economic oppression; and

WHEREAS, at its height, the Famine Genocide claimed the lives of 17 people per minute, or 25,000 victims per day, resulting in the deaths of millions of innocent men, women and children from 1932 to 1933. In sheer numbers, this genocidal tragedy ranks among the worst cases of man's inhumanity towards man, and is perhaps the most extreme example of the use of food as a weapon; and

WHEREAS, the United States Congress' Commission on the Ukraine Famine found that the government of the former Soviet Union consciously used the brutal policy of forced famine to repress the Ukrainian people, and concluded in 1988 that "Joseph Stalin and those around him committed genocide against Ukrainians in 1932-1933"; and

WHEREAS, on November 28, 2006, Ukraine's parliament adopted a bill recognizing the Soviet-era forced famine - known in Ukraine as Holodomor or Death by Starvation - as an act of genocide against the Ukrainian people, resulting in the murder of almost one-third of its population at the time; and

WHEREAS, government bodies of dozens of countries in their official documents and resolutions have recognized and acknowledged the Ukrainian Famine of 1932-1933 as Genocide; and

PROCLAMATIONS

WHEREAS, the people of the State of Illinois also should always remember the terrible events of the Ukrainian Genocide:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10, 2008 as **UKRAINIAN GENOCIDE REMEMBRANCE DAY** in Illinois and urge all citizens to join in the remembrance of this tragic episode in Ukraine's history so that we may prevent such heinous acts from ever happening again.

Issued by the Governor May 9, 2008

Filed by the Secretary of State May 13, 2008

2008-199**Haitian Flag Day**

WHEREAS, the state of Illinois is proud of its diversity and recognizes the value it brings to our communities; and

WHEREAS, as is evidenced by the famous Haitian citizen, Jean Baptiste Point Du Sable, who established the first permanent settlement in the city of Chicago in 1779, the country of Haiti, its citizens and Haitian-Americans have played an important role in the history of our state and our nation; and

WHEREAS, the flag of the Republic of Haiti was adopted on May 18, 1803; and

WHEREAS, Haiti had been a colony of France since 1697, but the people rebelled in 1803 and Haiti achieved independence on January 1, 1804; and

WHEREAS, the Haitian flag is a red and blue bicolor; for state occasions, the Arms of Haiti are added to the center of the flag on a white background. The colors red and blue were chosen from the French flag. The Haitian arms depict a royal palm in the center topped with a red and blue cap of liberty. There are also six blue and red flags, two smaller red banners on the sides, many weapons, a drum, an anchor, green grass, and a white banner reading, "L'UNION FAIT LA FORCE," meaning "Union is Strength"; and

WHEREAS, this year, Haitians from around the world celebrate the national flag as symbol of pride:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 18, 2008 as **HAITIAN FLAG DAY** in Illinois.

PROCLAMATIONS

Issued by the Governor May 12, 2008
Filed by the Secretary of State May 19, 2008

2008-200**National Governors Association Anniversary Days**

WHEREAS, on May 13-15, 1908, President Theodore Roosevelt hosted the first meeting of the nation's governors at the White House to discuss conserving America's natural resources; and

WHEREAS, at this meeting it was decided by the assembled governors to form an association through which they could come together in a bipartisan manner to discuss mutual concerns; and

WHEREAS, today the National Governors Association (NGA) serves as the collective voice of the 55 governors of states, commonwealths and territories and is one of Washington, D.C.'s, most respected public policy organizations; and

WHEREAS, NGA provides governors and their senior staff members with services that range from representing states on Capitol Hill and before the Administration on key federal issues, to developing policy reports on innovative state programs, and hosting networking seminars for state government executive branch officials; and

WHEREAS, throughout history governors have leveraged the organization's strengths to demonstrate state leadership on diverse issues and have played a key role in shaping public policy and developing solutions to America's most pressing challenges; and

WHEREAS, this year the National Governors Association is celebrating 100 years of gubernatorial leadership: honoring the past, celebrating the present and embracing the future:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 13-15, 2008 as **NATIONAL GOVERNORS ASSOCIATION ANNIVERSARY DAYS** in recognition of the centennial of the NGA and to commend the leadership of the nation's governors and honor their contributions to American politics and society.

