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ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

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

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

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

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

2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
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 Regulatory Agenda submission period will end July.1, 2008. The Division is no longer accepting Regulatory Agendas. The second filing period for submitting will start October 14, 2008 with the last day to file on January 2, 2009.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Insect Pest and Plant Disease Act
- 2) Code Citation: 8 Ill. Adm. Code 240
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
240.50	Amend
240.125	New Section
240.140	Amend
240.160	Amend
- 4) Statutory Authority: The Insect Pest and Plant Disease Act [505 ILCS 90]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is adding a new Section to the Part regarding limitations on the importation of firewood into the State of Illinois to control insect pests such as the Emerald Ash Borer. Section 240.140 is adding a registration fee for firewood importation. Cites to statutes are also being updated.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking 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 affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Illinois Department of Agriculture

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281

217/785-5713
217/785-4505 (fax)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will impact small businesses that engage in the importation of firewood into the State of Illinois. It will create certain State registration requirements for such businesses.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: No additional skills necessary.
- 14) Regulatory agenda on which this rulemaking was summarized: July 2008

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER h: PESTS AND PLANT DISEASESPART 240
INSECT PEST AND PLANT DISEASE ACTSUBPART A: NURSERY AND NURSERY STOCK;
INSPECTION; CERTIFICATES

Section	
240.10	Storage and Display of Nursery Stock
240.20	Inspection of Shipments of Nursery Stock in Transit
240.30	Infested or Infected Shipments of Nursery Stock; Disposal or Treatment
240.40	Listing of Other States' Certified Nurseries
240.50	Revocation of Certificates
240.60	Special Certification: Sales, Trades, and Auctions by Garden Clubs and Social Organizations
240.70	Special Certification: Plants and Nursery Stock Shipped by Individual Residents
240.80	Inspection of Private Premises, Public Grounds and Forest Preserves
240.90	Inspection of Native Trees for Resale
240.100	Refusal to Inspect Nursery
240.110	Sale of Nursery Stock Which is Infected Prohibited
240.120	Nursery Certificates Withheld or Qualified Certificates Issued
240.125	Firewood Importation Registration
240.130	Inspection of Shipments for Foreign Countries
240.140	Fee Schedule
240.150	Use of the Department of Agriculture for Advertising (Repealed)
240.160	Administrative Rules (Formal Administrative Hearings; Contested Cases; Petitions; Administrative Procedures)

SUBPART B: QUARANTINE

Section	
240.250	Scope
240.260	Definitions
240.270	Restrictions and Regulated Articles
240.280	Movement of Regulated Articles
240.290	Issuance and Cancellation of Permits, Certificates of Inspection or Compliance

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

	Agreements
240.300	Attachment of Certificates, Permits or Agreements
240.310	Inspection and Disposal of Regulated Articles
240.320	Duration of Quarantine

AUTHORITY: Implementing and authorized by the Insect Pest and Plant Disease Act [505 ILCS 90].

SOURCE: Rules and Regulations Relating to the Insect Pest and Plant Disease Act, filed October 25, 1974, effective November 2, 1974; codified at 5 Ill. Reg. 10523; amended at 6 Ill. Reg. 3041, effective March 5, 1982; amended at 7 Ill. Reg. 1764, effective January 28, 1983; amended at 12 Ill. Reg. 8299, effective May 2, 1988; amended at 26 Ill. Reg. 14661, effective September 23, 2002; amended at 30 Ill. Reg. 133, effective January 1, 2006; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: NURSERY AND NURSERY STOCK; INSPECTION; CERTIFICATES

Section 240.50 Revocation of Certificates

Nurserymen's certificates, ~~and~~ dealers' certificates and firewood importer certificates may be revoked by the Director of Agriculture, State of Illinois, for violation of the Illinois Insect Pest and Plant Disease Act [505 ILCS 90] (the Act), ~~(Ill. Rev. Stat. 1981, ch. 5, pars. 61 et seq.)~~ or this Part~~the rules thereto as promulgated by the Department~~. Revocation hearings and decisions of Department personnel are subject to 8 Ill. Adm. Code 240.160.

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

Section 240.125 Firewood Importation Registration

Any person desiring to import firewood into the State of Illinois for resale shall make annual application to the Department for a firewood importation registration. A firewood importation registration shall expire December 31 each year. Registration shall be made on forms available through the Department. Any person failing to comply with this Section is in violation of the Act.

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

Section 240.140 Fee Schedule

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

The Department shall charge and collect fees for inspection and issuance of certificates according to the following schedule:

- a) Nursery Inspection
Nursery inspection fees shall be as follows:
- | | |
|--|----------|
| 1 acre or less | \$25.00 |
| over 1 acre but less than or equal to 5 acres | \$30.00 |
| over 5 acres but less than or equal to 10 acres | \$40.00 |
| over 10 acres but less than or equal to 50 acres | \$50.00 |
| over 50 acres but less than or equal to 100 acres | \$75.00 |
| over 100 acres but less than or equal to 250 acres | \$150.00 |
| over 250 acres but less than or equal to 500 acres | \$180.00 |
| over 500 acres (per acre) | \$0.50 |
- b) Greenhouse Inspection
Greenhouses that request inspection shall be charged the special inspection and certificate fees in [subsection \(d\) Section 240.140\(d\)](#).
- c) Nursery Dealer Certificates
- 1) Effective January 1, 2003 through December 31, 2005, the rate for a nursery dealer certificate shall be \$25.
 - 2) Effective January 1, 2006, the rate for a nursery dealer certificate shall be \$50.
- d) Special (Requested) Inspections
Effective January 1, 2003, the inspection rate charged for special inspections shall be \$25 per hour and the rate charged for individual certificates for special inspections shall be \$25 per certificate.
- e) Original certificates are required to accompany nursery stock and/or plants and plant products for shipment or sale verifying [they are same](#) free of insect pests and plant diseases.
- 1) Effective January 1, 2003 through December 31, 2005, the rate for original certificates shall be \$25 each.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 2) Effective January 1, 2006, the rate for original certificates shall be \$50 each.

f) [Firewood Importation Registration](#)
[Effective January 1, 2009, the rate for firewood importation registration shall be \\$25.](#)

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

Section 240.160 Administrative Rules (Formal Administrative Hearings; Contested Cases; Petitions; Administrative Procedures)

All administrative decisions are subject to, and hearings are conducted in accordance with, the provisions of ~~the~~[this](#) Act and the Illinois Administrative Procedure Act [[5 ILCS 100](#)] (~~Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.~~) and ~~the Department's Administrative Rules~~ (8 Ill. Adm. Code 1).

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Grain Code
- 2) Code Citation: 8 Ill. Adm. Code 281
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
281.05	New Section
281.07	New Section
281.10	Amend
281.20	Amend
281.30	Amend
281.40	Amend
281.50	Amend
281.60	Amend
281.65	New Section
281.70	Amend
281.80	Amend
281.90	Amend
281.100	New Section
- 4) Statutory Authority: Grain Code [240 ILCS 40]
- 5) A Complete Description of the Subjects and Issues Involved: The Part is being updated pursuant to the statutory changes made to the Grain Code. Statutory amendments include the use of electronic warehouse receipts and other electronic documents to be used in the industry.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281

217/785-5713
217/785-4505 (fax)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: State and federally licensed grain dealers and warehousemen
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional procedures required
 - C) Types of professional skills necessary for compliance: No additional skills needed
- 14) Regulatory agenda on which this rulemaking was summarized: July 2008

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER k: GRAINPART 281
GRAIN CODE

Section

281.5	Purpose
281.7	Definitions
281.10	Right of Examination, and Working Conditions and Examination Levels
281.20	Licensing: Application, Fees and Financial Ratios
281.30	Required Insurance
281.40	Required Records
281.50	Price Later Contracts
281.60	Warehouse Receipts
281.65	Electronic Document Providers
281.70	Types of Storage
281.80	Failure; Claims; Liquidation
281.90	Miscellaneous
281.100	Severability

AUTHORITY: Implementing and authorized by the Grain Code [240 ILCS 40].

SOURCE: Adopted at 20 Ill. Reg. 5499, effective April 1, 1996; expedited correction at 20 Ill. Reg. 9585, effective April 1, 1996; amended at 21 Ill. Reg. 5526, effective April 22, 1997; amended at 32 Ill. Reg. _____, effective _____.

Section 281.5 Purpose

This Part provides regulations for the implementation and operation of the Grain Code. The Code and this Part shall be liberally construed and liberally administered in favor of claimants. It is the explicit finding of the legislature that the grain industry in Illinois comprises a significant and vital part of the State's economy and that the purpose of the Code is to provide for a single system of governmental regulation of the Illinois grain industry. [240 ILCS 40/1-5]

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

Section 281.7 Definitions

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

"Central Filing System" or "CFS" means an electronic system operated and maintained by a provider where information relating to warehouse receipts and other electronic documents is recorded and maintained in a confidential and secure fashion independent of any outside influence or bias in action or appearance, and that is authorized by the Director.

"Code" means the Grain Code [240 ILCS 40].

"Department" means the Illinois Department of Agriculture.

"Director" means the Illinois Director of Agriculture, or the Director's designee.

"Electronic Document" means a document that is generated, sent, received, or stored by electrical, digital, magnetic, optical electromagnetic, or any other similar means, including, but not limited to, electronic data interchange, electronic mail, telegram, telex, or telecopy.

"Electronic Warehouse Receipt" or "EWR" means a warehouse receipt that is issued or transmitted in the form of an electronic document.

"FSA" means Farm Service Agency under the United States Department of Agriculture.

"Holder", with respect to an electronic warehouse receipt or any other electronic document, means a person in possession in fact or by operation of law.

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

"Provider" means a disinterested third party that maintains one or more confidential and secure electronic systems independent of any outside interference or bias in action or appearance and that is authorized by the Director to be a provider.

"Provider Agreement" means the document and any amendment or addenda to an agreement executed by the provider and FSA or USDA pursuant to 7 CFR 735 that sets forth the provider's responsibilities concerning the provider's operation or maintenance of a CFS.

"USDA" means United States Department of Agriculture.

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"User" means an entity that uses a provider's CFS.

"Warehouse Receipt" means a receipt for the storage of grain issued by a warehouseman. [240 ILCS 40/1-10]

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

Section 281.10 Right of Examination, ~~and~~ Working Conditions and Examination Levels**a) Right of Examination and Working Conditions:**

1a) The licensee shall permit the Department to examine all warehouse facilities, records or inventory without prior notice. The licensee shall provide reasonable access to records at the location where records are maintained, or, if the records are located outside the State of Illinois, the Department may require that the records be brought to a specified location in Illinois for review by the Department. The licensee~~and~~ shall provide reasonable assistance as requested to perform the examination. The licensee shall reasonably remove risks or hazards that may be encountered during an examination. The licensee shall provide the necessary assistance to any authorized representative of the Department for the safe measurement and sampling of the grain inventory.

2b) The licensee shall provide an acceptable work place at the location where the master books and records are maintained in order to allow~~for~~ any authorized representative of the Department to perform an examination.

b) Examination Levels

Pursuant to Section 1-15(2) of the Code, the Department shall examine and inspect each licensee at least once each calendar year. The Department shall perform one of three types of examination of licensees: basic examination; intermediate examination; or advanced examination. In ascertaining the level of risk present in a licensee's merchandising and trade practices, as part of the Department's determination as to which level of examination should be appropriate to a particular licensee, the Department may take into account such factors as the level of sophistication and experience of the licensee's merchandising personnel; the overall financial resources of the licensee, as an indication of ability to absorb and assume risk; the historical experience of the licensee with regard to the particular merchandising and trade practices being

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

used; and the extent of the use of certain practices as a proportion of all merchandising and trading practices of the licensee.

- 1) The basic examination shall be performed when the licensee's merchandising and trade practices involve minimal market risk, including cash back-to-back contracts, traditional hedges with the Chicago Board of Trade and price later contracts.
 - 2) The intermediate examination shall include all of those matters done as part of the basic examination and shall be performed when there is an increased amount of risk, including situations in which the licensee uses guaranteed minimum price contracts, purchases options or writes options.
 - 3) The advanced examination shall include all those matters done as part of the intermediate examination and shall be performed when the licensee's merchandising and grain practices involve the most risk, including when the licensee has discretionary trading authority from producers, uses premium offer type contracts, or has contracts with producers that cover multiple crop years. The advanced examination shall include grain market risk evaluation, appropriate levels of risk for the licensee and adequacy of internal controls.
- c) Examinations may include, but are not limited to, the following:
- 1) Verification of grain quality and quantity;
 - 2) Reconciliation of records of grain transactions, including, but not limited to, random selection of a sample of customer accounts and mailing of confirmations to verify accuracy of those records;
 - 3) Computation of current ratios as provided in the Code;
 - 4) Checking of posting procedures for accuracy;
 - 5) Grain market risk evaluation and appropriate levels of risk for the licensee;
 - 6) Examination of the most recent monthly financial statements of the licensee;

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- 7) [Review and evaluation of the internal recordkeeping systems and controls of the licensee;](#)
- 8) [Evaluation of the long/short market risk report for accuracy, complete accounting and full disclosure;](#)
- 9) [Random spot checks and examination of specific contract information for each type of contracting method used by the licensee; and](#)
- 10) [Market risk information reported by the licensee, at the commencement of the examination, on a form prescribed by the Department. The prescribed form shall include, but is not limited to:](#)
 - A) [Names of key personnel and/or business associates related to grain merchandising transactions;](#)
 - B) [Marketing programs offered; and](#)
 - C) [Types of contracts.](#)

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

Section 281.20 Licensing: Application, Fees and Financial Ratios

- a) Form and Content of Application
All applications for a license shall be filed on forms provided by the Department. The application shall be signed by the applicant and shall include the following information, without limitation:
 - 1) Whether the applicant is a corporation, cooperative, partnership, individual or other business entity;
 - 2) [The general manager's name and home address;](#)
 - 3) [The name and home address of the persons responsible for grain operations at each location;](#)
 - 4) [The names and home addresses of management, principal officers and members of the Board of Directors of the licensee;](#)

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- 5) The current business address of the licensee;
 - 6) If the applicant has been engaged in the business as a grain dealer:
 - A) for one year or more, the aggregate dollar amount paid to producers for grain during the applicant's last completed fiscal year; or
 - B) for less than one year, or has not engaged in the business of buying grain from producers, the estimated aggregate dollar amount to be paid by the applicant to producers for grain purchased from producers during the applicant's first fiscal year;
 - 7) A summary of company-owned grain inventory, grain assets and payables, related party receivables and payables, net position and grain profits; and
 - 8) The criminal history of management and principal officers of the applicant or licensee.
- 2) The major commodity, in terms of bushels, which the applicant proposes to buy;
 - 3) The general manager's name and the names of those persons responsible for grain operations at each location; and
 - 4) The current business address of the licensee.
- b) Grain Dealer Certificate Fee
The fee for a certificate of a grain ~~dealer's dealer~~ license shall be \$25.~~00~~.
- c) Criteria for Licenses and Certificates
- 1) A grain ~~dealer's dealer~~ license or a location certificate for a grain ~~dealer's dealers~~ license is required for each individual address at which any of the following applies:
 - A) Grain is received from producers and weighed across scales ~~that~~which are under the licensee's control.
 - B) Contracts are negotiated and executed for the purchase of grain.

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- C) Settlement or payment is made for grain purchased from Illinois producers.
 - D) Records relating to any of these transactions are maintained.
- 2) A grain warehouse license is required for each individual address at which ~~either~~ any of the following applies:
- A) Grain is received from depositors for storage and weighed across a scale.
 - B) Warehouse receipts are issued or grain storage records are maintained.
- 3) A truck owned or leased and used for the purpose of receiving or transporting grain by a grain dealer is required to carry a certificate showing that a grain ~~dealer's~~ dealer license is held by the owner or lessee. The fee for a certificate carried in a truck or tractor trailer unit used in connection with the licensee's grain dealer business shall be \$25. A truck ~~which is~~ hired by the grain dealer to haul grain is exempt from the certificate requirement.
- 4) Multiple Warehouse Locations
A common license may be issued for the operation of two or more warehouse facilities if the warehouseman operates each warehouse in conjunction with the other, all functioning under the same name, located in the same geographical area, operating out of a principal office, keeping the same set of records and having the same management.
- d) Filing for Extensions
- 1) The application for extension and a preliminary financial statement ~~that consists of a compiled balance sheet~~ must be received by the Department prior to the close of business on the date of expiration of the current ~~license~~ license's expiration.
 - 2) The preliminary financial statement must:

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- A) consist of a balance sheet and be compiled by an independent certified public accountant licensed under Illinois law or an entity permitted to engage in the practice of public accounting under Section 14(b)(3) of the Illinois Public Accounting Act [225 ILCS 450]; or
- B) in the case of a Class II Warehouseman or incidental grain dealer, be reviewed by an independent accountant that meets the requirements of Section 5-25(b) of the Code.
- 3) If the licensee is also a warehouseman, the applicant must also submit a summary of the applicant's grain inventory and storage obligations.
- 4) The Department must be satisfied that the applicant meets all renewal requirements (see Section 5-25 of the Code)~~The applicant shall submit an audited financial statement~~ no later than the date the extension expires.
- 5) The applicant shall be required to provide an explanation as to why the extension is needed.
- 6) An extension will be granted by the Department for a period of time not to exceed 30 days if the Department determines that the applicant appears to have complied with the financial requirements of Section 5-25(b) of the Code.
- e) Class II/Incidental Financial Statement Form
The Department shall request that an applicant for an incidental grain dealer or Class II warehouse license submit a financial statement ~~which may be~~ on a form prescribed by the Department or a compiled financial statement consisting of an income statement and balance sheet completed by an independent accountant.
- f) Reduction of Filing Period for License Renewal
When the Department determines that an applicant has failed to meet the financial requirements of Section 5-25(b) of the ~~Grain~~-Code, the Department shall reduce the filing period for an application for renewal of a license to no less than 60 days after the licensee's fiscal year end ~~upon giving required notice~~. The Department must give written notice of the reduced filing period to the licensee at least 60 days before the earlier deadline imposed by the Department to file the application for renewal of a license.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- g) Liquid assets shall include accrued storage, drying and price later service charges.

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

Section 281.30 Required Insurance

- a) Before a license shall be issued to the applicant or the licensed storage capacity is increased, the applicant/licensee shall file with the Department a certificate of insurance on a form prescribed by the Department, which shall indicate that the licensee has adequate property insurance covering grain in its possession or custody and adequate liability, property, theft, hazard and workers' compensation insurance and grain is insured for its full market value and that the licensee is the named beneficiary on the policy.
- b) The legal name and address of the licensee and location of each warehouse in the insurance policy shall correspond with the information given in the application.