Issued by the Governor May 13, 2008
Filed by the Secretary of State May 19, 2008

2008-201

PROCLAMATIONS

Certified Government Financial Manager Month

WHEREAS, the Chicago and Quad Cities Chapters of the Association of Government Accountants (AGA) is a professional organization, belonging to the Association of Government Accountants, which has more than 15,000 members in 90 chapters throughout the United States and around the world; and

WHEREAS, there are approximately 210 active members representing state, federal, municipal and private sector accountants, auditors, and financial managers in Illinois; and

WHEREAS, AGA Chicago and Quad Cities Chapter members have responded to AGA's mission of Advancing Government Accountability, as it continues its broad education efforts with emphasis on high standards of conduct, honor, and character in its Code of Ethics; and

WHEREAS, the AGA Chicago and Quad Cities chapter are making significant advances both in professional ability and in service to the citizens of Illinois by mastering increasingly technical and complex requirements; and

WHEREAS, the Certified Government Financial Manager (CGFM) program of AGA provides a means of demonstrating professionalism and competency by requiring CGFM candidates to have appropriate educational and employment history and to pass a 3-part examination requiring expertise in the Government Environment, Governmental Financial Management and Control, and Governmental Accounting, Financial Reporting and Budgeting, and requires each CGFM holder to maintain certification by completing comprehensive training sessions totaling 80 hours over a 2-year period:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2008 as **CERTIFIED GOVERNMENT FINANCIAL MANAGER MONTH** in Illinois, and encourage all citizens to recognize the hard work put forth by financial managers in our communities.

Issued by the Governor May 13, 2008

Filed by the Secretary of State May 19, 2008

**2008-202
Models for Change Day**

WHEREAS, the State of Illinois was the site of the first Juvenile Court more than one hundred years ago; and

PROCLAMATIONS

WHEREAS, the John D. and Catherine T. Mac Arthur Foundation, in the same spirit as the creation of that court, has dedicated substantial resources to reforming the Juvenile Justice system; and

WHEREAS, to that end, the foundation has created the Models for Change Initiative, designed to reform the juvenile justice system in Illinois and throughout the nation; and

WHEREAS, in Illinois, Models for Change has been responsible for the support of such successful activities as the Redeploy Illinois program, the creation of the Department of Juvenile Justice, the operation of four pilot sites to develop and implement models for systems' change, the rationalization of the adult and juvenile transfer drug laws, the investment in sound data collection and analysis for disproportionate minority contact and many other important, evidence-based models in the state; and

WHEREAS, the foundation's investment has created new expectations for the work of those in the juvenile justice system, designed to rehabilitate youth and measure positive outcomes in order to preserve public safety and use tax dollars wisely; and

WHEREAS, this work has created a shared set of goals which are dramatically changing the actions and outcomes for those who work in the system and the youth they serve; and

WHEREAS, the people of Illinois owe the leadership of the John D. and Catherine T. Mac Arthur Foundation gratitude for the selfless, tireless, and effective investment—personal and financial—which they have made in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 18, 2008 as **MODELS FOR CHANGE DAY** in Illinois, in recognition of the groundbreaking work of the John D. and Catherine T. MacArthur Foundation and the Models for Change Initiative.

Issued by the Governor May 13, 2008

Filed by the Secretary of State May 19, 2008

2008-203
National Clean Beaches Week

WHEREAS, beaches are used for many recreational activities; and

PROCLAMATIONS

WHEREAS, 180 million Americans make nearly 2 billion annual trips to the ocean, gulf, and inland beaches and contribute significant resources to the local, state, and national economy; and

WHEREAS, 75% of all recreational activity occurs within a half mile corridor around the shorelines of our beaches, rivers, and lakes; and

WHEREAS, coastal tourism and healthy seafood contribute to strong economies, sustaining communities, and supporting jobs along the coastal U.S.; and

WHEREAS, many communities and departments in the State of Illinois have undertaken significant measures to keep beaches clean and healthy; and

WHEREAS, the Clean Beaches Council, as part of Great Outdoors Month, has designated June 30 – July 6, 2008 as National Clean Beaches Week:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 30 – July 6, 2008 as **NATIONAL CLEAN BEACHES WEEK** in Illinois, and encourage all citizens to visit, enjoy, and protect one of our greatest natural resources.

Issued by the Governor May 14, 2008

Filed by the Secretary of State May 19, 2008

2008-204**National Women in Transportation Day**

WHEREAS, our transportation system not only gives us freedom and mobility, allowing us to move from place to place, but it also boosts the nation's economy, and strengthens our nation's security; and

WHEREAS, advancing knowledge of the transportation industry and increasing public awareness of the significant role transportation plays in the nation's economy, are two goals the National Defense Transportation Association (NDTA) has set forth for National Transportation Week; and

WHEREAS, the first National Transportation Week was observed in 1953 with the help of the Women's Transportation Club of Houston. This group originally set up a scholarship program benefiting transportation degree students at the University of Houston, but with no interested applicants; and

PROCLAMATIONS

WHEREAS, seeing that the students and the public were virtually unaware and uninterested in the transportation industry, attempts were then made to sway past Presidents of the United States to proclaim National Transportation Week as a way of promoting the transportation industry, though their efforts were not officially honored until 1962; and

WHEREAS, the women who work in the transportation sector have been a vital component of this industry, including their role in the inception of National Transportation Week; and

WHEREAS, a number of organizations, including the National Association of Railway Business Women, have been formed to represent and support the women who work in the transportation industry, as well as to foster cooperation and better understanding within the industry and its affiliates; and

WHEREAS, as part of National Transportation Week, the observance of National Women in Transportation Day provides an opportunity to recognize and commend the contributions women have made throughout the history of our transportation system:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16, 2008 as **NATIONAL WOMEN IN TRANSPORTATION DAY** in Illinois, in recognition of all the dedicated transportation professionals for their tireless efforts to make America's transportation network the best in the world.

Issued by the Governor May 14, 2008

Filed by the Secretary of State May 19, 2008

2008-205**20th Anniversary of the American Academy of Audiology**

WHEREAS, the American Academy of Audiology is the world's largest professional organization of audiologists. The membership of more than 10,000 audiologists join together to provide the highest quality of hearing healthcare service to children and adults described by their national slogan "Caring for America's Hearing"; and

WHEREAS, Illinois has an active and thriving affiliate of the American Academy of Audiology in the Illinois Academy of Audiology; and

PROCLAMATIONS

WHEREAS, The American and Illinois Academies of Audiology promote quality hearing and balance care by advancing the profession of audiology through leadership, advocacy, education, public awareness and support of research; and

WHEREAS, The American Academy of Audiology was founded in January of 1988 when a group of audiology leaders met at the invitation of Dr. James Jerger at the Baylor College of Medicine in Houston, Texas for the purpose of establishing an independent, freestanding national organization run by and for audiologists; and

WHEREAS, audiologists are dedicated health care professionals that diagnose, treat, and manage individuals with hearing loss or balance problems; and

WHEREAS, audiologists may be found working in medical centers and hospitals, private practice settings, schools, government health facilities and agencies, as well as colleges and universities throughout Illinois; and

WHEREAS, audiologists perform their duties with compassion, professionalism and a commitment to those they serve; and

WHEREAS, the observance of the 20th Anniversary of the American Academy of Audiology provides a special time to express our appreciation and gratitude to audiologists for their hard work and dedication:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize the 20th Anniversary of the American Academy of Audiology and urge all citizens to recognize the contributions made by audiologists in our communities.

Issued by the Governor May 14, 2008

Filed by the Secretary of State May 19, 2008

2008-206**Huntington's Disease Awareness Week**

WHEREAS, Huntington's disease is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12-15 year period; and

WHEREAS, currently, Huntington's disease affects approximately 30,000 patients and 200,000 genetically "at risk" individuals in the United States; and

WHEREAS, since the discovery of the gene that causes Huntington's disease in 1939, the pace of its research has accelerated; and

PROCLAMATIONS

WHEREAS, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming; and

WHEREAS, researchers are conducting important research projects involving Huntington's disease; and

WHEREAS, the Huntington's Disease Society of America (HDSA) dedicates its tireless efforts to advocating for families, educating the public, and providing support and services to affected families living with this disease; and

WHEREAS, on May 18, 2008 the Illinois Chapter of HDSA will hold its 4th Annual Walk For A Cure to raise funds for research into a cure or treatment for Huntington's Disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 18-24, 2008 as **HUNTINGTON'S DISEASE AWARENESS WEEK** in Illinois, to raise awareness of this devastating disease and in support of the efforts of the Illinois Chapter of the Huntington's Disease Society of America.

Issued by the Governor May 14, 2008

Filed by the Secretary of State May 19, 2008

2008-207**Alex's Lemonade Days**

WHEREAS, cancer is the leading cause of death by disease in children under the age of 15 in the United States. The causes of most childhood cancers are unknown, and at present, childhood cancer cannot be prevented; and

WHEREAS, childhood cancer occurs regularly, randomly and spares no ethnic group, socioeconomic class, or geographic region. In the United States, the incidence of cancer among adolescents and young adults is increasing at a greater rate than any other age group, except those over 65 years. Despite these facts, more funding is still needed for childhood cancer research; and

WHEREAS, at the age of 4 years old, Alexandra "Alex" Scott, a pediatric cancer patient, set out on a mission to find a cure for all childhood cancer. In 2000, Alex set up a lemonade stand in her front yard to raise funds to help her doctors on their way to finding a cure; and

PROCLAMATIONS

WHEREAS, although Alex ultimately lost her life to cancer, her legacy of hope survives through the foundation that bears her name, Alex's Lemonade Stand Foundation. Since Alex set up her first lemonade stand, more than \$18 million has been raised for childhood cancer research, funding 50 research projects nationally; and

WHEREAS, on the weekend of June 6-8, 2008, families across the country will host lemonade stands and community events to raise critical funds and awareness of childhood cancer:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois do hereby proclaim June 6-8, 2008 as **ALEX'S LEMONADE DAYS** in Illinois, in support of Alex's Lemonade Stand Foundation's childhood cancer awareness and fundraising efforts, and in memory of the inspiring courage and example of Alex Scott.