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

Section 281.40 Required Records

- a) Daily Position Record
- 1) A daily position record means a written or electronic document that is~~shall be~~ maintained on a daily basis for each commodity. Postings for each day shall reflect actual changes in inventory for that business day. The daily position record shall provide for a separate accounting for the following:
- A) Summary stock record showing total bushel amount of grain received, grain loaded out of the warehouse, adjustments, total grain inventory in the warehouse, redeposited grain and total of the grain inventory in the warehouse plus redeposited grain.
- B) Negotiable warehouse receipts obligations, total bushels covered by~~of~~ receipts issued and total bushels covered by~~of~~ receipts cancelled.
- C) Non-negotiable warehouse receipts obligations, total bushels covered by~~of~~ receipts issued and total bushels covered by~~of~~ receipts cancelled.

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- D) Non-receipted storage obligations including total bushel increases and total bushel decreases.
 - E) Non-receipted company owned grain.
 - F) Inventory bushel adjustments to the daily position record as set forth in subsection (a)(2) ~~below~~.
- 2) Warehousemen may make adjustments to their inventory as long as documentation is available to substantiate the following types of adjustments:
- A) Adjustments to shrink calculations;
 - B) Adjustments for error correction;
 - C) Adjustments based upon ~~certified public accountant~~Certified Public Accountant inventories;
 - D) Adjustments based upon weighed inventories.
- 3) Licensees must maintain a master daily position record combining all locations, inventory and storage obligations in the case of multiple locations.
- 4) Actual grain inventories must at all times be in balance with the summary stock quantity as indicated in the daily position record.
- b) Long/Short Position Record
Each grain dealer shall maintain a master long/short risk position record, ~~as either a written or electronic document, that combines~~ as either a written or electronic document, that combines all marketing activity of all locations each business day. The risk position record shall at a minimum contain the net position; grain owned; grain sold and shipped on price later contracts ~~that~~which have not been priced; open cash purchase contracts, including purchase contracts issued and purchase contracts cancelled; all futures purchased or sold; grain in transit not sold; grain owned and stored in other grain warehouses; grain purchased and received on price later contracts ~~that~~which have not been priced; open cash sales contracts, including sales contracts issued and sales contracts cancelled; and any options purchased or sold. The position record

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shall also contain a comments section. The grain dealer shall note in the comments section any actions taken to regain a balanced position as required in Section 10-10 of the Code. ~~The Such~~ comments shall, at a minimum, indicate bushel amounts, name of buyer/seller/broker and approximate times of transactions.

c) Scale Tickets

- 1) Scale tickets shall be pre-numbered by an independent printer, or, in the case of computer generated scale tickets, numbered consecutively by the computer ~~recordkeeping~~~~record-keeping~~ system.
- 2) Scale tickets shall be issued in numerical sequence ~~and a copy shall be filed numerically~~. All scale tickets must be accounted for numerically either by paper or electronic documentation. A separate series of scale tickets shall be used for each location that has scales under the licensee's control over which grain is received.

d) Cross-~~reference~~Reference

All accounts and records relating to grain operations are to be properly cross-referenced. An adequate system of cross-reference shall exist beginning at the time of delivery, clearly indicating the current status of the grain and changes in that status, and indicating the final disposition of the grain.

e) Settlement and/or Receiving Sheets

Settlement and/or receiving sheets shall either be pre-numbered by an independent printer or, in the case of computer generated sheets, numbered consecutively by the computer ~~recordkeeping~~~~record-keeping~~ system. The licensee shall use settlement and/or receiving sheets in numerical sequence and account for all settlement and/or receiving sheets either by paper or electronic documentation. Settlement and/or receiving sheets shall contain evidence of the method of settlement, such as check number, warehouse receipt number, or other evidence of settlement. Settlement and/or receiving sheets, both open and closed, shall be filed in a manner to be readily available for examination purposes, such as alphabetical or numerical. ~~If~~Where price later contracts are used, the settlement/receiving sheets shall clearly indicate the price later contract numbers against which grain is to be applied.

f) Safeguarding and Retention of Records

The licensee shall provide a secure place at each licensed location and at the

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principal office for storage of all records pertaining to the operation of the licensee. ~~TheSuch~~ records shall be kept current and made available for inspection by Department personnel at the principal office of the licensee and at each licensed location. ~~TheSuch~~ records shall be retained by the licensee for a period of not less than ~~2two~~ years from the closing date of any transaction.

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

Section 281.50 Price Later Contracts

a) Prescribed Form

A price later contract executed between a licensee and a producer shall be on a prescribed form ~~thatwhich~~ has been approved by the Department. The prescribed form shall include, but need not be limited to, the following information:

- 1) The legal name and address of the licensee;
- 2) The legal name of the seller;
- 3) The bushel amount of grain to be covered by the contract;
- 4) The grade and commodity of grain to be covered by the contract;
- 5) The dates of delivery of the grain to be covered by the contract;
- 6) The method of pricing;
- 7) A section to indicate service charges, advances or other terms;
- 8) The following statements:
 - A) Title to the grain covered by this contract passes to buyer at the time of delivery.
 - B) Buyer is required to maintain grain assets and price later, storage and drying service charges equal to 90% of its price later obligations.
 - C) Price later grain is not stored grain for the seller. In the event of a failure, the contract is the basis for a grain dealer claim. The

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maximum coverage afforded by the Illinois Grain Insurance Fund is 85% of valid grain dealer claim amounts up to a maximum of \$250,000 per claimant. The maximum payment per claimant covers all contracts that in any way can be related or tied to a person or entity, whether in full or in part.

- D) This contract shall cease to be the basis of a valid claim, and seller shall not be entitled to any recovery:
- i) When both the date of completion of delivery and the date of pricing of the grain are in excess of 160 days before the date of failure;
 - ii) If the later of the date of execution of the contract or the date of delivery of the grain covered by the price later contract occurred more than 365 days before the date of failure (The phrase "the later of the date" means the date closest to the date of failure, and the phrase "date of delivery" means the date of the last delivery of grain to be applied to the quantity requirement of the price later contract.);
 - iii) If the claim is based upon or acquired by fraudulent or illegal acts of the seller.
- E) The execution of subsequent price later contracts for the grain previously covered by a price later contract shall not extend coverage of a claim beyond the original 365 days.
- F) The contract must be signed by both parties within 30 days after the last date of delivery or the grain will be priced at the market price of the grain at the close of the next business day after the 29th day.
- G) Within 5 business days after the seller selects a price for all or any part of the grain represented by the price later contract, the buyer shall settle and mail to the seller full settlement for the priced grain;
- A) That title to the grain covered by this contract passes to buyer upon

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delivery;

- B) ~~Buyer is required to maintain grain assets and price later, storage, and drying service charges equal to 90% of its price later obligations;~~
- C) ~~Price later grain is not stored for the seller. This contract is regarded as a grain dealer claim. The maximum coverage afforded by the Illinois Grain Insurance Fund is 85% of the valid grain dealer claim amount up to a maximum of \$100,000 per claimant. A valid grain dealer claim includes all groups of contracts that in any way can be related or tied to a person or entity whether in full or in part;~~
- D) ~~This contract shall cease to be the basis of a valid claim against the Illinois Grain Insurance Fund:~~
 - i) ~~Upon the expiration of 160 days after the grain sold under this contract is priced; or~~
 - ii) ~~Upon the expiration of 270 days after the latter of the execution of this contract or the date of delivery of the grain sold under this contract;~~
- E) ~~The execution of subsequent price later contracts by the producer and the licensee for grain previously covered by a price later contract shall not extend the coverage of a claim beyond the original 270 days;~~
- F) ~~Contract must be signed by both parties within 30 days after the last date of delivery or the grain will be priced on the next available business day at the closing price on that day;~~

9) A section indicating the signature and date of signature for both the seller and buyer's representative;

10) The reverse of the contract shall contain a schedule of settlements and basis activity for the grain to be covered by the contract.

b) Printing

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1) A price later contract shall be written and shall be printed by a person authorized by the Department to print ~~thosesueh~~ contracts ~~by the Department~~. The Department shall authorize persons to print price later contracts if they are printed in accordance with the ~~Grain~~ Code and ~~the rules of~~ this Part and if they have registered in accordance with Section 10-15 of the Code. ~~posted the required bond. The printer shall provide a surety bond in the sum of \$5,000 payable to the Illinois Department of Agriculture, Director of the Department of Agriculture as Trustee.~~

A) All price later contracts shall be:

i1) Printed only for licensees.

ii2) Numbered consecutively either at the time of printing or through the control of a computer generated system.

B3) A complete record of contracts printed shall be retained by the printer for 5 years, showing for whom printed, the number printed, and the consecutive numbers that were printed on the contracts.

2) Authorized printers shall notify the Department of the number of price later contracts printed, when they were printed, for whom they were printed and the consecutive numbers printed on the contracts.

c) Separate Series

Each location at which price later contracts are issued shall have its own identifiable series of price later contracts.

d) Requirements for Use of Price Later Contracts

1) Only one commodity per contract.

2) The bushel quantity of a price later contract ~~shall~~may not be increased.

3) Price later contracts are to be executed ~~in triplicate~~ with the original copy maintained by the dealer and a copy to the seller.

4) The dealer shall maintain the updated and signed contracts in numerical order.

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- 5) No storage charges shall be made with respect to any commodity purchased by price later. A service charge may be assessed.
 - 6) A rollover shall be documented with the initials of both parties and dated by both parties.
 - 7) Grain assets included in the assets required to meet 90% of outstanding price later obligations do not have to be commodity specific.
- e) Pre-delivery Price Later
When a price later contract is used as a pre-delivery contract, the original bushel amount ~~shall~~ may be adjusted down to reflect the actual amount of grain delivered against the contract.

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

Section 281.60 Warehouse Receipts

- a) Warehouse Receipt Forms
Warehouse receipts shall be either a written or an electronic document and must comply~~Every warehouse receipt, in addition to complying~~ with the requirements of Article 7 of the Uniform Commercial Code, except to the extent inconsistent with the Code, in which instance the provisions of the Code prevail. A licensee may issue warehouse receipts by use of a written warehouse receipt system, an electronic warehouse receipt system, or both.~~shall have the following:~~
- 1) Paper warehouse receipts shall include the following information:
 - A~~1~~) Class of warehouse (I or II).
 - B~~2~~) The legal name of the entity operating the warehouse.
 - C~~3~~) If a license covers multiple locations, ~~the receipt must indicate~~ at which location delivery was made and date of delivery.
 - D~~4~~) The kind and the grade factors of the grain as prescribed by the Official Grain Standards (7 CFR 810, January 2007~~June 1993~~).
 - E~~5~~) The number of bushels stored.

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F6) The words "Negotiable" or "Non-negotiable" according to the nature of the receipt, conspicuously printed or stamped on the receipt~~thereon~~.

2) Electronic Warehouse Receipts (EWR)

A) An EWR must be in the format prescribed in the applicable provider agreement.

B) An EWR issued in accordance with the Code shall not be denied legal effect, validity, or enforceability on the grounds that the information is generated, sent, received or stored by electronic or similar means.

C) A warehouseman shall not be required to issue a warehouse receipt in electronic form.

D) If a warehouseman licensed under the Code elects to issue EWRs, and if the depositor or other holder prefers a paper receipt, the warehouseman shall cancel the EWR and reissue a paper receipt.

E) A warehouseman intending to issue or issuing EWRs under the Code shall:

i) issue an EWR through only one authorized provider annually;

ii) inform the Department of the identity of its provider 60 calendar days in advance of first issuing an EWR through that provider. The Department may waive or modify this 60-day requirement;

iii) before issuing an EWR, request and receive from FSA or the Department a range of consecutive warehouse receipt numbers that the warehouseman will use consecutively for issuing their EWRs;

iv) cancel an EWR only when it is the holder of the EWR;

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- v) receive written authorization from FSA at least 30 calendar days before changing providers. Upon authorization, a warehouseman may request its current provider to transfer, and that provider shall transfer, its EWR data from the current provider's CFS to the CFS of the authorized provider it selects;
 - vi) notify all holders of EWRs in the CFS at least 30 calendar days before changing providers, unless otherwise allowed or required by FSA; and
 - vii) For purposes of subsection (a)(2)(E)(iv), the warehouseman is considered a "holder" solely for the purpose of canceling an electronic warehouse receipt on the electronic warehouse receipt system and the warehouseman shall in no way be considered the owner of the grain that was covered by the cancelled electronic warehouse receipt, absent evidence of sale of that grain to the warehouseman.
- F) EWR Rights and Obligations
An EWR establishes the same rights and obligations with respect to an agricultural product as a paper warehouse receipt and possesses the following attributes:
- i) The holder of an EWR will be entitled to the same rights and privileges as the holders of a paper warehouse receipt.
 - ii) Only the current holder of the EWR may transfer the EWR to a new holder.
 - iii) The identity of the holder must be kept confidential by the provider.
 - iv) Only one person may be designated as the holder of an EWR at any one time.
 - v) A warehouse operator may not issue an EWR on a specific identity-preserved or commingled lot of grain or any portion thereof while another valid warehouse receipt representing the same specific identity-preserved or

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commingled lot of grain remains not cancelled. No two warehouse receipts issued by a warehouseman may have the same warehouse receipt number or represent the same lot of grain.

vi) Holders and warehousemen may authorize any other user of their provider to act on their behalf with respect to their activities with this provider. This authorization must be in writing and acknowledged and retained by the warehouseman and provider.

b) Printing

- 1) Warehouse receipts, other than EWRs, shall be printed by a person authorized to print ~~those such~~ receipts by the Department. The Department shall authorize persons to print warehouse receipts if they are printed in accordance with the Grain Code and ~~the rules of~~ this Part and if they have registered in accordance with Section 10-25 of the Code, ~~posted the required bond. The printer shall provide a surety bond in the sum of \$5,000 payable to the Illinois Department of Agriculture, Director of the Department of Agriculture as Trustee.~~ All warehouse receipts shall be:
 - A) Printed only for licensees.
 - B) Numbered consecutively either at the time of printing or through the control of a computer generated system, and the numbers shall not be duplicated.
 - C) A complete record of receipts printed shall be retained by the printer for 5 years, showing for whom printed, the number printed, and the consecutive numbers that were printed on the receipts.
- 2) A duplicate copy of any invoice rendered for printing warehouse receipts shall be forwarded by the printer to the Department at the same time as billing is made to the warehouseman. The invoice shall show for whom printed, the consecutive numbers that were printed on the receipts, type of receipt (whether negotiable or non-negotiable), and number of receipts printed.

c) Paper Warehouse Receipts as Collateral

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- 1) Warehousemen issuing negotiable warehouse receipts for collateral purposes shall properly endorse ~~thosesueh~~ receipts on the reverse to the secured party.
- 2) The warehouseman's obligation represented by an outstanding warehouse receipt endorsed for collateral purposes shall not be cancelled until the warehouseman has the outstanding receipt back in ~~itshis~~ possession and it has been properly cancelled. The warehouseman may cancel the outstanding obligation represented by a warehouse receipt in lieu of having the actual receipt in ~~itshis~~ possession, provided that the secured party has presented the warehouseman with a written confirmation of ~~their~~ release of ~~thesaid~~ warehouse receipt. The confirmation shall at a minimum contain the date of release, the receipt numbers and the signature of the secured party warehouse receipt holder. The confirmation ~~shall~~ may be provided by written or electronic documentation by letter or facsimile transmission.

d) Electronic Warehouse Receipts as Collateral

- 1) Warehousemen issuing a negotiable EWR for collateral purposes shall properly endorse the receipt to the secured party.
- 2) The warehousemen's obligation represented by an outstanding EWR shall be cancelled upon transfer by the holder.

ed) Issuance and Cancellation of Paper Warehouse Receipts

- 1) A negotiable or non-negotiable warehouse receipt shall be issued by the warehouseman to the depositor, on demand by the depositor, for grain delivered into storage. ~~WhenIn the case where~~ no warehouse receipt was originally issued to the depositor, except for grain bank accounts, the warehouseman shall issue a warehouse receipt on ~~thesueh~~ stored grain prior to the next harvest season. In the case of a Class II warehouseman, only non-negotiable warehouse receipts shall be issued.
- 2) On the date that a printed warehouse receipt is cancelled, ~~thesueh~~ receipt shall be plainly marked across its face with the word "cancelled". The cancelled receipt shall also be marked with the date and the name of the person cancelling the ~~receiptsame~~, the means by which the receipt was

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cancelled (i.e., check number, monetary wire transfer or delivery from storage) and shall thereafter be void. The daily position record shall accurately reflect the date of cancellation of all warehouse receipts.

f) Issuance and Cancellation of EWRs
The issuance and cancellation of EWRs shall be in accordance with USDA regulations, except to the extent they are inconsistent with the Code or this Part, in which case the provisions of the Code and this Part control.

ge) Numbering of Receipts
If warehouse receipts are to be issued from multiple locations or for specific commodities, the warehousemen shall maintain separate numerical series of warehouse receipts for each location or commodity. The Such receipts must have an 8a-six digit number with the first (leftmost) digit being a numeric prefix to indicate the specific location or commodity.

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

Section 281.65 Electronic Document Providers

- a) Electronic document provider systems must allow for electronic data interface with Department computer systems to electronically transfer warehouse receipts and/or other electronic document information for examination purposes.
- b) Providers who operate and maintain a CFS in reference to electronic documents, including EWRs, must meet all USDA requirements pursuant to 7 CFR 735 and must maintain USDA-approved provider status to be eligible as a provider for licensees. In order to be authorized by the Director, providers must also:
- 1) register with the Department and pay an annual registration fee of \$100;
 - 2) provide all documentation requested by the Department to confirm that the provider is a USDA-approved provider in good standing;
 - 3) maintain and retain a complete record of EWRs for 6 years, showing for whom issued, the number issued and the consecutive numbers that were issued on the EWRs;
 - 4) immediately notify the Department of any instance in which the provider is required to notify the USDA or a user of any breach of security or

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confidentiality concerning data, loss of operations, cancellation of insurance or other compromise, disruption or infringement of its operations;

- 5) maintain adequate levels of insurance and name the Director as an additional insured;
 - 6) be authorized to transact business in the State of Illinois;
 - 7) consent to jurisdiction in the State of Illinois and venue in Sangamon County;
 - 8) maintain records, make reports and provide to the Department the documentation, records and reports requested by the Director, free of charge to the Department; and
 - 9) comply in all respects with Illinois law, including but not limited to the Code and this Part.
- c) A provider shall submit to the Department copies of its current schedule of charges and rates for services before they are to become effective. A provider shall also submit to the Department 60 calendar days notice of its intent to change rates.
 - d) A provider shall submit to the Department advance notice of any changes to or new agreements with users.
 - e) Any person authorized by the Director to issue EWRs or other electronic documents shall maintain records and make reports requested by the Director.
 - f) A provider agrees that its ability to issue EWRs is contingent on approval by FSA, and suspension or termination by FSA of the provider is an automatic suspension or termination of the authority granted by the Department for the provider to operate in the State of Illinois. A provider shall be required to immediately notify the Department of any suspension or termination of approval as a provider by FSA.
 - g) After providing notice and opportunity for hearing in accordance with 8 Ill. Adm. Code 1, the Director may suspend authorization for a provider for a material violation of, or failure to comply with, any provision of the Code (including any

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regulations promulgated under the Code); failure to perform authorized services in an acceptable manner; failure to maintain security of the CFS; or commission of fraud against the Department, FSA or any depositor.

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

Section 281.70 Types of Storage

- a) Application to Amend Licensed Storage Capacity (Permanent, Temporary and Emergency)
- 1) Prior to increasing any type of storage capacity, or decreasing permanent storage capacity, the licensee shall submit an application to amend the licensed storage capacity and provide the following information:
 - A) The licensee's legal name and business address;
 - B) Description of each storage structure that is being added to, or removed from, the licensed storage capacity;
 - C) The storage capacity of each warehouse structure proposed to be added or deleted;
 - D) A certificate indicating that insurance coverage has been obtained on all space added to the licensed storage capacity; and
 - E) A filing fee of \$100.
 - 2) It is not necessary to submit an application or filing fee to decrease approved temporary or emergency storage requests that expire within a specified period.
- ba) Permanent Storage
- ~~1)~~The Department shall issue a license for permanent storage capacity or approve the application to amend the licensed permanent storage capacity of a licensee ~~if provided that~~ all of the licensing requirements to obtain, maintain or amend a license as set forth in the Code and ~~the rules of~~ this Part have been met, and ~~if provided~~ the warehouse meets the following requirements:
- 1A) The grain storage structures are owned or leased by the

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applicant/warehouseman.

~~2B)~~ Grain is protected from weather elements (i.e., a floor of concrete, asphalt, wood or metal or a material having similar structural qualities).

~~3C)~~ Each grain storage structure is covered by a permanent, waterproof roof.

~~4D)~~ The grain storage structure has rigid sidewalls (e.g., concrete, wood or metal or a material having similar structural qualities).

~~5E)~~ All grain storage structures that are connected by legs, pipes, belts or other fixed devices ~~that~~~~which~~ transport grain are included in the licensed space.

~~2)~~ ~~Prior to increasing or decreasing the licensed storage capacity, the licensee shall submit an application to amend the licensed storage capacity and provide the following:~~

~~A)~~ ~~The legal name and address of the entity;~~

~~B)~~ ~~Description of each storage structure that is being added to or removed from the licensed storage capacity;~~

~~C)~~ ~~The storage capacity of each warehouse structure proposed to be added or deleted;~~

~~D)~~ ~~A certificate indicating that insurance coverage has been obtained on all space added to the licensed storage capacity; and~~

~~E)~~ ~~An amendment fee of \$50.~~

~~cb)~~ Temporary Storage

1) Extensions of temporary storage approval may be granted by the Department provided:

A) The warehouseman demonstrates that there is good cause for an extension.

B) The request for extension is received at least ~~2 weeks~~~~one week~~ in advance of the expiration date of the temporary storage approval.

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- 2) Extensions for the use of temporary storage shall be granted in increments not to exceed 90 days.

de) Emergency Storage

- 1) The Department shall approve the use of emergency storage, provided the warehouseman demonstrates that an emergency exists.
- 2) Emergency storage is considered to be any storage ~~that~~ which does not meet the criteria of permanent or temporary storage (i.e., uncovered ground piles, structures without rigid sidewalls, etc.).
- 3) Emergency storage approval shall not exceed ~~3~~three months. The length of approval shall be dependent on the ability of the warehouseman to maintain the quantity and quality of the grain in storage, considering weather conditions, exposure to weather elements, security, etc.

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

Section 281.80 Failure; Claims; Liquidation

- a) In the event of a failure, notices shall ~~contain the following information and be posted:~~ ~~1) A notice shall be posted~~ at all facilities of the licensee by the Department ~~and at:~~ ~~2) The notice shall be posted on~~ all office locations of the licensee. Notices shall contain the following information:
- 13) The ~~notice shall indicate the~~ name of the licensee, the grain warehouse license number and the grain dealer license number.
- 24) The ~~notice shall indicate the~~ effective date the license was ~~either~~ terminated, suspended, revoked ~~or~~, surrendered, or renewal was denied.
- 35) ~~The~~ ~~The notice shall indicate that the~~ licensee has been ordered to cease and desist doing business as a licensed grain warehouse and grain dealer in the State of Illinois.
- 46) ~~Persons~~ ~~The notice shall indicate that persons~~ may contact the Illinois Department of Agriculture, Bureau of Warehouses, P.O. Box 19281, Springfield, IL 62794-9281; (800)654-0082.

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b) Liquidating Licensee

- 1) Procedure for Determining the Value of Grain on the Date of Failure~~determining the value of grain on the date of failure~~.

The Department shall use an average of the cash bid prices, as solicited from grain dealers located within the market area of the failed licensee, and the actual cash bid that would have been offered by the failed licensee on the date of closing, for all grain stored or unpriced as indicated by the evidence of storage or sale of grain, less transportation, handling costs, and discounts. The schedule of discounts (which include, but are not limited to, moisture, foreign material, test weight, heating, musty, sour, or commercially objectionable foreign odor, heat damage, weevil damage, splits and damaged kernels) of the failed licensee shall be used by the Department to determine discounts to be assessed against the valid claimant. For all grain delivered, sold, and priced prior to the date of failure, the price per bushel shall be ~~that which has been~~ agreed upon by the failed licensee and the claimant.

- 2) Procedure for the Sale of Grain from a Failed Warehouse and/or Grain Dealer~~sale of grain from a failed warehouse and/or grain dealer~~.

The Department shall solicit at least ~~3~~three competitive bids from within the market area of the failed licensee. The Department shall solicit quotations for market discounts (i.e., moisture, foreign material, test weights, heating, musty, sour or commercially objectionable foreign odors, heat damage, weevil damage, splits and ~~damaged~~damage to the kernels) from each bidder who submits a bid. The Department shall consider the following factors in determining who shall purchase the grain:

- A) The bid price for the grain.
- B) Transportation costs to be deducted from the bid price for the grain.
- C) Market discounts that will be applied against the bid price for the grain.
- D) The amount of the grain that the bidder can take delivery of during the contracted time period for transporting the grain.

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c) Claims Procedure

- 1) Claimants shall file their claims at the location indicated in the public notice or mail claims to the Department of Agriculture, Bureau of Warehouses, P.O. Box 19281, Springfield, IL 62794-9281.
- 2) Claim forms will be made available at the locations of the failed licensee.
- 3) All scale tickets, settlement sheets, warehouse receipts and contracts must be submitted with the claim.
- 4) All original warehouse receipts shall be submitted to the Department prior to receiving payment of a claim.
- 5) All claims must be signed by the claimant whose name appears on the claim.
- 6) All claims must have a tax identification number affixed for claims verification purposes.

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

Section 281.90 Miscellaneous

a) Business Hours

Temporary interruptions of the posted business days and hours shall be posted in a conspicuous place at the place of business. The Department may grant seasonal business days and hours to those businesses thatwhich operate only during specific periods. Any deviations on business hours pursuant to Section 5-25(a)(2) of the Grain Code shall be approved by the Department.

b) Grain Bank

- 1) Grain deposited for grain bank purposes shall be accounted for on a separate record, with such record containing the same informational requirements as a non-negotiable warehouse receipt, or on a non-negotiable warehouse receipt listing each lot of grain deposited and withdrawn, showing a net balance.

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- 2) When a non-negotiable warehouse receipt is issued for grain in a grain bank, the reverse side of the original warehouse receipt shall be used to record withdrawals and additional deposits and the warehouse receipt shall be retained by the warehouseman.
- 3) No deposit shall be recorded ~~that which~~ would increase the balance of the grain in the grain bank to an amount ~~that which~~ would exceed the original net bushels on the face of the non-negotiable warehouse receipt.
- c) **Posting Bin Chart and Diagram**
The warehouseman shall post in a conspicuous place in the office of each warehouse a bin chart and diagram, as supplied by the Department, showing the location, bin number and capacity of all bins and sections of the warehouse.
- d) **Transfer and Redeposit**
A warehouseman forwarding stored grain to another warehouseman for redeposit shall obtain a non-negotiable warehouse receipt as evidence of the forwarded grain.
- e) **Grain Dealer Examination Fee**
The first examination performed each calendar year shall be billed at a rate of ~~.0003-00015~~ x the total dollar amount paid to producers the last fiscal year with a minimum fee of ~~\$150~~~~\$75~~ and a maximum of ~~\$400~~~~\$200~~. When more than one location is included in the exam, a fee of \$50 is required for each additional certificate of a license ~~shall be billed \$25~~. For each subsequent examination in a calendar year, the grain dealer shall pay a ~~\$50~~~~\$25~~ fee for each license examined.
- f) **Collateral and Guarantees**
Pursuant to Section 15-30(d) of the ~~Grain~~ Code, the Department may require that an applicant or licensee provide the Department with personal, corporate, or other related person guarantees. The Department may require that a guarantee be executed by any related person to an applicant or licensee. All guarantees shall be executed for a minimum of \$500,000. Guarantees shall be executed for a maximum amount not to exceed the dollar value of annual grain purchases or the dollar value of the highest bushel storage obligation during the past year.
- g) **Grain Seller Assessment**
The Department shall give written notice to all licensees of when an assessment is to begin and end. The assessment established in Section 5-30 of the Code shall be collected by licensees at the time of settlement, without regard to the date the

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grain was sold to the licensee. The collection and remittance of assessments from first sellers of grain are the sole responsibility of the licensee to whom the grain is sold and shall be reported by the licensee on a form prescribed by the Department. The prescribed form shall include, but need not be limited to, the following information:

- 1) Legal name and address of licensee;
- 2) Grain dealer license number;
- 3) Grain dealer certificate license number;
- 4) County;
- 5) Business telephone;
- 6) Period of report;
- 7) Commodity;
- 8) Number of bushels assessed;
- 9) Net market value of assessed bushels;
- 10) Rate of assessment;
- 11) Total assessment; and
- 12) Certification of licensee.

h) Lender Assessment

The Department shall give written notice to all licensees of when an assessment is to begin and end. The assessment established in Section 5-30 of the Code shall be based on the bushels represented by a warehouse receipt issued by a licensee from an Illinois location held as security for a loan, including, without limitation, the advancing of money or other value to, or for the benefit of, a licensee upon the licensee's issuance or negotiation of a grain warehouse receipt and pursuant to, or in connection with, an agreement between the licensee and a counter-party for the repurchase of the grain by the licensee or designee of the licensee. It is the licensee's responsibility to inform its lenders and/or other persons of the onset of

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an assessment for which they might be liable. Each quarterly assessment shall be paid and reported by the lender or its designee on a form prescribed by the Department. The prescribed form shall include, but need not be limited to, the following information:

- 1) Legal name and address of licensee;
- 2) Lender name and address;
- 3) Grain warehouse license number;
- 4) County;
- 5) Business telephone;
- 6) Period of report;
- 7) Warehouse receipt number;
- 8) Commodity;
- 9) Number of bushels assessed;
- 10) Applicable commodity price;
- 11) Number of days tendered as collateral;
- 12) Rate of assessment;
- 13) Lender assessment multiplier;
- 14) Total assessment; and
- 15) Certification of licensee.

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

Section 281.100 Severability

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If any provision of this Part or its application to any person or under any other circumstances is adjudged invalid, that adjudication does not affect the validity of this Part as a whole or of any portion not adjudged invalid.

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

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- 1) Heading of the Part: Quality Standards and Certification Requirements for Facilities Performing Mammography
- 2) Code Citation: 32 Ill. Adm. Code 370
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
370.60	Amendment
370.110	Amendment
370. TABLE A	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this Amendment to change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12 (2003); to update the version of the Mammography Quality Control for Medical Physicists and to update the Mammography Dose Evaluation Table.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully

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all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Kevin McClain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking will have no direct impact on small businesses or not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

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TITLE 32: ENERGY

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

PART 370

QUALITY STANDARDS AND CERTIFICATION REQUIREMENTS
FOR FACILITIES PERFORMING MAMMOGRAPHY

Section	
370.10	Scope
370.20	Definitions
370.30	Incorporations by Reference
370.40	Exemptions
370.50	Requirements for Certification
370.60	Fees
370.70	Personnel Requirements
370.80	Equipment Requirements
370.90	Medical Records and Mammography Reports
370.100	Quality Assurance Requirements
370.110	Equipment Quality Assurance Tests
370.120	Additional Administrative Requirements
370.130	Mammography Medical Outcomes Audit
370.140	Additional Mammography Review and Patient Notification
370.145	Notification Requirements for Mobile Mammography Facilities Certified by Another Certifying Entity
370.150	Revocation of Accreditation and Revocation of Accreditation Body Approval
370.160	Suspension, Revocation or Denial of Certificates
370.165	Failure of Mobile Mammography Facilities Certified by Another Certifying Entity to Meet Requirements
370.170	Mammography Units Used for Localization or Biopsy Procedures
370.APPENDIX A	Mammography Dose Measurement Protocol
370.APPENDIX B	Mammography Phantom Image Evaluation
370.TABLE A	Mammography Dose Evaluation Table

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

SOURCE: Old Part repealed at 15 Ill. Reg. 10846, effective July 15, 1991; new Part adopted by emergency rule at 22 Ill. Reg. 14972, effective August 3, 1998, for a maximum of 150 days;

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adopted at 22 Ill. Reg. 21915, effective December 3, 1998; amended at 24 Ill. Reg. 18258, effective December 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20963, effective December 16, 2005; amended at 32 Ill. Reg. _____, effective _____.

Section 370.60 Fees

- a) Except as provided in subsection (b) of this Section, the [AgencyDepartment](#) shall assess each certified mammography installation an annual certification fee of \$750 in each State fiscal year (July 1-June 30). The [AgencyDepartment](#) shall bill the mammography installation for the annual fee after July 1. The annual fee shall be due and payable within 60 days after the date of billing. Failure to pay the required fee may result in revocation of the certificate.

AGENCY NOTE: The annual fee described in subsection (a) of this Section applies to both fully and provisionally certified mammography installations.

- b) A new mammography installation issued an initial provisional certificate after December 31 of any State fiscal year shall not be required to pay a certification fee for that State fiscal year.

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

Section 370.110 Equipment Quality Assurance Tests

- a) Daily quality control tests. Film processors used to develop mammograms shall be adjusted and maintained to meet the technical development specifications for the mammography film in use. A processor performance test shall be performed on each day that examinations are performed before any clinical films are processed that day. The test shall include an assessment of base plus fog density, mid-density and density difference, using the mammography film used clinically at the facility.
- 1) The base plus fog density shall be within plus 0.03 of the established operating level.
 - 2) The mid-density shall be within plus or minus 0.15 of the established operating level.

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- 3) The density difference shall be within plus or minus 0.15 of the established operating level.
- b) Weekly quality control tests. Facilities with screen-film systems shall perform a phantom image quality evaluation test at least weekly, using the Mammography Image Evaluation Protocol found in Appendix B of this Part.
- 1) The optical density of the film at the center of an image of the phantom shall be at least 1.20 when exposed under a typical clinical condition.
 - 2) The optical density of the film at the center of the phantom image shall not change by more than plus or minus 0.20 from the established operating level.
 - 3) The mammography system shall be capable of producing images of the mammography phantom in which the following objects are visualized:
 - A) The three largest masses with thicknesses of 2.0, 1.0 and 0.75 millimeter.
 - B) The three largest speck groups with diameters of 0.54, 0.40 and 0.32 millimeter.
 - C) The four largest fibers with thicknesses of 1.56, 1.12, 0.89 and 0.75 millimeter.
 - 4) The density difference between the background of the phantom and an added test object, used to assess image contrast, shall be measured and shall not vary by more than plus or minus 0.05 from the established operating level.
- c) Quarterly quality control tests. Facilities with screen-film systems shall perform the following quality control tests at least quarterly:
- 1) Fixer retention in film. The residual fixer shall be no more than 5 micrograms per square cm.
 - 2) Repeat analysis. If the total repeat or reject rate changes from the previously determined rate by more than 2.0 percent of the total films

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included in the analysis, the reasons for the change shall be determined. Any corrective actions shall be recorded and the results of these corrective actions shall be assessed.

- d) Semiannual quality control tests. Facilities with screen-film systems shall perform the following quality control tests at least semiannually:
- 1) Darkroom fog. The optical density attributable to darkroom fog shall not exceed 0.05 when a mammography film of the type used in the facility, which has a mid-density of no less than 1.20, is exposed to typical darkroom conditions for 2 minutes while such film is placed on the counter top emulsion side up. If the darkroom has a safelight used for mammography film, it shall be on during this test.
 - 2) Screen-film contact. Testing for screen-film contact shall be conducted using 40 mesh copper screen. All cassettes used in the facility for mammography shall be tested.
 - 3) Compression device performance. The compression device performance shall:
 - A) Be capable of maintaining a compression force of at least 111 newtons (25 pounds) for at least 15 seconds;
 - B) Not be capable of exceeding a compression force of more than 209 newtons (47 pounds) when used in an automatic or power drive mode.
- e) Annual quality control tests. Facilities with screen-film systems shall perform the following quality control tests at least annually:
- 1) Automatic exposure control performance.
 - A) The AEC shall be capable of maintaining film optical density within plus or minus 0.30 of the mean optical density when thickness of a homogeneous material is varied over a range of 2 to 6 cm and the kVp is varied appropriately for such thicknesses over the kVp range used clinically in the facility. If this requirement cannot be met, a technique chart shall be developed showing

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appropriate techniques (kVp and density control settings) for different breast thicknesses and compositions that shall be used so that optical densities within plus or minus 0.30 of the average under phototimed conditions can be produced.

- B) The AEC shall be capable of maintaining film optical density within plus or minus 0.15 of the mean optical density when thickness of a homogeneous material is varied over a range of 2 to 6 cm and the kVp is varied appropriately for such thicknesses over the kVp range used clinically in the facility.
- C) The optical density of the film in the center of the phantom image shall not be less than 1.20.
- 2) Kilovoltage peak accuracy and reproducibility. The kVp shall be accurate within plus or minus 5 percent of the indicated or selected kVp at:
- A) The lowest clinical kVp that can be measured by a kVp test device;
- B) The most commonly used clinical kVp;
- C) The highest available clinical kVp; and
- D) At the most commonly used clinical settings of kVp, the coefficient of variation of reproducibility of the kVp shall be equal to or less than 0.02.
- 3) Focal spot dimensions. Facilities shall evaluate focal spot condition by determining the system resolution. For focal spot dimensions, the measured values of the focal spot length (dimension parallel to the anode cathode axis) and width (dimension perpendicular to the anode-cathode axis) shall be within the tolerance limits specified in this subsection (e)(3).