Issued by the Governor May 15, 2008

Filed by the Secretary of State May 19, 2008

2008-208**Longest Walk 2 and Native American Awareness Day**

WHEREAS, long before the arrival of Europeans to North American shores, Native Americans settled and lived throughout the United States, including the State of Illinois; and

WHEREAS, Native Americans established loose bands of tribes and confederations with sophisticated agricultural and hunting economies and social and political systems, which were designed to secure domestic peace and comfort within their communities; and

WHEREAS, after the arrival of Europeans, many Native Americans aided European colonization, especially by instructing European migrants in vital farming techniques and methods unique to the land; and

WHEREAS, sadly, European civilizations displaced many Native American communities, and many Native Americans were forced to assimilate into the new culture. Despite that, Native Americans have faithfully and heroically served in all American wars to defend democracy and freedom; and

WHEREAS, some Native American communities are beginning to thrive again thanks to the creativity, innovation, and above all, indomitable spirit of Native Americans; and

PROCLAMATIONS

WHEREAS, it is in this spirit that the 2008 Longest Walk is being undertaken to draw attention to issues affecting both Native Americans and the nation as a whole, particularly to highlight the importance of protecting the environment, as well as to commemorate the first Longest Walk that took place 30 years ago. The 1978 walk created constructive changes to indigenous rights, including the Native American Freedom of Religion Act of 1978:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16, 2008 as **LONGEST WALK 2 and NATIVE AMERICAN AWARENESS DAY** in Illinois in honor and remembrance of those Native Americans who preceded us, and in recognition of the contributions Native Americans have made to the United States, State of Illinois, and their own success.

Issued by the Governor May 15, 2008

Filed by the Secretary of State May 19, 2008

2008-209**Richard R. Heiberger Studios Day**

WHEREAS, the Richard R. Heiberger Studios are committed to providing high quality arts instruction to persons from all segments of the community, regardless of age, ability or financial circumstances; and

WHEREAS, the Richard R. Heiberger Studios are dedicated to providing instruction to foster creative and artistic expression at every level, from beginning to advanced study; and

WHEREAS, Richard R. Heiberger believes the arts can build bridges between people of different cultures and lifestyles, and that natural understanding is enhanced through sharing in study and performance; and

WHEREAS, the Richard R. Heiberger Studios value cooperation with the greater arts community, both local and national, to foster and strengthen advocacy for arts education, enrich cultured life, and encourage artistic achievement; and

WHEREAS, July 1, 2008, marks the 30th anniversary of the Richard R. Heiberger Studios:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 1, 2008, as **RICHARD R. HEIBERGER STUDIOS DAY** in Illinois.

Issued by the Governor May 15, 2008

PROCLAMATIONS

Filed by the Secretary of State May 19, 2008

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 32, Issue 22 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

89 - 340	8063
35 - 808	8085
35 - 809	8091

ADOPTED RULES

89 - 315	5/30/2008.....	8103
83 - 465	5/15/2008.....	8116
83 - 595	5/15/2008.....	8128
59 - 50	5/16/2008.....	8132
2 - 826	5/16/2008.....	8156

EXECUTIVE ORDERS AND PROCLAMATIONS

08 - 181	5/9/2008.....	8166
08 - 180	5/9/2008.....	8166
08 - 182	5/9/2008.....	8167
08 - 183	5/9/2008.....	8168
08 - 184	5/9/2008.....	8169
08 - 185	5/9/2008.....	8170
08 - 186	5/9/2008.....	8171
08 - 187	5/9/2008.....	8172
08 - 188	5/9/2008.....	8173
08 - 189	5/9/2008.....	8174
08 - 190	5/9/2008.....	8175
08 - 192	5/9/2008.....	8176
08 - 191	5/9/2008.....	8176
08 - 193	5/9/2008.....	8177
08 - 194	5/9/2008.....	8178
08 - 195	5/9/2008.....	8179
08 - 196	5/9/2008.....	8180
08 - 197	5/9/2008.....	8181
08 - 198	5/9/2008.....	8182
08 - 199	5/12/2008.....	8183
08 - 200	5/13/2008.....	8184
08 - 201	5/13/2008.....	8184
08 - 202	5/13/2008.....	8185
08 - 203	5/14/2008.....	8186
08 - 204	5/14/2008.....	8187
08 - 205	5/14/2008.....	8188
08 - 206	5/14/2008.....	8189
08 - 207	5/15/2008.....	8190
08 - 208	5/15/2008.....	8191
08 - 209	5/15/2008.....	8192

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