Focal Spot Tolerance Limit

Nominal Focal Spot Size (mm)	Maximum Measured Dimensions	
	Width (mm)	Length (mm)
0.10	0.15	0.15

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0.15	0.23	0.23
0.20	0.30	0.30
0.30	0.45	0.65
0.40	0.60	0.85
0.60	0.90	1.30

- 4) System resolution. Facilities shall evaluate focal spot condition by determining the system resolution as follows:
- A) Each x-ray system used for mammography, in combination with the mammography screen-film combination used in the facility, shall provide a minimum resolution of 11 cycles/millimeter (mm) (line-pairs/mm) when a high contrast resolution bar test pattern is oriented with the bars perpendicular to the anode-cathode axis, and a minimum resolution of 13 line-pairs/mm when the bars are parallel to that axis.
 - B) The bar pattern shall be placed 4.5 cm above the breast support surface, centered with respect to the chest wall edge of the image receptor, and with the edge of the pattern within 1 cm of the chest wall edge of the image receptor.
 - C) When more than one target material is provided, the measurement shall be made using the appropriate focal spot for each target material.
 - D) When more than one source-image receptor distance is provided, the test shall be performed at SID most commonly used clinically.
 - E) Test kVp shall be set at the value used clinically by the facility for a standard breast and shall be performed in the AEC mode, if available. If necessary, a suitable absorber may be placed in the beam to increase exposure times. The screen-film cassette combination used by the facility shall be used to test for this requirement and shall be placed in the normal location used for clinical procedures.
- 5) Beam quality and half-value layer (HVL). For mammography systems operating at x-ray tube potentials of less than 50 kVp, the HVL in

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millimeters of aluminum of the useful beam shall be equal to or greater than the product of the measured tube potential in kilovolts multiplied by 0.01. The half-value layer shall be measured with the compression device in the beam and shall be measured at the same tube potential used in Appendix A of this Part, Mammography Dose Measurement Protocol, and Appendix B of this Part, Mammography Phantom Image Evaluation.

AGENCY NOTE: If the measured half-value layer is significantly greater than the specified minimum, image contrast will be reduced and overall image quality will be degraded. For screen-film mammography systems, it is recommended that the HVL not exceed the minimum acceptable HVL by more than 0.1 millimeter of aluminum, as specified in the American College of Radiology; Mammography Quality Control for Medical Physicists, Revised Edition, [1999+1994](#).

- 6) Breast entrance air kerma and AEC reproducibility. The coefficient of variation for both air kerma and mAs shall not exceed 0.05.
- 7) Dosimetry. The average glandular dose delivered during a single craniocaudal view of a phantom simulating a standard breast shall not exceed 3.0 milligray (mGy) (0.3 rad) per exposure. The dose shall be determined with technique factors and conditions used clinically for a standard breast (see Appendix A of this Part).
- 8) X-ray field/light field/image receptor/compression paddle alignment.
 - A) All systems shall have beam-limiting devices that allow the entire chest wall edge of the x-ray field to extend to the chest wall edge of the image receptor and provide means to assure that the x-ray field does not extend beyond any edge of the image receptor by more than 2 percent of the SID.
 - B) If a light field that passes through the x-ray beam limitation device is provided, it shall be aligned with the x-ray field so that the total of any misalignment of the edges of the light field and the x-ray field along either the length or the width of the visually defined field at the plane of the breast support surface shall not exceed 2 percent of the SID.

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- C) The chest wall edge of the compression paddle shall not extend beyond the chest wall edge of the image receptor by more than one percent of the SID when tested with the compression paddle placed above the breast support surface at a distance equivalent to standard breast thickness. The shadow of the vertical edge of the compression paddle shall not be visible on the image.
- 9) Uniformity of screen speed. Uniformity of screen speed of all the cassettes in the facility shall be tested and the difference between the maximum and minimum optical densities shall not exceed 0.30. Screen artifacts shall also be evaluated during this test.
- 10) System artifacts. System artifacts shall be evaluated with a high-grade, defect-free sheet of homogeneous material large enough to cover the mammography cassette and shall be performed for all cassette sizes used in the facility using a grid appropriate for the cassette size being tested. System artifacts shall also be evaluated for all available focal spot sizes and target filter combinations used clinically.
- 11) Radiation output.
- A) The system shall be capable of producing a minimum output of 4.5 mGy air kerma per second (513 mR per second) when operating at 28 kVp in the standard mammography (moly/moly) mode at any SID where the system is designed to operate and when measured by a detector with its center located 4.5 cm above the breast support surface with the compression paddle in place between the source and the detector. The system, under the same measuring conditions, shall be capable of producing a minimum output of 7.0 mGy air kerma per second (800 mR per second) when operating at 28 kVp in the standard (moly/moly) mammography mode at any SID where the system is designed to operate.
- B) The system shall be capable of maintaining the required minimum radiation output averaged over a 3.0 second period.
- 12) Decompression. If the system is equipped with a provision for automatic decompression after completion of an exposure or interruption of power to the system, the system shall be tested to confirm that it provides:

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- A) An override capability to allow maintenance of compression;
 - B) A continuous display of the override status; and
 - C) A manual emergency compression release that can be activated in the event of power or automatic release failure.
- f) Quality control tests-other modalities. For systems with image receptor modalities other than screen-film, the quality assurance program shall be substantially the same as the quality assurance program recommended by the image receptor manufacturer, except that the maximum allowable dose shall not exceed the maximum allowable dose for screen-film systems in subsection (e)(7) of this Section.
- g) Mobile units. The facility shall verify that mammography units used to produce mammograms at more than one location meet the requirements in subsections (a) through (f) of this Section. In addition, at each examination location, before any examinations are conducted, mobile mammography systems shall be tested using the mammography phantom image evaluation, or shall meet the following requirements:
- 1) A medical physicist shall establish a protocol for measurement of the radiation output of the mammography system, including the radiation measuring device to be used, procedures for performing the measurement and the anticipated result of the measurement.
 - 2) Measurements shall be performed using the technique factors that were used for the most recent phantom image evaluation. If a change is made in the technique factors used for the measurements required in this subsection (g)(2), the image quality shall be tested using the mammography phantom image evaluation protocol found in Appendix B of this Part.

AGENCY NOTE: If the phantom image evaluation is performed using a phototimer, the medical physicist may specify appropriate technique factors that approximate those used by the phototimer for the measurements required in this Section.

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- 3) After each relocation of a mobile mammography system, measurements of the radiation output of the machine shall be performed according to the protocol established in this Section.
- 4) If the radiation output measurement exceeds plus or minus 15 percent of the value established by the medical physicist, the system shall not be used to image human patients until the cause for the variation has been investigated and corrected.
- 5) Records of radiation output measurements for mobile mammography systems shall be maintained at the location of the mammography system for a period of not less than one inspection cycle.

AGENCY NOTE: The Agency recommends that mobile mammography systems be tested for image quality after each relocation and prior to use on patients, with mammography phantom image evaluation protocol in Appendix B of this Part.

- h) Use of test results.
 - 1) After completion of the tests specified in subsections (a) through (g) of this Section, the facility shall compare the test results to the corresponding specified action limits, or for nonscreen-film modalities, to the manufacturer's recommended action limits, or for post-move, preexamination testing of mobile units, to the limits established in the test method used by the facility.
 - 2) If the test results fall outside of the action limits, the source of the problem shall be identified and corrective actions shall be taken:
 - A) Before any further examinations are performed or any films are processed using the component of the mammography system that failed the test, if the failed test was that described in subsection (a), (b), (d)(1), (d)(2), (d)(3), (e)(7), (f) or (g) of this Section;
 - B) Within 30 days after the test date for all other tests described in this Section.
- i) Surveys.

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- 1) At least once a year, each facility shall undergo a survey by a medical physicist or by an individual under the direct supervision of a medical physicist. At a minimum, this survey shall include the performance of tests to ensure that the facility meets the quality assurance requirements of the annual tests described in subsections (e) and (f) of this Section and the weekly phantom image quality test described in subsection (b) of this Section.
 - 2) Calibration of air kerma measuring instruments. Instruments used by medical physicists in their annual survey to measure the air kerma or air kerma rate from a mammography unit shall be calibrated at least once every 2 years and each time the instrument is repaired. The instrument calibration shall be traceable to a national standard and calibrated with an accuracy of plus or minus 6 percent (95 percent confidence level) in the mammography energy range.
 - 3) The results of all tests conducted by the facility in accordance with subsections (a) through (g) of this Section, as well as written documentation of any corrective actions taken and their results, shall be evaluated for adequacy by the medical physicist performing the survey.
 - 4) The medical physicist shall prepare a survey report that includes a summary of this review and recommendations for necessary improvements.
 - 5) The survey report shall be sent to the facility within 30 days after the date of the survey.
 - 6) The survey report shall be dated and signed by the medical physicist performing or supervising the survey. If the survey was performed entirely or in part by another individual under the direct supervision of the medical physicist, that individual and the part of the survey that individual performed shall also be identified in the survey report.
- j) Mammography equipment evaluations. Additional evaluations of mammography units or image processors shall be conducted whenever a new unit or processor is installed, a unit or processor is disassembled and reassembled at the same or a new location, or major components of a mammography unit or processor equipment

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are changed or repaired. These evaluations shall be used to determine whether the new or changed equipment meets the requirements of applicable standards in this Section and Section 370.80 of this Part. All problems shall be corrected before the new or changed equipment is put into service for examinations or film processing. The mammography equipment evaluation shall be performed by a medical physicist or by an individual under the direct supervision of a medical physicist.

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

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Section 370.TABLE A Mammography Dose Evaluation Table

This Table is used to determine the mean glandular dose in milligrays delivered by 25.8 mC/kg (or millirad) delivered by 1 R in air incident on a 4.2 centimeter thickness compressed breast of average density (50 percent adipose and 50 percent glandular tissue). Values listed are for the first half-value layer (HVL) in millimeters of aluminum (mm Al), for x-ray tube target-filter combinations of molybdenum/molybdenum (Mo/Mo) and tungsten/ aluminum (W/Al). Linear extrapolation or interpolation shall be made for any HVL not listed.

Mean Glandular Dose in milligrays for 25.8 mC/kg (or millirad for 1 R) Entrance Exposure for a 4.2 Centimeter Compressed Breast of Average Density

HVL (mm AL)	Mo/Mo Target-Filter X-Ray Tube Voltage (kVp)											W-Al Target- Filter Combination
	23	24	25	26	27	28	29	30	31	32	33	
0.23	116											
0.24	121	124										
0.25	126	129	131									
0.26	130	133	135	138								
0.27	135	138	140	142	143							
0.28	140	142	144	146	147	149						
0.29	144	146	148	150	151	153	154					
0.30	149	151	153	155	156	157	158	159				170
0.31	154	156	157	159	160	161	162	163	164			175
0.32	158	160	162	163	164	166	167	168	168	170	171	180
0.33	163	165	166	168	169	170	171	173	173	174	175	185
0.34	168	170	171	172	173	174	175	176	177	178	179	190
0.35		174	175	176	177	178	179	180	181	182	183	194
0.36			179	181	182	183	184	185	185	186	187	199
0.37				185	186	187	188	189	190	191	191	204
0.38					190	191	192	193	194	195	195	208
0.39						196	197	198	198	199	200	213
0.40							201	202	203	204	204	217
0.41								206	207	208	208	221
0.42									211	212	212	225
0.43										215	216	230
0.44											220	234
0.45												238

AGENCY NOTE: Adapted from: Mammography Quality Control Manual: Medical Physicist's Section, Revised Edition, [1999+1994](#).

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

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- 1) Heading of the Part: Analytical Types of X-Ray Equipment
- 2) Code Citation: 32 Ill. Adm. Code 380
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
380.10	Amendment
380.50	Amendment
380.60	Amendment
380.70	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this Amendment to change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12 (2003) and to remove a conflict with 32 Ill. Adm. Code 340 in regard to monitoring devices.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Kevin McClain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking will have no direct impact on small businesses or not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

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

PART 380

ANALYTICAL TYPES OF X-RAY EQUIPMENT

Section

380.10	Scope
380.20	Definition
380.30	Labeling
380.40	Radiation Exposure Standards
380.50	Tests and Inspections
380.60	Operating Procedures and Instructions
380.70	Monitoring

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

SOURCE: Filed and effective April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 11280; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 32 Ill. Reg. _____, effective _____.

Section 380.10 Scope

This Part establishes special requirements for x-ray diffraction units, x-ray spectrographic fluorescence equipment, etc. The provisions of this Part are in addition to, and not in substitution for, other applicable provisions of [AgencyDepartment](#) regulations.

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

Section 380.50 Tests and Inspections

- a) Tests and inspections of all safety devices shall be performed at least monthly to insure their proper operation.
- b) Surveys and monitoring sufficient to insure that operations are conducted safely

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shall be provided.

- c) Records of tests and inspections, surveys, and monitoring sufficient to show compliance ~~with Agency to Department~~ regulations shall be maintained and kept available for inspection by a representative of the ~~Agency Department~~, upon demand.

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

Section 380.60 Operating Procedures and Instructions

- a) Individuals having access to analytical x-ray machines or equipment shall be provided with specific written instructions concerning the radiation hazards, safe working practices, and made aware of the symptoms of an acute localized exposure to radiation. These instructions shall be posted near the controls of the x-ray ~~machine~~ ~~machine(s)~~.
- b) Medical personnel examining work-connected injuries shall be informed of the possibility of radiation exposure to the worker from the devices regulated in this Part.
- c) Operators shall be instructed in the procedures for reporting an actual or suspected radiation overexposure. When it has been determined that an overexposure to an individual has occurred, it shall be reported to the ~~Agency Department~~ without undue delay.
- d) In cases where the primary x-ray beam is not intercepted by the experimental apparatus under all conditions of operation, protective measures shall be provided, such as auxiliary shielding, to avoid exposure to the primary x-ray beam.
- e) If, for any reason, it is necessary to temporarily intentionally alter safety devices, such as bypassing interlocks or removing shielding, such action shall be:
- 1) specified in writing and posted near the x-ray tube housing so that other persons will know the existing status of the machine; and
 - 2) terminated as soon as possible.
- f) Whenever possible, an interlocking device ~~that~~ ~~which~~ prevents the entry of any

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portion of an individual body or extremities into the primary beam, or causes the primary beam to be shut off upon entry into its path, shall be provided.

- g) Unused tube ports shall be closed in such a fashion that accidental opening is not possible.

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

Section 380.70 Monitoring

Operators of analytical x-ray equipment shall be provided with finger or wrist radiation monitoring devices as required by 32 Ill. Adm. Code 340.520~~if the equipment is not provided with interlocks as specified in Section 380.60(f). Reported exposure or dose values shall not be used for the purpose of determining compliance with 32 Ill. Adm. Code 340 unless evaluated by a qualified expert.~~

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

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- 1) Heading of the Part: Registration Requirements for Diagnostic Imaging Specialists and Therapeutic Radiological Physicists
- 2) Code Citation: 32 Ill. Adm. Code 410
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
410.10	Amendment
410.20	Amendment
410.30	Amendment
410.35	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] (see P.A. 91-340, effective July 29, 1999)
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this Amendment to change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12 (2003).
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully

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all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Kevin McClain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking will have no direct impact on small businesses or not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 410

REGISTRATION REQUIREMENTS FOR DIAGNOSTIC IMAGING SPECIALISTS
AND THERAPEUTIC RADIOLOGICAL PHYSICISTS

Section

410.10	Policy and Scope
410.20	Education/Experience Requirements for Diagnostic Imaging Specialists and Therapeutic Radiological Physicists
410.30	Approval of Application and Application/Registration Fees
410.35	Suspension and Revocation of Registration as an Approved Diagnostic Imaging Specialist or a Therapeutic Radiological Physicist
410.40	Radiation Installations and Classifications (Repealed)
410.50	Inspection Procedures (Repealed)
410.60	Choice of Type of Inspector and Inspection Schedule (Repealed)
410.65	Inspection Fees (Repealed)
410.70	Separate Installation (Repealed)
410.80	Change in Operator (Repealed)
410.ILLUSTRATION A	New Facility Filing Anniversary Date (Class C Facility Used As An Example) (Repealed)
410.ILLUSTRATION B	Existing Facility Filing Anniversary Date (Class B Facility Used As An Example) (Repealed)

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

SOURCE: Adopted at 8 Ill. Reg. 23209, effective November 19, 1984; amended at 9 Ill. Reg. 17821, effective November 5, 1985; amended at 10 Ill. Reg. 13265, effective July 29, 1986; amended at 13 Ill. Reg. 342, effective January 30, 1989; amended at 14 Ill. Reg. 13638, effective August 13, 1990; amended at 17 Ill. Reg. 17953, effective October 4, 1993; amended at 20 Ill. Reg. 9570, effective July 5, 1996; amended at 23 Ill. Reg. 332, effective December 18, 1998; amended at 23 Ill. Reg. 14501, effective January 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 32 Ill. Reg. _____, effective _____.

Section 410.10 Policy and Scope

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This Part implements the provisions of the Radiation Protection Act of 1990 [420 ILCS 40] regarding approval and registration of individuals responsible for implementing a comprehensive radiation protection program for Class D facilities as defined in 32 Ill. Adm. Code 320. Specifically this Part:

- a) Establishes standards and procedures the [AgencyDepartment](#) will apply for approving individuals as diagnostic imaging specialists and/or therapeutic radiological physicists; and
- b) Establishes standards and procedures to be applied by the [AgencyDepartment](#) when withdrawing its approval of a diagnostic imaging specialist and/or therapeutic radiological physicist.

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

Section 410.20 Education/Experience Requirements for Diagnostic Imaging Specialists and Therapeutic Radiological Physicists

- a) Diagnostic imaging specialists and therapeutic radiological physicists responsible for implementing comprehensive radiation protection programs shall be approved by the [AgencyDepartment](#) in accordance with Section 410.30 of this Part.
- b) Diagnostic Imaging Specialist. Individuals seeking approval as a diagnostic imaging specialist must possess the knowledge, training and experience to apply principles of radiological physics to diagnostic x-ray applications. Individuals seeking such approval shall meet any one of the criteria set forth in this subsection (b).

Education and/or Certification

Experience

- | | | | |
|----|--|-----|---------------------------------------|
| 1) | Certification by the American Board of Radiology, American Board of Medical Physics or Canadian College of Medical Physics, in radiological physics or diagnostic radiological physics | and | experience included in certification. |
|----|--|-----|---------------------------------------|

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|----|--|-----|---|
| 2) | Certification by the American Board of Health Physics, by the College, or one of the Boards listed in subsection (b)(1) of this Section, in Therapeutic radiological physics | and | 6 months of experience in diagnostic x-ray, which shall include quality assurance and survey experience. |
| 3) | Doctorate (Ph. D.) or Master's (MS/MA) degree in health physics, medical radiological physics or physics | and | 1 year of applied x-ray radiation protection experience of which 6 months shall include quality assurance and survey experience in diagnostic x-ray. |
| 4) | Bachelor's (BS/BA) degree in health physics, medical radiological physics or physics | and | 2 years of applied x-ray radiation protection experience of which 6 months shall include quality assurance and survey experience in diagnostic x-ray. |
| 5) | Mater's (MS/MA) or Bachelor's (BS/BA) degree in physical or life science, mathematics, or other equivalent degree as determined by the Department | and | 3 years of applied x-ray radiation protection experience of which 1 year shall include quality assurance and survey experience in diagnostic x-ray. |

AGENCY NOTE: A degree that is not readily identifiable as meeting the requirements of this Part may be referred to the State Board of Higher Education for a determination of the degree classification.

- c) Therapeutic Radiological Physicist. Individuals seeking approval as a therapeutic radiological physicist must possess the knowledge, training and experience to measure ionizing radiation, evaluate safety techniques, advise regarding radiation protection needs and apply the principles of radiological physics to clinical radiation therapy. To meet these criteria, a therapeutic radiological physicist shall meet either of the criteria set forth in this subsection (c).

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- | | Education and/or
Certification | | Experience |
|----|---|-----|---|
| 1) | Certification by the American Board of Radiology, the American Board of Medical Physics or Canadian College of Medical Physics, in therapeutic radiological physics, roentgen ray and gamma ray physics, x-ray and radium physics, or radiological physics | and | experience included in certification. |
| 2) | Doctorate (Ph.D.) or Master's (MS/MA) degree in physics, biophysics, radiological physics or health physics | and | 1 year of full-time training in radiological physics and also 1 year of full-time work experience under the supervision of a therapeutic radiological physicist at a medical institution. |
| d) | To meet the work experience requirements of subsection (c)(2) of this Section, the individual shall have performed the tasks specified in 32 Ill. Adm. Code 360.120(c), (d) and (e) under the supervision of an individual meeting the requirements of subsection (c) of this Section during the year of work experience. | | |
| e) | An individual previously holding a designation as a diagnostic imaging specialist and/or a therapeutic radiological physicist, and previously approved by the AgencyDepartment as a nonagencynondepartment qualified inspector, shall remain approved as a diagnostic imaging specialist and/or therapeutic radiological physicist, unless approval is removed for cause pursuant to this Part. | | |

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

Section 410.30 Approval of Application and Application/Registration Fees

- a) An applicant for approval by the [AgencyDepartment](#) as a diagnostic imaging specialist and/or therapeutic radiological physicist shall submit a complete and

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legible application on a form prescribed and furnished by the [AgencyDepartment](#). Each applicant shall pay an application fee of \$200 ~~that~~[which](#) will serve as a registration fee for the remainder of the calendar year. The application fee is non-refundable.

- b) Upon initial application to the [AgencyDepartment](#), and as a condition for approval as a diagnostic imaging specialist and/or a therapeutic radiological physicist, an applicant shall submit verification of access to instruments ~~that~~[which](#) will enable the individual to perform measurements and tests in accordance with [AgencyDepartment](#) standards.
- c) The [AgencyDepartment](#) shall provide written notification to the applicant concerning the status of the application within 4 weeks after receipt of the application and required fee. If approval is granted, the applicant shall receive a "Notice of Approval" and the individual's name and address shall be entered in the record of persons approved as diagnostic imaging specialists and/or as therapeutic radiological physicists.
- d) Individuals approved by the [AgencyDepartment](#) as diagnostic imaging specialists and/or as therapeutic radiological physicists shall continue to remain approved unless approval is removed for cause pursuant to this Part.
- e) All approved diagnostic imaging specialists and/or therapeutic radiological physicists shall pay an annual non-refundable registration fee of \$150. The fee shall be due and payable within 60 days after the date of billing. Failure to remit the appropriate registration fee after 60 days shall cause the [AgencyDepartment](#) to remove the individual's name from the record specified in subsection (c) of this Section. If an individual's name is removed from this record, the [AgencyDepartment](#) shall not accept radiation machine evaluations or the establishment and oversight of equipment-related quality assurance practices performed on or after the date the individual's name was removed.
- f) If an individual's name has been removed from the record of approved diagnostic imaging specialists and/or therapeutic radiological physicists due solely to nonpayment of the fee prescribed in this Section, that individual's name shall be reinstated automatically upon payment of and receipt by the [AgencyDepartment](#) of the prescribed fee.
- g) If the registration of a diagnostic imaging specialist or therapeutic radiological

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physicist has been revoked pursuant to Section 410.35 of this Part, the [AgencyDepartment](#) shall consider the petition for reinstatement and the reasons for revocation before approving a new application.

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

Section 410.35 Suspension and Revocation of Registration as an Approved Diagnostic Imaging Specialist or a Therapeutic Radiological Physicist

- a) The [AgencyDepartment](#) may act to suspend or revoke an individual's registration as an approved diagnostic imaging specialist and/or therapeutic radiological physicist and remove the individual's name from the record of approval for any one or a combination of the following causes:
- 1) Making a material misstatement or misrepresentation in the application for approval as a diagnostic imaging specialist and/or a therapeutic radiological physicist if such misstatement or misrepresentation would impair the [Agency'sDepartment's](#) ability to assess and evaluate the applicant's qualifications for approval under this Part;
 - 2) Evading or violating the Radiation Protection Act of 1990 or [an Agencya Department](#) regulation or order, or aiding another person in evading or violating a statute, regulation or order;
 - 3) Exhibiting significant or repeated incompetence in the performance of evaluations of radiation machines or the establishment and oversight of equipment-related quality assurance practices;
 - 4) Providing to the [AgencyDepartment](#), or to a Class D registrant, false or misleading information in any of the records required by 32 Ill. Adm. Code 320.70;
 - 5) Providing to the [AgencyDepartment](#), or to a Class D registrant, under his/her diagnostic imaging specialist and/or therapeutic radiological physicist identification number or signature, a radiation machine evaluation report that he or she did not personally perform;
 - 6) Failing to pay a civil penalty assessed by the [AgencyDepartment](#);

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- 7) Failing to repay an educational loan guaranteed by the Illinois Student Assistance Commission as provided in 20 ILCS [3310/802005/71](#); or
- 8) Failing to meet child support orders as provided in 5 ILCS 100/10-65.
- b) The [AgencyDepartment](#) may revoke the registration of an individual as an approved diagnostic imaging specialist and/or therapeutic radiological physicist for repetitive activities initially resulting in suspension.
- c) If, based upon any of the ~~above~~ grounds [stated in subsection \(a\)](#), the [AgencyDepartment](#) determines that action is necessary to suspend or revoke the registration of an approved diagnostic imaging specialist and/or therapeutic radiological physicist and to remove the individual's name from the record of approved individuals, the [AgencyDepartment](#) shall first notify the individual of the reason for its action and the proposed length of a suspension or revocation and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200. An opportunity for a hearing shall be provided before the [AgencyDepartment](#) takes final action to suspend or revoke an individual's registration.
- d) An individual whose registration has been suspended shall be reinstated upon completion of the duration of the suspension period.
- e) An individual whose registration has been revoked for reasons other than non-payment of fees shall have his/her name removed from the record. ~~TheSuch~~ individual may seek reinstatement to the record by filing a petition for reinstatement and a new application with the [AgencyDepartment](#). The petition and application for reinstatement may only be accepted for consideration by the [AgencyDepartment](#) after the specified revocation period has ended. The individual shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 if ~~thesuch~~ reinstatement petition and application are denied.
- f) Any of the causes for suspension or revocation specified in subsections (a)(1) through (5) of this Section may also be used as the grounds for the assessment of civil penalties pursuant to Section 36 of the Radiation Protection Act of 1990.

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

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- 1) Heading of the Part: Status Signals for Nuclear Power Reactors
- 2) Code Citation: 32 Ill. Adm. Code 504
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
504.10	Amendment
504.20	Amendment
504.30	Amendment
504.40	Amendment
504.50	Amendment
504.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8(c) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5]
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this rulemaking to change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12 (2003).
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully

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all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Kevin McClain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER c: NUCLEAR FACILITY SAFETY

PART 504

STATUS SIGNALS FOR NUCLEAR POWER REACTORS

Section

504.10	Policy and Scope
504.20	Definitions
504.30	Protocol for Data Transmissions
504.40	Equipment
504.50	Updating Station Catalogues and System Status Signals Catalogue
504.60	Implementation of System Status Signals Catalogue
504.70	Availability

AUTHORITY: Implementing and authorized by Section 8(c) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/8(c)].

SOURCE: Adopted at 16 Ill. Reg. 11544, effective July 7, 1992; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 32 Ill. Reg. _____, effective _____.

Section 504.10 Policy and Scope

- a) The [Illinois Emergency Management Agency \(Agency\)](#)~~Department of Nuclear Safety (Department)~~ has the responsibility under State law to acquire from each nuclear power reactor in the State all system status signals which initiate Emergency Action Level Declarations, actuate accident mitigation and provide mitigation verification, including indications of operating power levels.
- b) Signals shall be provided by each owner in a manner that assures availability to the [Agency](#)~~Department~~ during all modes of reactor operation (including defueled conditions) as well as throughout accidents and subsequent recovery operations.
- c) This Part provides the criteria and requirements under which each owner of a nuclear power reactor shall transmit to the [Agency](#)~~Department~~ a System Status Signals Catalogue for the reactor via a Reactor Data Link (RDL).

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- d) This Part shall apply to all owners. For any nuclear power reactor for which no License to Operate has been issued by the United States Nuclear Regulatory Commission on the effective date of this Part, a System Status Signals Catalogue shall be transmitted by the owner to the [AgencyDepartment](#) prior to commencing initial fuel load.
- e) For any nuclear power reactor providing an RDL, the owner shall continue to transmit a System Status Signals Catalogue after the License to Operate is no longer maintained and until such time that all fuel is removed from the site or until the owner no longer possesses the capability to supply such data.

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

Section 504.20 Definitions

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

"Agency" means the Illinois Emergency Management Agency.

"Communication Link" means the telephone line or other connection between the [AgencyDepartment](#) supplied modem on the owner's premises to the [Agency'sDepartment's](#) headquarters in Springfield, Illinois.

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

"Owner" means the owner and operator of the nuclear power reactor.

"Point" means the system parameter being monitored.

"RDL" means the Reactor Data Link for a reactor. The RDL includes the entire system by which the owner provides and the [AgencyDepartment](#) receives a System Status Signals Catalogue at the [Agency'sDepartment's](#) headquarters in Springfield, Illinois.

"RDL outage" means any breakdown in the RDL that prevents the normal continuous data transmission of the System Status Signals Catalogue to the [Agency'sDepartment's](#) headquarters in Springfield, Illinois.

"Reactor" means a nuclear power reactor.

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"Station Catalogue" means the complete and inclusive list of all computer monitored points available for transmission from a nuclear power station from which the System Status Signals Catalogue for each reactor is chosen.

"Station Computer" means the computer or computers which collect and transfer data to the [Agency's/Department's](#) modems.

"System Status Signals Catalogue" means the points selected by the [Agency/Department](#) from the Station Catalogue to be transmitted over the Communications Link. A System Status Signals Catalogue is selected for each reactor.

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

Section 504.30 Protocol for Data Transmissions

Communications protocol, data representation and data transmission frequency for the System Status Signals Catalogue shall be established and/or changed by mutual consent of the [Agency/Department](#) and the owner subject to the condition that the owner shall provide signals to the [Agency/Department](#) in a manner and at a frequency that allows the [Agency/Department](#) to incorporate the signals into and augment the [Agency's/Department's](#) remote effluent monitoring system.

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

Section 504.40 Equipment

- a) The [Agency/Department](#) shall provide a modem to the owner and shall establish a Communication Link. All [Agency/Department](#) owned equipment shall be maintained by the [Agency/Department](#).
- b) [Agency/Departmental](#) personnel and agents shall have access to all [Agency/Departmental](#) equipment located at the nuclear station site, subject to any security requirements imposed by law, regulation, or normal security practices of the owner including Fitness-For-Duty requirements.
- c) The owner shall provide and maintain necessary hardware and software at its reactor site to communicate via the [Agency/Department](#) supplied modem.

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

Section 504.50 Updating Station Catalogues and System Status Signals Catalogue

- a) For each point included in the Station Catalogue, the Station Catalogue shall contain, as a minimum, the name of the point; a description of each parameter (point) measured, sensed or calculated; the units of measure for analog points; the state indication for digital points, e.g., open or closed, on or off; and the type of point, e.g., analog or digital.
- b) On the effective date of this Part, the [AgencyDepartment](#) will consider the current Station Catalogue for each nuclear power station to be the most recent Station Catalogue that was provided the [AgencyDepartment](#) pursuant to the prulemaking arrangement between the owner and the [AgencyDepartment](#).
- c) The owner shall provide the [AgencyDepartment](#) an updated Station Catalogue for each nuclear power station at 180 day intervals. In the event that the Station Catalogue remained unchanged, the owner shall notify the [AgencyDepartment](#) that no changes were made in lieu of providing an updated Station Catalogue. The end of each 180 day interval shall be consistent with the end of the prulemaking 180 day interval already in effect for the owner under the prulemaking arrangement between the owner and the [AgencyDepartment](#). The [AgencyDepartment](#) may lengthen the Station Catalogue submission interval at any time.
- d) Within 14 calendar days after receipt of an updated Station Catalogue, the [AgencyDepartment](#) shall provide the owner with notice of any changes to the System Status Signals ~~Catalogue~~[Catalogue\(s\)](#).
- e) The [AgencyDepartment](#) shall select points for the System Status Signals Catalogue from the updated Station Catalogue using the following criteria:
 - 1) those points by which the off-site radiological consequences can be determined;
 - 2) those points by which challenges to, and failures of, the clad, the primary boundary, and the containment structures can be determined;

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- 3) those points by which short and long-term decay heat removal capabilities can be determined; or
- 4) those points by which on and off-site station electrical power status can be determined.

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

Section 504.60 Implementation of System Status Signals Catalogue

Except as provided in this Section, the owner shall coordinate the transmission of a new System Status Signals Catalogue no later than 14 calendar days after receiving the notice provided for in Section 504.50(d). If the owner determines that it cannot transmit the new System Status Signals Catalogue in the 14 calendar day period, the owner shall, prior to the expiration of the 14 calendar day goal, apply in writing to the [Agency Department](#) for an extension of time to transmit the new System Status Signals Catalogue.

- a) A written request to extend the time for implementation shall include an estimate of the amount of time needed by the owner to begin transmitting the new System Status Signals Catalogue and the reasons why the additional time is needed for implementation.
- b) Timely submittal to the [Agency Department](#) of a written request described in subsection (a) will result in an automatic 14 day extension of the time for implementation by the owner.

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

Section 504.70 Availability

- a) Each owner shall transmit a System Status Signals Catalogue for each reactor over a Communications Link continuously 24 hours a day during all modes of reactor operation (including defueled conditions) as well as throughout accident and subsequent recovery operations, except during planned station computer and RDL system outages or unplanned station computer and RDL system outages beyond the control of the owner. The owner shall establish measures to assure that unplanned RDL system outages are promptly identified and corrected and that the root cause of the RDL outage is determined and corrective action taken to preclude repetition where appropriate.

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- b) In the event of an RDL outage, or station computer outage, the owner, when required by the [AgencyDepartment](#), shall establish a point of technical contact with the [AgencyDepartment](#) to communicate reactor status information until the RDL is restored.
- c) In the event of a planned or unplanned station computer outage, data transmission to the [AgencyDepartment](#) shall be restored as soon as possible after the station computer's return to service.
- d) The [Agency'sDepartment's](#) access to the System Status Signals Catalogue shall not be intentionally degraded by the owner's computer usage unless such usage is necessary to protect public health and safety as required under the Nuclear Regulatory Commission license, and the degraation of access cannot be avoided.

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

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- 1) Heading of the Part: Safe Operation of Nuclear Facility Boilers and Pressure Vessels
- 2) Code Citation: 32 Ill. Adm. Code 505
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
505.20	Amendment
505.30	Amendment
505.40	Amendment
505.50	Amendment
505.60	Amendment
505.70	Amendment
505.80	Amendment
505.82	Amendment
505.84	Amendment
505.86	Amendment
505.90	Amendment
505.110	Amendment
505.120	Amendment
505.130	Amendment
505.140	Amendment
505.160	Amendment
505.170	Amendment
505.180	Amendment
505.190	Amendment
505.1100	Amendment
505.1200	Amendment
505.1600	Amendment
505.1700	Amendment
505.1900	Amendment
505.2000	Amendment
505.2100	Amendment
505.2200	Amendment
505.2500	Amendment
505.2600	Amendment
505.2700	Amendment
505.2900	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8(a)(8) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/8(a)(8)], Sections 2a and 2b of the Boiler

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and Pressure Vessel Safety Act [430 ILCS 75/2a and 2b] and Section 25 of the Nuclear Safety Law of 2004 [20 ILCS 3310/25]

- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing these amendments to change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12, effective July 1, 2003; updating references for ASME and National Board Codes; widen the definition of "rerate" to include any change in maximum allowable working pressure; add language for attaching conditions when alternative standards for repair are permitted; and correct typographic errors.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

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

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217/524-1003 (voice)

217/782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking will have no direct impact on any small businesses, small municipalities or not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER c: NUCLEAR FACILITY SAFETY

PART 505

SAFE OPERATION OF NUCLEAR FACILITY BOILERS AND PRESSURE VESSELS

SUBPART A: GENERAL

Section	
505.10	Scope
505.20	Policy
505.30	Definitions
505.40	Standards Incorporated by Reference
505.50	Exemptions
505.60	Access to Facilities and Documents
505.70	Notification of Failures
505.80	Administrative Review and Hearings – Inspection Certificates
505.82	Administrative Review and Hearings – Authorized Inspection Agency
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505.90	Address and Telephone Number for Notifications and Inquiries
505.100	Standards for Design, Construction, Operation and Inspection (general)
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505.130	Operation Requirements (general)
505.140	Inspection Requirements (general)
505.150	Repairs and Alterations (general)
505.160	Code Case Applications (general)
505.170	Use of Alternative Standards for Construction, Inspection and Repair (general)
505.180	Authorized Inspectors (general)
505.190	Authorized Inspection Agencies (general)

SUBPART B: ISI BOILERS AND PRESSURE VESSELS

Section	
505.1000	Standards for Design, Construction, Operation and Inspection
505.1100	Registration Requirements
505.1200	Inspection Certificates

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505.1300	Operation Requirements
505.1400	Inspection Requirements
505.1500	Repairs
505.1600	Code Case Applications
505.1700	Use of Alternative Standards for Construction, Inspection and Repair
505.1800	Authorized Inspectors
505.1900	Authorized Inspection Agencies

SUBPART C: NON-ISI BOILERS AND PRESSURE VESSELS

Section

505.2000	Standards for Design, Construction, Operation and Inspection
505.2100	Registration Requirements
505.2200	Inspection Certificates
505.2300	Operation Requirements
505.2400	Inspection Requirements
505.2500	Repairs and Alterations
505.2600	Code Case Applications
505.2700	Use of Alternative Standards for Construction, Inspection and Repair
505.2800	Authorized Inspectors
505.2900	Authorized Inspection Agencies

AUTHORITY: Implementing and authorized by Section 8(a)(8) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/8(a)(8)], Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2a and 2b], and Section 25 of the Nuclear Safety Law of 2004 [20 ILCS 3310/25].

SOURCE: Emergency Rule adopted at 17 Ill. Reg. 15667, effective September 10, 1993, for a maximum of 150 days; adopted at 18 Ill. Reg. 2317, effective February 7, 1994; amended at 20 Ill. Reg. 6455, effective April 26, 1996; amended at 23 Ill. Reg. 13089, effective October 6, 1999; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 27 Ill. Reg. 15339, effective September 16, 2003; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 505.20 Policy

- a) It is the intent of the [Illinois Emergency Management Agency](#)~~Department of~~

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~~Nuclear Safety~~ to implement this program in accordance with State law ~~that which~~ provides that *notwithstanding any other provision to the contrary, the Illinois Emergency Management Agency~~Department of Nuclear Safety~~ shall have sole ~~(State)~~ jurisdiction over all boilers and pressure vessels contained within or upon or in connection with any nuclear facility within this State. The Illinois Emergency Management Agency~~Department of Nuclear Safety~~ shall have the same authority and shall have and exercise the same powers and duties in relation to those boilers and pressure vessels under the Boiler and Pressure Vessel Safety~~this (the Boiler and Pressure Vessel Safety) Act as the Board of Boiler and Pressure Vessel Rules~~~~(of Boiler and Pressure Vessel Rules)~~ or the ~~(Office of the)~~ State Fire Marshal have and exercise in relation to all boilers and pressure vessels in this State that are not included in this Section. [430 ILCS 75/2(a)]*

- b) This Part is intended to implement Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act in a manner consistent with the State role provided for in the ASME Code and National Board Inspection Code. The ~~Agency~~Department intends to review Inservice Inspection Plans, reports and other documentation, as provided in this Part, to determine, in coordination and cooperation with the NRC, compliance with the ASME Code, National Board Inspection Code and other applicable codes and standards ~~incorporated by reference~~referenced in Section 505.40 of this Part.
- c) This Part is not intended to be, in any way, inconsistent with the applicable regulations, rules and requirements of the NRC. If a requirement of this Part as applied in any situation is or would be inconsistent with the regulations, rules and requirements of the NRC, the requirements of this Part shall not be applied. In addition, if the application of any requirement of this Part could affect the safety or the operation of the nuclear facility, as determined by the NRC, the ~~Agency~~Department shall apply the requirements only with the prior concurrence of the NRC, as provided for in Section 505.86 ~~of this Part~~.

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

Section 505.30 Definitions

The following definitions shall apply to this Part:

"Act" ~~or "the Act"~~ means the Boiler and Pressure Vessel Safety Act [430 ILCS

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75].

"Agency" means the Illinois Emergency Management Agency.

"Alteration" means a change to a boiler or pressure vessel made necessary by, or resulting in, a change in design requirements. Non-physical changes such as rerating of a boiler or pressure vessel shall be considered an alteration. The addition of nozzles smaller than a reinforced opening size shall not be considered an alteration.

"ANSI" means the American National Standards Institute, 1430 Broadway, New York NY 10018.

"Appurtenance" means an item attached to a stamped component that has work performed on it requiring verification by an Authorized Inspector.

"ASME" means the American Society of Mechanical Engineers, 345 E. 47th Street, New York NY 10017.

"ASME Code" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Code with addenda thereof made, approved and adopted by the Council of the Society and adopted and incorporated by the AgencyDepartment in Section 505.40 ~~of this Part~~. Copies of the ASME Code may be obtained from the American Society of Mechanical Engineers.

"ASME Code Case" or "Code Case" means a document published by ASME to clarify the intent of the ASME Code or to provide alternative requirements to those specifically indicated in the ASME Code due to special circumstances or for the use of new technology.

"Authorized Inspection Agency" means one of the following:

A department or division established by a jurisdiction ~~that~~which has adopted one or more Sections of the ASME Code and whose inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors. In Illinois, the Division of Boiler and Pressure Vessel Safety of the Office of the State Fire Marshal (OSFM) is the jurisdiction, except for the City of Chicago; or

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An inspection agency of an insurance company ~~that~~which is authorized (licensed) to insure and is insuring boilers and pressure vessels at nuclear facilities in this State and employs inspectors who meet the requirements of Section 505.180 and Section 505.1800 or 505.2800~~-of this Part~~, as applicable; or

An owner of boilers or pressure vessels who maintains a regularly established inspection department, whose organization and inspection procedures meet the requirements established by ~~OSFM~~the Office of the State Fire Marshal.

"Authorized Inspector" means an individual who is employed by an authorized inspection agency~~Authorized Inspection Agency~~, holds a current Illinois Certificate of Competency issued by ~~OSFM~~the Office of the State Fire Marshal pursuant to 41 Ill. Adm. Code 120.20 and meets the requirements of Section 505.180 and Section 505.1800 or 505.2800~~-of this Part~~, as applicable.

"Boiler" means a closed vessel used to heat water or other liquids or to generate steam or other vapors under pressure or vacuum by the application of heat resulting from the combustion of fuels, electricity, atomic energy or waste gases.

"Power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig and includes water boilers operating at pressures exceeding 160 psig or temperatures exceeding 250° F at or near the boiler outlet.

"High pressure, high-temperature water boiler" means a water boiler operating at pressures exceeding 160 psig or temperatures exceeding 250° F at or near the boiler outlet.

"Heating boiler" means a steam heating boiler operated at pressures not exceeding 15 psig, or a hot water heating boiler operated at pressures not exceeding 160 psig or temperatures not exceeding 250° F at or near the boiler outlet.

"Hot water supply boiler" means a boiler (including fired storage water heater) furnishing hot water to be used externally to itself at pressures not exceeding 160 psig or temperatures not exceeding 250° F at or near the boiler outlet.

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"Certificate inspection" means an inspection, the report of which is used by the ~~Agency~~[Department](#) as justification for issuing, withholding or revoking the Inspection Certificate.

"Condemned boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that has been inspected and declared unsafe, or disqualified by legal requirements, by the ~~Agency~~[Department](#).

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

"Design pressure" means the pressure used in the design of a boiler or pressure vessel for the purpose of determining the minimum permissible thickness or physical characteristics (e.g., material properties) of different parts of the vessel, in accordance with design standards of the ASME Code.

"Director" means the Director of the [Illinois Emergency Management Agency](#)~~Department of Nuclear Safety~~.

"External inspection" means as complete an examination as can reasonably be made of the external surfaces of a boiler or pressure vessel. This examination shall be made while it is in operation, if possible.

"Inoperative" means a boiler, pressure vessel or ~~an~~-attached appurtenance that is no longer capable of functioning within its design requirements. The inability of support equipment to operate does not cause a boiler or pressure vessel to be considered inoperative.

"Inservice inspection interval" means the period of time during which inservice examinations and system pressure tests are performed, as defined by the owner in accordance with ~~the~~ ASME Code Section XI.

"Inservice inspection period" means a subdivision of the inservice inspection interval, as defined by the owner in accordance with ~~the~~ ASME Code Section XI.

"Inservice Inspection Plan" means the documents prepared by the owner in accordance with paragraph IWA-2420 of the edition and addenda of Section XI approved by the NRC for use by the plant (10 year plan).

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"Inspection" means examination and evaluation of documents and hardware by an Authorized Inspector to determine conformance of an item or an activity to the requirements of this Part.

"Inspection Certificate" means a certification issued by the [AgencyDepartment](#) for the operation of a non-ISI boiler or pressure vessel or nuclear power system.

"Internal inspection" means as complete an examination as can reasonably be made of the internal surfaces of a boiler or pressure vessel while it is shut down and manhole plates, handhole plates or other inspection opening closures are removed as required by the Authorized Inspector.

"ISI boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that is in the owner's Inservice Inspection Plan.

"Maintenance" means routine activities conducted on an item that are performed and controlled in accordance with the owner's procedures, including minor restorative actions, that are not otherwise classified as a repair, replacement or alteration.

"Maximum Allowable Working Pressure" or "MAWP" means the maximum gauge pressure permissible (in accordance with the design requirements) at the top of a vessel in its operating position at the design temperature. This pressure is the least of those calculated for every element of the vessel using nominal thickness exclusive of allowances for corrosion and thickness required for loadings other than pressure. It is the basis for the pressure setting of the pressure relieving devices (e.g., pressure relief valves) protecting the vessel. The design pressure may be used in place of the maximum allowable working pressure in all cases for which calculations are not made to determine the value of the maximum allowable working pressure.

"National Board" means the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus OH 43229.

"National Board Inspection Code" means the National Board Inspection Code, published by the National Board and adopted and incorporated by the [AgencyDepartment](#) in Section 505.40-~~of this Part~~. Copies may be obtained from the National Board.

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"NFPA" means the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269.

"Non-ISI boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that is not in the owner's Inservice Inspection Plan.

"Non-standard boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that does not bear the ASME Code Symbol Stamp.

"NRC" means the United States Nuclear Regulatory Commission or any agency [that](#) succeeds to its function in the licensing of nuclear power reactors or facilities, or facilities for spent nuclear fuel.

"Nuclear facility" means a nuclear power station. There may be one or more nuclear power systems at a nuclear power station.

"Nuclear power system" means all ISI boilers and pressure vessels in a unit, including their appurtenances, at a nuclear facility that are inspected in accordance with an Inservice Inspection Plan. Such components are generally associated with systems that serve the purpose of producing and controlling the output of thermal energy from nuclear fuel and associated systems essential to the function and overall safety of the nuclear power system.

"Outage" means temporary suspension of operation of a component or system to conduct actions such as maintenance, forced repairs or testing of equipment.

"Owner" means any organization, person, firm or corporation legally responsible for the safe operation of any boiler or pressure vessel at a nuclear facility within the State.

"PSIG" means pounds per square inch gauge and is a measure of pressure.

"Pressure relief valve" means a safety valve, relief valve or safety relief valve.

"Pressure vessel" means an enclosed vessel in which pressure is obtained from an external source, or by applying heat from an indirect source or from a direct source other than boilers as defined in this Section. Reactor containments are not considered pressure vessels.

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"Quality Assurance Program" means a controlled system of planned and systematic actions required to provide adequate confidence that the items designed and constructed are in accordance with the rules of the ASME Code Section III; or all the planned and systematic actions necessary to provide adequate confidence that a structure, system or component will perform satisfactorily in service in accordance with Appendix B of 10 CFR 50, as applicable.

"Refueling outage" means temporary suspension of power production of the nuclear power system to conduct actions, including refueling the reactor. Refueling outages normally occur approximately every 2 years.

"Reinstalled boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, removed from its original setting and reinstalled at the same location or at a new location within the State of Illinois without change of ownership.

"Relief valve" means an automatic pressure relieving device, actuated by the static pressure upstream of the valve, ~~that which~~ opens further with the increase in pressure over the opening pressure. It is used primarily for liquid service.

"Repair" means the process of restoring a nonconforming item by welding or brazing ~~so such~~ that existing design requirements are met.

"Report of Inspection" means a report prepared by an Authorized Inspector ~~that which~~ documents that a non-ISI boiler or pressure vessel meets the requirements of this Part for installation and periodic inspection.

"Reportable event" means any accident ~~that which~~ either causes a boiler or pressure vessel to become inoperative due to damage from an explosion, catastrophic event or failure due to material condition, of either itself or an attached appurtenance, or results in death or bodily injury to a person.

"Rerating" means ~~any change in the increase of~~ the MAWP or temperature of a boiler or pressure vessel, regardless of whether physical work is performed on the boiler or pressure vessel. Rerating shall be considered an alteration.

"Safety relief valve" means an automatic pressure actuated relieving device

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suitable for use as a safety or relief valve, depending on application.

"Safety valve" means an automatic pressure relieving device actuated by the static pressure upstream of the valve and characterized by full opening pop action. It is primarily used for gas or vapor service.

"State Special" means a boiler or pressure vessel, including related appurtenances, of special construction that may not be constructed in accordance with the ASME Code. See Sections 505.170, 505.1700 and 505.2700 ~~of this Part~~ for the procedures for granting a State Special.

"Special Inspector" means an Inspector holding an Illinois Certificate of Competency and a ~~commission~~ Commission issued by ~~OSFM~~ the Office of the State Fire Marshal (OSFM) and who is regularly employed by an insurance company ~~that~~ which is authorized (licensed) to insure and is insuring boilers and pressure vessels at nuclear facilities in this State.

"Technical specifications" means part of the Updated or Final Safety Analysis Report and Operating License issued by the NRC that designates safety limits, limiting safety system settings, limiting conditions for operation and surveillance requirements for the safe operation of the nuclear facility.

"Underwriters Laboratories" ~~or "U.L."~~ (U.L.) means ~~the~~ a non-profit independent organization testing for public safety. It maintains and operates laboratories for the examination and testing of devices, systems and materials to determine their relationship to life, fire and casualty hazards.

"Updated or Final Safety Analysis Report" means a report required by the NRC in accordance with 10 CFR 50.34.

"Welding" means a group of processes ~~in which~~ wherein coalescence is produced by heating with an arc or arcs, with or without the application of pressure and with or without the use of filler metal.

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

Section 505.40 Standards Incorporated by Reference

The ~~Agency~~ Department hereby adopts and incorporates by reference the following codes and

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standards.

- a) In accordance with the authority granted under Section 2a of the Act, the ~~Agency~~Department adopts the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers with addenda thereto made. Those Sections of the ASME Code listed in this Section are incorporated into and constitute a part of the whole rules and regulations of the ~~Agency~~Department.

- 1) ASME Boiler and Pressure Vessel Code, 1952 Edition including all addenda editions through the ASME Boiler and Pressure Vessel Code, ~~2007~~2001 Edition ~~with 2002 Addenda~~, for the following:

AGENCY NOTE: The edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component can be traced using the date of construction of the component in light of Sections 505.170, 505.1000 and 505.2000 ~~of this Part~~. For more information see Sections 505.170, 505.1000 and 505.2000 ~~of this Part~~.

- A) Section I, Rules for Construction of Power Boilers;
- B) Section II, Material Specifications
- Part A – Ferrous
- Part B – Nonferrous
- Part C – Welding Rods, Electrodes and Filler Metals
- Part D – Properties;
- C) Section III, Rules for Construction of Nuclear Power Plant Components, Division 2 – Concrete Reactor Vessels and Containments;
- D) Section IV, Rules for Construction of Heating Boilers;
- E) Section V, Nondestructive Examination;
- F) Section VI, Recommended Rules for the Care and Operation of

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Heating Boilers;

G) Section VII, Recommended Guidelines for the Care of Power Boilers;

H) Section VIII, Rules for Construction of Pressure Vessels

Division 1,

Division 2 – Alternative Rules,

Division 3 – Alternative Rules for Construction of High Pressure Vessels;

I) Section IX, Welding and Brazing Qualifications; and

J) Section X, Fiber-Reinforced Plastic Pressure Vessels.

2) ASME Boiler and Pressure Vessel Code, editions and addenda referenced in Title 10 of the Code of Federal Regulations (CFR) Part 50, Section 50.55a (10 CFR 50.55a), revised as of ~~January 31, 2008~~ ~~February 11, 2003~~, including all limitations and modifications contained therein, for the following:

A) Section III, Rules for Construction of Nuclear Power Plant Components, Division 1 – Nuclear Power Plant Components; and

B) Section XI, Rules for Inservice Inspection of Nuclear Power Plant Components, Division 1 – Rules for Inspection and Testing of Light-Water Cooled Plants.

AGENCY NOTE: The ~~Agency~~ ~~Department~~ will review programs at specific plants on the basis of the edition and addenda of Sections III and XI approved by the NRC for the specific plant.

b) The ~~Agency~~ ~~Department~~ adopts the National Board Inspection Code, ~~2007~~ ~~2004~~ edition ~~with addenda through 2002~~, published by the National Board, except that "jurisdiction" shall be read as "~~Agency~~" ~~"Department"~~.

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- c) The [AgencyDepartment](#) adopts the following nationally recognized standards and their addenda:
- 1) ASME CSD, 2002 edition, Controls and Safety Devices for Automatically Fired Boilers; and
 - 2) NFPA 85, 2001 edition, Boiler and Combustion Systems Hazards Code.
- d) The [AgencyDepartment](#) adopts ANSI/ASME N626, Qualification and Duties of Authorized Nuclear Inspection Agencies and Personnel, 1974 Edition including all addenda and editions through the N626b-1992 addendum. The [AgencyDepartment](#) also adopts the successor standard to this standard, ASME QAI-1, Qualification for Authorized Inspection, 1995 edition.

AGENCY NOTE: The edition and addenda of ANSI/ASME N626 or QAI-1 applicable to the qualifications of the authorized nuclear inspection agency and its personnel can be traced using the edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component.

- e) For documents included in subsections (a) through (d) ~~of this Section~~, the [AgencyDepartment](#) is incorporating only those editions and addenda indicated. The [AgencyDepartment](#) is not incorporating any subsequent edition or addendum to these documents. [Use of subsequent editions and addenda will be considered on a case-by-case basis.](#) All documents are available for public review at the [AgencyDepartment](#) offices, 1035 Outer Park Drive, Springfield, Illinois.

AGENCY NOTE: This Section is applicable to the following nuclear power plants: Braidwood Station, Units 1 & 2; Byron Station, Units 1 & 2; Clinton Station, Unit 1; Dresden Station, Units 1, 2 & 3; LaSalle County Station, Units 1 & 2; Quad Cities Station, Units 1 & 2; and Zion Station, Units 1 & 2.

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

Section 505.50 Exemptions

The following exemptions to requirements in this Part shall be permitted, except as defined [in this Section below](#) or as otherwise provided in this Part. The exemptions provided in subsections (a)(1), (2), (3) and (4) ~~of this Section~~ shall not be permitted for ISI boilers and pressure vessels.

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- a) Except as provided in Section 505.70 ~~of this Part~~, the following boilers and pressure vessels shall be exempt from the requirements of this Part:
- 1) Those classes of pressure vessels not within the scope of ASME Code Section VIII, Division I as defined in the introduction under paragraph U-1.
 - 2) Boilers and pressure vessels which have either a Limiting Condition for Operation (LCO) or a surveillance requirement in the plant's technical specifications.
 - 3) Pressure vessels that do not exceed:
 - A) A volume of 15 cubic feet and 250 psig when not located in a place of public assembly; or
 - B) A volume of 5 cubic feet and 250 psig when located in a place of public assembly; or
 - C) A volume of 1½ cubic feet and 600 psig.
 - 4) Water conditioning equipment used for removing minerals, chemicals, or organic or inorganic particulate from water by means other than application of heat, e.g., water softeners, water filters, dealkalizers and demineralizers, provided the following conditions are met:
 - A) The temperature of such vessels is maintained below 212° ~~F~~ F ~~degrees fahrenheit~~;
 - B) No heat is applied to the water after being placed into such vessels; and
 - C) No heat is applied either directly or indirectly to such vessels.
 - 5) Hot water supply boilers ~~that~~ which are directly fired with oil, gas or electricity, provided none of the following limitations are exceeded:
 - A) Heat input of 200,000 BTU/hr.; or

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- B) Water temperature of 200° F; or
 - C) Nominal water containing capacity of 120 gallons.
- 6) Coil type hot water boilers ~~in which~~^{where} the water can flash into steam when released directly to the atmosphere through a manually operated nozzle, provided the following conditions are met:
- A) There is no drum, headers or other steam spaces;
 - B) No steam is generated within the coil;
 - C) Outside diameter of tubing does not exceed 1 inch;
 - D) Pipe size does not exceed $\frac{3}{4}$ inch;
 - E) Water capacity of the unit does not exceed 6 U. S. gallons; and
 - F) Water temperature does not exceed 350° F.
- 7) ISI pressure vessels ~~that~~^{which} have a surveillance requirement in the plant technical specifications or are continuously monitored or are routinely subjected to examinations and tests (e.g., visual examinations and pressure tests), other than those required in this Part but that are determined by the ~~Agency~~^{Department} to give an assurance of structural integrity at least equal to that provided by the examinations and test required by this Part.
- 8) Other boilers and pressure vessels listed under Section 5(a) of the Act.
- b) Boilers and pressure vessels listed under Section 5(b) of the Act shall be subject to the requirements of this Part (e.g., design, construction and registration), except for those requirements pertaining to inspection, Inspection Certificates and penalties for operating without a valid Inspection Certificate.

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

Section 505.60 Access to Facilities and Documents

Upon prior notice and subject to requirements contained in the Memorandum of Understanding,

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Subagreement No. 2, between the [AgencyDepartment](#) and the NRC, effective May 15, 1990, representatives of the [AgencyDepartment](#) or an Authorized Inspector may enter upon any privately or publicly owned property in this State where a boiler or pressure vessel, including related appurtenances, or a part thereof is being designed, constructed, installed or used within or upon or in connection with a nuclear facility in this State to ascertain whether such boiler or pressure vessel or part thereof is designed, constructed, installed and inspected in accordance with the standards of this Part. In addition to the documents required by this Part, owners shall make available to the [AgencyDepartment](#) additional documents as the [AgencyDepartment](#) determines are required to verify ASME Code and National Board Inspection Code compliance in accordance with this Part. These documents may include, but need not be limited to, such documents as a Quality Assurance Program in effect at the nuclear facility meeting the requirements of the ASME Code, or the details of flaw evaluations. The requirements of this Section are subject to the limitations of Section 505.20(c) ~~of this Part~~.

AGENCY NOTE: Documentation required to be made available under this Section shall be relevant to a determination of compliance with this Part.

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

Section 505.70 Notification of Failures

- a) Any owner, which includes any person, firm, partnership, corporation or government entity, that knowingly fails to notify the [AgencyDepartment](#) within 24 hours, or the next business day, after a reportable event, or after any bodily injury or death to any person caused by a reportable event, is guilty of a Class B misdemeanor, if a natural person, or a business offense punishable by a fine of not less than \$501 and not more than \$10,000, if a corporation or government agency.
- b) In the case of a reportable event, the owner of the affected boiler or pressure vessel may take whatever measures it determines in its sole discretion are necessary to give emergency assistance to injured persons or to alleviate any threat to the public health and safety.
- c) In the case of a reportable event, the owner may not move, disturb or repair the affected boiler or pressure vessel until the [AgencyDepartment](#) has been given the opportunity to examine the boiler or pressure vessel within 12 hours after the reportable event, except that the owner may initiate an investigation, including the gathering of material for samples and the taking of any ancillary action necessary for such sample gathering, where the owner either determines that such activities

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will not substantially interfere with the ~~Agency's Department's~~ subsequent examination or provides a record of the initial circumstances sufficient to provide the ~~Agency Department~~ with an accurate report of the condition ~~that which~~ was obtained before the owner initiated its activities.

- d) The requirements of this Section shall apply to any boiler or pressure vessel, including those exempt under Section 505.50 ~~of this Part~~.

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

Section 505.80 Administrative Review and Hearings – Inspection Certificates

This Section shall apply to all actions by the ~~Agency Department~~ for noncompliance with this Part that potentially could impact upon the issuance, suspension or revocation of an Inspection Certificate required by this Part.

- a) When in any instance departmental review reveals that an owner may not be in compliance with one or more requirements of this Part, the ~~Agency Department~~ will notify the owner in writing of those facts and circumstances known to the ~~Agency Department~~ that give rise to the inference that the owner is not in compliance. If the facts and circumstances giving rise to the inference involve only boilers and pressure vessels that the NRC has determined are not within NRC's jurisdictional authority, subsection (c) ~~of this Section~~ shall apply and subsection (b) ~~of this Section~~ shall not apply. If the facts and circumstances giving rise to the inference involve any other boiler, pressure vessel or nuclear power system, subsection (b) ~~of this Section~~ shall apply and subsection (c) ~~of this Section~~ shall not apply.
- b) Simultaneously with the notification provided for in subsection (a) ~~of this Section~~, the ~~Agency Department~~ will notify the NRC in writing of those facts and circumstances known to the ~~Agency Department~~ that give rise to the inference that the owner is not in compliance. If the owner fails to demonstrate to the ~~Agency Department~~ that the owner is in compliance within 10 days after the notification, the ~~Agency Department~~ shall provide to the NRC a written request, pursuant to 10 CFR 2.200 et seq. (1995), that the NRC take appropriate action, e.g., pursuant to 10 CFR, Part 2, Appendix C (1995). The request will specify the NRC action or actions that the ~~Agency Department~~ is requesting.
- c) If the owner fails to demonstrate to the ~~Agency Department~~ that the owner is in

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compliance within 10 days after the notification provided for in subsection (a) ~~of this Section~~, the ~~Agency~~Department shall issue a Preliminary Order and Notice of Opportunity for Hearing in accordance with 32 Ill. Adm. Code 200. The owner aggrieved by such order may within 15 days submit a written request for a hearing to the ~~Agency~~Department, which shall thereafter hold an adjudicatory hearing in accordance with Section 16 of the Boiler and Pressure Vessel Safety Act, the Illinois Administrative Procedure Act and 32 Ill. Adm. Code 200.

- 1) If, after the hearing, the Director finds that the owner or organization was in compliance with the requirements of this Part, the Director shall issue to the owner an Order of Compliance or issue such other order as appropriate.
 - 2) If, after the hearing or default, the Director finds that the owner is not in compliance with the requirements of this Part, the Director will render a final decision which may include denying an application for, or suspending or revoking, an affected Inspection Certificate.
- d) All final administrative decisions of the Director under this Part shall be subject to judicial review pursuant to Section 16 of the Boiler and Pressure Vessel Safety Act.

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

Section 505.82 Administrative Review and Hearings – Authorized Inspection Agency

This Section shall apply to any action by the ~~Agency~~Department to deny an application for, or to suspend or revoke, departmental recognition of an Authorized Inspection Agency.

- a) An owner or organization aggrieved by the ~~Agency's~~Department's action pursuant to ~~Section~~Sections 505.190(b) or ~~505.190(d)~~ ~~of this Part~~ may within 15 days submit a written request for a hearing to the ~~Agency~~Department, which shall thereafter hold an adjudicatory hearing in accordance with Section 16 of the Boiler and Pressure Vessel Safety Act, the Illinois Administrative Procedure Act and 32 Ill. Adm. Code 200.
 - 1) If, after the hearing, the Director finds that the owner or organization was in compliance with the requirements of this Part, the Director shall issue an order directing that recognition be extended to the organization.

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- 2) If, after the hearing or default, the Director finds that the owner or organization is not in compliance with the requirements of this Part, the Director will render a final decision which may include denying the application for recognition.
- b) All final administrative decisions of the Director under this Part shall be subject to judicial review pursuant to Section 16 of the Boiler and Pressure Vessel Safety Act.

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

Section 505.84 Administrative Review and Hearings – Special Permits

This Section shall apply to any action by the [AgencyDepartment](#) to deny an application for, or to suspend or revoke, a special permit for construction of a non-ASME Code boiler or pressure vessel pursuant to Section 505.2700-~~of this Part~~.

- a) An owner aggrieved by ~~an Agencya-Departmental~~ denial pursuant to Section 505.2700(c)(5), (d)(5) and (e)(5)-~~of this Part~~ or ~~Agencydepartmental~~ action pursuant to Section 505.2700(c)(4), (d)(5) and (e)(5)-~~of this Part~~ may within 15 days submit a written request for a hearing to the [AgencyDepartment](#), which shall thereafter hold an adjudicatory hearing in accordance with Section 16 of the Boiler and Pressure Vessel Safety Act, the Illinois Administrative Procedure Act and 32 Ill. Adm. Code 200.
 - 1) If, after the hearing, the Director finds that the owner was in compliance with the requirements of this Part or that the affected non-ASME boiler or pressure vessel meets the criteria of Section 505.2700(c)-~~of this Part~~, the Director shall issue an order directing that the Special Permit be issued to the owner or organization.
 - 2) If, after the hearing or default, the Director finds that the owner is not in compliance with the requirements of this Part, the Director will render a final decision which may include denying the application for, or suspending or revoking, a Special Permit.
- b) All final administrative decisions of the Director under this Part shall be subject to judicial review pursuant to Section 16 of the Boiler and Pressure Vessel Safety

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

Section 505.86 Actions Pending Before the United States Nuclear Regulatory Commission

Whenever any person brings an action before the NRC pursuant to 10 CFR 2.200 et seq. (1991) alleging that a departmental application of a requirement of this Part could affect the safety or the operation of a nuclear facility, the [AgencyDepartment](#) shall not apply or enforce the requirement until such time as the NRC concurs in the application or enforcement or until the NRC otherwise finds and notifies the [AgencyDepartment](#) that the application of the requirement could not affect the safety or the operation of the nuclear facility.

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

Section 505.90 Address and Telephone Number for Notifications and Inquiries

Written reports or communications concerning or required by this Part shall be addressed to: [Nuclear Facility InspectionCode Compliance](#) Section, [BureauOffice](#) of Nuclear Facility Safety, Illinois [Emergency Management AgencyDepartment of Nuclear Safety](#), 1035 Outer Park Drive, Springfield, Illinois 62704. The [AgencyDepartment](#) may be reached by telephone at (217) [782-7860785-9900](#).

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

Section 505.110 Registration Requirements (general)

- a) The requirements of this Section are subject to the limitations of Section 505.20(c) ~~of this Part~~.
- b) The owner of a nuclear facility shall register with the [AgencyDepartment](#) all boilers and pressure vessels contained within or upon or in connection with the nuclear facility unless exempt under Section 505.50(a) ~~of this Part~~. For each boiler and pressure vessel installed after February 7, 1994, that has not been registered with the [AgencyDepartment](#), the owner shall register the boiler or pressure vessel prior to its operation in accordance with this Section and either Section 505.1100 or 505.2100 ~~of this Part~~, as applicable.
- c) Manufacturer's Data Reports shall be filed by the owner with the

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~~Agency Department~~ for new installation and reinstallation of boilers and pressure vessels at nuclear facilities, unless otherwise exempted by Section 505.50(a) ~~of this Part~~. If a boiler or pressure vessel is of special design or will not bear the ASME stamp, then the owner shall additionally comply with the requirements of Sections 505.170 and 505.1700 or Section 505.2700 ~~of this Part~~ for non-ASME Code ISI or non-ISI boilers and pressure vessels, respectively.

AGENCY NOTE: Data Reports as used in this subsection (c) refers to those documents completed as required by the construction code applicable to the boiler or pressure vessel.

- d) Each boiler or pressure vessel subject to the Act shall be identified by a serial number of the State of Illinois. If a State serial number has not already been assigned, a number will be assigned and applied by the Authorized Inspector. Additionally, the ASME Code required stamping shall be kept free of paint and lagging so that it will be plainly visible and easily read by the Authorized Inspector.
- e) The State serial number on boilers shall not be less than 5/16" in height and shall be preceded by the letters "ILL" and the letter "B", which also shall ~~also~~ be not less than 5/16" in height. The State serial number on unfired pressure vessels shall be not less than 5/16" in height and shall be preceded by the letters "ILL" and the letter "U", which also shall be not less than 5/16" in height. The Authorized Inspector shall make certain that the correct Illinois State serial number is affixed to the boiler or pressure vessel.
- f) The requirements of subsections (d) and (e) ~~of this Section~~ for the physical application of the State serial number may be waived if a system to identify the boiler or pressure vessel with the assigned State serial number has been established and the system of identification is acceptable to the ~~Agency Department~~. An alternative system for the identification of boilers and pressure vessels with assigned State serial numbers shall be acceptable to the ~~Agency Department~~ if the alternative system readily and unambiguously allows the ~~Agency Department~~ and Authorized Inspector to track the inspection status of the boilers and pressure vessels using the State serial numbers. Acceptable alternative systems of identification may include, but are not limited to, the use of cross-reference lists between assigned State serial numbers and any of the following: National Board serial numbers; manufacturers' names and serial numbers; or plant equipment identification numbers as shown on controlled plant

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system identification drawings provided to the [AgencyDepartment](#).

- g) A Certificate Inspection shall be made of all used or second-hand boilers or pressure vessels prior to operation at a nuclear facility in this State. In a case where a boiler or pressure vessel is moved and reinstalled the fittings and appliances shall be upgraded to comply with the rules for new installations.

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

Section 505.120 Inspection Certificates (general)

- a) Inspection Certificates for nuclear power systems shall be issued in accordance with Section 505.1200 ~~of this Part~~. Inspection Certificates for non-ISI boilers and pressure vessels shall be issued in accordance with Section 505.2200 ~~of this Part~~. Both nuclear power systems and non-ISI boilers and pressure vessels and their Inspection Certificates shall be subject to the provisions of subsections (b) and (c) ~~of this Section~~.
- b) Owners shall keep the Inspection Certificate in an accessible location.
- c) Boilers and pressure vessels that change classification (i.e., to or from ISI or non-ISI) as a result of additions to or deletions from the Inservice Inspection Plan shall be subject to the registration and submittal requirements of the new classification. To reduce the administrative burden on the owner, the owner need only inform the [AgencyDepartment](#) of all previous submittals made on behalf of existing registration ~~that which~~ the owner intends to apply to the new classification.

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

Section 505.130 Operation Requirements (general)

- a) The requirements of this Section are subject to the limitations of Section 505.20(c) ~~of this Part~~.
- b) Any person, firm, partnership or corporation violating any of the provisions ~~of this Part~~ shall be subject to the penalties provided in the Act.
- c) An Inspection Certificate may be suspended by the [AgencyDepartment](#) if an ISI or non-ISI boiler or pressure vessel or nuclear power system is in operation but

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not in compliance with this Part.

- d) An Inspection Certificate may be suspended by the [AgencyDepartment](#) if an ISI or non-ISI boiler or pressure vessel or nuclear power system is being operated in an unsafe condition.
- e) If the owner of any boiler or pressure vessel or nuclear power system required to be inspected refuses to allow an inspection to be made, the [AgencyDepartment](#) shall take action to suspend the Inspection Certificate under Section 505.80 ~~of this Part~~ until the owner complies with the requirements.
- f) For any boiler or pressure vessel that has been inspected and declared unsafe by an Authorized Inspector, the Authorized Inspector shall notify the [AgencyDepartment](#) of his ~~or her~~ intention to condemn the boiler or pressure vessel. The [AgencyDepartment](#) shall act in accordance with subsection (g) ~~of this Section~~ for such ISI or non-ISI boilers or pressure vessels.
- g) Upon being notified under the provisions of subsection (f) ~~of this Section~~, the [AgencyDepartment](#) shall take action concerning the affected Inspection Certificate in accordance with Section 505.80 ~~of this Part~~.
- h) Subject to the limitations of Sections 505.20(c), 505.80 and 505.86 ~~of this Part~~, the owner who causes a non-ISI boiler or pressure vessel or nuclear power system to be operated without a valid Inspection Certificate shall be subject to the penalty as provided in the Act.
- i) Removal of Safety Appliances.
 - 1) No person, except under the direction of an Authorized Inspector, shall attempt to remove or shall do any work upon safety appliances required by this Part while a boiler or pressure vessel is in operation. If any of these appliances are repaired during an outage of a boiler or pressure vessel, they shall be reinstalled and in proper working order before the object is again placed in service.
 - 2) No person shall in any manner load the safety valve or valves to maintain a working pressure in excess of that stated on the Inspection Certificate.

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

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Section 505.140 Inspection Requirements (general)

- a) The requirements of this Section are subject to the limitations of Section 505.20(c) ~~of this Part~~.
- b) If, upon inspection and notification by an Authorized Inspector, a boiler or pressure vessel at a nuclear facility is found to be in such condition that it is unsafe to operate, the [Agency Department](#), subject to the limitations of Section 505.20(c) ~~of this Part~~, shall act to suspend the Inspection Certificate in accordance with Section 505.80 ~~of this Part~~.
- c) Owners shall assure that examinations and tests are conducted in accordance with the methods and frequencies established by this Part.
- d) In addition to the reporting frequencies specified in this Part, the owner shall report to the [Agency Department](#) within 72 hours when, on the basis of observation or objective information, the owner has reason to believe that an ISI or non-ISI boiler or pressure vessel or nuclear power system does not meet the standards of this Part.
- e) Inspections shall be conducted by Authorized Inspectors.

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

Section 505.160 Code Case Applications (general)

The owner may, at his [or her](#) discretion, elect to use an ASME Code Case to design, construct, examine, test, repair or alter a boiler or pressure vessel. The owner shall notify the [Agency Department](#) of all intentions to use a Code Case and the extent and nature of the use of the Code Case for the particular application.

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

Section 505.170 Use of Alternative Standards for Construction, Inspection and Repair (general)

- a) The [Agency Department](#) may issue special permits for boilers and pressure vessels at nuclear facilities [that which](#) for some reason were not constructed in accordance

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with the applicable ASME Code Section, or for some reason cannot be inspected or repaired in accordance with this Part. The [AgencyDepartment](#) shall issue special permits in accordance with Section 505.1700 or Section 505.2700-~~of this Part~~, as applicable.

- b) Owners may request the [AgencyDepartment](#) to issue a special permit for a boiler or pressure vessel not constructed in accordance with the applicable ASME Code Section.
- c) For boilers and pressure vessels using alternative standards for construction, upon completion of construction and installation, the owner shall register the non-ASME Code boiler or pressure vessel with the [AgencyDepartment](#). The owner shall demonstrate compliance with the provisions of the special permit. The owner shall meet the applicable registration requirements for either ISI boilers and pressure vessels in Sections 505.1100 and 505.1200-~~of this Part~~ or non-ISI boilers and pressure vessels in Sections 505.2100 and 505.2200-~~of this Part~~.

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

Section 505.180 Authorized Inspectors (general)

- a) To inspect ISI or non-ISI boilers or pressure vessels at nuclear facilities within the State an individual shall hold a Commission as a Special Inspector and an identifying commission card issued by the Office of the State Fire Marshal as provided in Section 8 of the Act.
- b) If an Authorized Inspector finds that the boiler or pressure vessel or any of its appurtenances are in an unsafe condition, the Authorized Inspector shall immediately notify the [AgencyDepartment](#) and submit a report of the defects.
- c) The requirements of this Section are subject to the limitations of Section 505.20(c)-~~of this Part~~.
- d) Authorized Inspectors shall perform all duties required of them under the ASME Code or the National Board Inspection Code, as applicable. Authorized Inspectors shall notify the [AgencyDepartment](#) within 7 days if they have knowledge of a nuclear power system or an ISI or non-ISI boiler or pressure vessel that:

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- 1) is being operated without a valid Inspection Certificate;
 - 2) is being operated at a pressure ~~that~~^{which} exceeds indicated pressure on the Inspection Certificate; or
 - 3) otherwise deviates from the requirements of this Part.
- e) Authorized Inspectors inspecting ISI boilers or pressure vessels or nuclear power systems shall meet the requirements of Section 505.1800 ~~of this Part~~.

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

Section 505.190 Authorized Inspection Agencies (general)

- a) An organization that wishes to provide ASME Code or National Board Inspection Code inspection services at a nuclear facility shall be recognized as an Authorized Inspection Agency by the ~~Agency~~^{Department} in accordance with subsection (b) ~~of this Section~~ prior to providing ASME Code or National Board Inspection Code inspection services at a nuclear facility. Such an organization shall submit the following to the ~~Agency~~^{Department}:
- 1) A written request for recognition as an Authorized Inspection Agency;
 - 2) A list of the names of Authorized Inspectors employed; and
 - 3) A written description of the types of inspections that the organization will perform and the ASME Code Sections/National Board Inspection Code for which it will conduct inspection activities.

AGENCY NOTE: An Authorized Inspection Agency already recognized by the ~~Agency~~^{Department} does not need to resubmit the documents specified in this subsection (a).

- b) The ~~Agency~~^{Department} shall, within 90 days after receipt of an organization's request submitted pursuant to this Section, recognize the organization as an Authorized Inspection Agency upon determining that it has demonstrated in the request that it meets all qualification, duty and other requirements in those ASME Code Sections/National Board Inspection Code for which it wishes to provide inspection services. If it is determined that an organization's request submitted

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pursuant to this Section does not meet the requirements of this Section, the ~~Agency~~Department shall take action under Section 505.82-~~of this Part~~.

AGENCY NOTE: Qualification, duty and other requirements for organizations in subsections (a) and (b)-~~of this Section~~ shall be in accordance with the latest edition and addenda of the ASME Code/National Board Inspection Code referenced in Section 505.40-~~of this Part~~.

- c) ~~OSFM~~The Office of the State Fire Marshal of the State of Illinois is exempt from all the requirements of this Section.
- d) If the ~~Agency~~Department determines that an Authorized Inspection Agency is not qualified, the ~~Agency~~Department shall act to suspend or revoke its recognition of the Authorized Inspection Agency under Section 505.82-~~of this Part~~.

AGENCY NOTE: Applicable ASME Code Sections/National Board Inspection Code as used in this Section means those under which the inspection agency is performing inspection activities. ~~Agency~~Departmental reviews will determine whether the organization meets all requirements for Authorized Inspection Agencies as found in the most recent edition and addenda of the ASME Code or National Board Inspection Code, as applicable, referenced in Section 505.40-~~of this Part~~.

- e) Authorized Inspection Agencies shall notify the ~~Agency~~Department within 30 days of all new boiler or pressure vessel risks written.
- f) Within 30 days following each inspection required by this Part, the Authorized Inspection Agency shall submit an accurate report of the results of ~~the~~such inspection to the ~~Agency~~Department in accordance with this Part.

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

SUBPART B: ISI BOILERS AND PRESSURE VESSELS

Section 505.1100 Registration Requirements

For registration of each ISI boiler and pressure vessel, except those exempt under Section 505.50(a)-~~of this Part~~, the owner shall submit the following to the ~~Agency~~Department. If the submittal applies to a collection of ISI boilers and pressure vessels, the owner shall submit the

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documentation once for the ISI boilers and pressure vessels included in the submittal. If it is determined that any of the documents have previously been submitted to the [AgencyDepartment](#), the owner does not have to resubmit them.

- a) A controlled copy of the Inservice Inspection Plans for the nuclear power system;
- b) Cross-references to the State serial numbers, and National Board serial numbers if available, for all ISI boilers and pressure vessels in the Inservice Inspection Plan;
- c) A preservice inspection summary report for the nuclear power system;
- d) For boilers and pressure vessels covered by this Section, owners shall meet the requirements of Section 505.110 ~~of this Part~~.

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

Section 505.1200 Inspection Certificates

This Section is not intended to be, in any way, inconsistent with the applicable regulations, rules and requirements of the NRC. If a requirement of this Section as applied in any situation is or would be inconsistent with the regulations, rules and requirements of the NRC, the requirements of this Section shall not be applied. The [AgencyDepartment](#) will take action in regard to an Inspection Certificate only in accordance with Section 505.80 ~~of this Part~~. The [AgencyDepartment](#) shall issue Inspection Certificates for nuclear power systems in accordance with this Section if the reports, programs and plans required to be submitted by this Section, Sections 505.110 and 505.1100 ~~of this Part~~ are submitted in accordance with the frequencies and standards specified ~~in those Sections therein~~ and are in compliance with this Part.

- a) Owners of nuclear power systems shall not operate ~~thosesueh~~ nuclear power systems without a valid Inspection Certificate issued by the [AgencyDepartment](#). The [AgencyDepartment](#) shall issue one Inspection Certificate for each nuclear power system at a nuclear facility. Unless suspended by the [AgencyDepartment](#), the Inspection Certificate shall remain valid through the 6-month period following the end of the inservice inspection period for which ~~the certificatesueh Certificate~~ was issued, or as otherwise permitted by this Part.
- b) Owners of nuclear power systems not yet in operation, shall, prior to operation of the nuclear power systems, have a valid Inspection Certificate issued by the [AgencyDepartment](#) for the nuclear power systems. The [AgencyDepartment](#) shall

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issue the initial Inspection Certificates for the first inservice inspection period based on [an Agency Department](#) determination that the submittal requirements of Section 505.1100 ~~of this Part~~ are met.

- c) An Inspection Certificate shall be issued for each nuclear power system at the nuclear facility for the succeeding inservice inspection period when the [Agency Department](#) determines that:
- 1) The examinations and tests required by the Inservice Inspection Plan during the preceding inservice inspection period were completed; and
 - 2) All related submittal requirements of this Part are met.

AGENCY NOTE: In order to determine whether the examinations and tests required by the Inservice Inspection Plan during the preceding inspection period were performed and completed, the [Agency Department](#) will review the submittals required by this Section against the Inservice Inspection Plan and the applicable edition and addenda of the ASME Code Section XI. The review and determination will be made separately for each nuclear power system. During this review the [Agency Department](#) shall accept requests for relief from ASME Code Section XI requirements that have been approved by the NRC.

- d) The inservice inspection interval for the nuclear power system may be extended or reduced as permitted by the applicable Code edition and addenda or that has been approved by the NRC. The owner shall notify the [Agency Department](#) in writing of any such change in the inservice inspection interval. The [Agency Department](#) may issue a new Inspection Certificate, or may adjust the term of the Inspection Certificate in effect for the applicable inservice inspection period.
- e) When the owner discovers that an ISI boiler or pressure vessel is not in compliance with this Part, the owner shall take measures to bring the ISI boiler or pressure vessel into compliance. [Those Such](#) measures may include, but are not limited to, repair or replacement of the ISI boiler or pressure vessel in accordance with Section 505.1500 ~~of this Part~~. In such cases, the owner shall notify the [Agency Department](#) in accordance with Section 505.140 ~~of this Part~~. The owner shall submit information concerning the details of the noncompliance and the measures taken to bring the noncomplying ISI boiler or pressure vessel into compliance to the [Agency Department](#) within 90 days following the completion of

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~~thesueh~~ corrective measures. Any replacement ISI boiler or pressure vessel shall meet the requirements of this Part for new boilers and pressure vessels and shall be registered by the owner with the ~~Agency~~Department in accordance with Section 505.1100 ~~of this Part~~. The ~~Agency~~Department shall review the information submitted regarding the noncompliance and the corrective measures taken and may issue a revised Inspection Certificate to reflect any change in nuclear power system composition.

- f) The owner shall submit the following:
- 1) In addition to the information submitted under Section 505.1100 ~~of this Part~~, the owner shall submit to the ~~Agency~~Department within 90 days after completing an inservice inspection:
 - A) The inservice inspection summary report required by ASME Code Section XI;
 - B) The Owner's Data Report, form NIS-1, required by ASME Code Section XI;
 - C) The Owner's Report for Repairs or Replacements, form NIS-2 of Section XI, if required by the applicable Code Edition and Addenda or Code Case used, for all repairs and replacements performed since the last inservice inspection; and
 - D) Deviations from the Inservice Inspection Plan implemented during inservice inspections that impact upon compliance with this Part.
 - 2) The owner shall submit the Inservice Inspection Plan for the next inservice inspection interval to the ~~Agency~~Department prior to the end of each inservice inspection interval.
- g) The ~~Agency~~Department shall take action under Section 505.80 ~~of this Part~~ if the ~~Agency~~Department finds that:
- 1) The submittals in subsection (f) ~~of this Section~~ have not been made or are incomplete; or
 - 2) The examinations and tests required by the owner's Inservice Inspection

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Plan have not been performed or are incomplete; or

- 3) The owner has not met the requirements of subsection (e) ~~of this Section~~;
or
- 4) The nuclear power system is not being inspected in accordance with this Part.

- h) In addition to the requirements of this Section, owners shall meet the requirements of Section 505.120 ~~of this Part~~.

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

Section 505.1600 Code Case Applications

- a) Approval to use an ASME Code Case for ISI boilers and pressure vessels is vested in the NRC. The ~~Agency~~Department shall accept all ASME Code Cases approved for use by the NRC.
- b) Owners shall meet the notification requirements of Section 505.160 ~~of this Part~~ in all cases involving the use of Code Cases for ISI boilers or pressure vessels.

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

Section 505.1700 Use of Alternative Standards for Construction, Inspection and Repair

- a) Approval to permit an owner to use alternative standards for construction, inspection or repair of an ISI boiler or pressure vessel is vested in the NRC. The ~~Agency~~Department shall accept alternative construction, inspection or repair standards that have been accepted by the NRC.
- b) Owners shall meet the requirements of Section 505.170 ~~of this Part~~ in all cases involving use of alternative standards for ISI boilers or pressure vessels.

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

Section 505.1900 Authorized Inspection Agencies

- a) Organizations seeking to provide inspection services to the requirements of

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ASME Code Section III, Section XI or both, shall be subject to the requirements of this Section and Section 505.190-~~of this Part~~.

- b) The request for recognition submitted in Section 505.190(a)-~~of this Part~~ shall also contain documentation demonstrating that the organization meets the ASME Code and ASME/ANSI N626 or ASME QAI-1 qualifications for Authorized Inspection Agencies for the scope of inspection activities, including the possession of a valid ASME Certificate of Accreditation.
- c) The ~~Agency~~Department shall act in accordance with Section 505.190(b)-~~of this Part~~ on all requests for recognition submitted in accordance with this Part.

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

SUBPART C: NON-ISI BOILERS AND PRESSURE VESSELS

Section 505.2000 Standards for Design, Construction, Operation and Inspection

Non-ISI boilers and pressure vessels, including related appurtenances, except those exempt under Section 505.50(a)-~~of this Part~~, operated within or upon or in connection with a nuclear facility in Illinois, shall be designed, constructed, installed, examined, tested, repaired, altered and inspected as required by this Section, except in those cases ~~in which~~where NRC has jurisdiction, as determined by NRC. ~~When~~Where NRC has jurisdiction, the codes and standards reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC shall apply. For non-ISI boilers and pressure vessels over which NRC has no jurisdiction, as determined by NRC, the standards required by this Part apply. If the NRC determines that NRC has jurisdiction, but has not established standards, the ~~Agency~~Department may propose to NRC that these or other standards be applied to such boilers and pressure vessels in nuclear power plants in Illinois.

- a) All new, existing and reinstalled non-ISI boilers, including related appurtenances, shall be designed, constructed, installed, examined, tested, repaired and altered in accordance with the ASME Code or National Board Inspection Code, as applicable, and inspected in accordance with this Part. Where a non-ISI boiler is moved and reinstalled, the fittings and appliances of that boiler shall comply with this Part.
- b) All non-ISI pressure vessels installed and placed in operation after December 31, 1976 and all reinstalled non-ISI pressure vessels, including related appurtenances,

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shall be designed, constructed, installed, tested, examined, repaired and altered in accordance with the ASME Code or National Board Inspection Code, as applicable, and inspected in accordance with this Part. Where a non-ISI pressure vessel is moved and reinstalled, the fittings and appliances of that pressure vessel shall comply with this Part.

- c) Non-ISI pressure vessels and related appurtenances installed and placed in operation at nuclear facilities on or before December 31, 1976 shall be inspected in accordance with this Part and designed, constructed, installed, tested, repaired and altered, in accordance with the following requirements.
- 1) The MAWP for standard pressure vessels shall be determined in accordance with the applicable provisions of the ASME Code under which they were constructed and stamped.
 - 2) MAWP for Non-standard Pressure Vessels
 - A) The MAWP of a non-standard pressure vessel subject to internal pressure shall be determined by the strength of the weakest course computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside diameter of the course and the factor of safety set by this Part, as permitted below.

$$\frac{TS \times t \times E}{R \times FS} = \text{MAWP, in psig}$$

where:

TS = ultimate tensile strength of shell plate, in psi. When the tensile strength of steel plate is not known, it shall be taken as 55,000 psi for temperature not exceeding 650° F.

t = minimum thickness of shell plate of weakest course, in inches.

E = efficiency of longitudinal joint, depending upon construction. Use the following values (in percents):

For Fusion-Welded and Brazed Joints:

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Single lap welded.....	40
Double lap welded	60
Single butt welded	60
Double butt welded.....	75
Forge welded	70
Brazed steel.....	80

For riveted joints – calculate riveted joint efficiency in accordance with rules given in Section I, Part PR, of the 1971 ASME Code.

R = inside radius for weakest shell course, in inches, provided the thickness does not exceed 10 percent of the radius. If the thickness is over 10 percent of the radius, the outer radius shall be used.

FS = factor of safety permitted shall be a minimum of 5.0.

- B) The MAWP for cylindrical non-standard pressure vessels subject to external or collapsing pressure shall be determined by the rules in Par. UG-27 and UG-28 of the ASME Code Section VIII.
- C) The minimum factor of safety may be increased when deemed necessary by the Inspector to assure the operation of the vessel within safe limits. The condition of the vessel and the particular service to which it is subject will be determining factors.
- D) The MAWP permitted for formed heads under pressure shall be determined by using the appropriate formulas from UG-32 or UG-33 of the ASME Code Section VIII and the tensile strength and efficiencies given in this Section.
- d) All non-ISI boilers and pressure vessels shall be inspected in accordance with Part RB of the National Board Inspection Code and this subsection (d). The following general requirements shall apply to all non-ISI boilers and pressure vessels.
- 1) The owner shall prepare each boiler and pressure vessel for internal inspection in accordance with Part RB of the National Board Inspection Code. The Authorized Inspector should not enter any boiler or pressure

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vessel before he or she is satisfied that all necessary safety precautions from Part RB of the National Board Inspection Code have been taken, including testing the boiler or pressure vessel atmosphere for oxygen and toxic, flammable and inert gases.

- 2) The owner shall prepare for and apply the hydrostatic test, whenever necessary, on a date agreeable to the owner and the Authorized Inspector.
- e) All cases not specifically covered by this Part shall be treated as new installations. Existing non-ISI boilers and pressure vessels shall be governed by current ASME Code and National Board Inspection Code requirements or the requirements of the ASME Code in effect at the time of construction.

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

Section 505.2100 Registration Requirements

For registration of each non-ISI boiler or pressure vessel, except those exempt under Section 505.50(a) ~~of this Part~~, the owner shall submit the following to the Agency Department. If the submittal applies to a collection of non-ISI boilers and pressure vessels, the owner shall submit the documentation once for the non-ISI boilers and pressure vessels included in the submittal.

- a) For each non-ISI boiler and pressure vessel not already registered with the Agency Department, the owner shall submit any manufacturer's Data Reports related to the construction, repair, replacement or alteration of the non-ISI boiler or pressure vessel and its appurtenances.

AGENCY NOTE: Data Reports as used in this subsection (a) refers to those documents completed as required by the construction code applicable to the non-ISI boiler or pressure vessel.

- b) For boilers and pressure vessels covered by this Section, owners shall meet the requirements of Section 505.110 ~~of this Part~~.

~~AGENCY NOTE: Data Reports as used in subsection (a) of this Section refers to those documents completed as required by the construction or inspection code applicable to the non-ISI boiler or pressure vessel.~~

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

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Section 505.2200 Inspection Certificates

This Section is not intended to be, in any way, inconsistent with the applicable regulations, rules and requirements of the NRC. If a requirement of this Section as applied in any situation is or would be inconsistent with the regulations, rules and requirements of the NRC, the requirements of this Section shall not be applied. The [AgencyDepartment](#) will take action in regard to an Inspection Certificate only in accordance with Section 505.80 ~~of this Part~~. The [AgencyDepartment](#) shall issue Inspection Certificates for non-ISI boilers and pressure vessels in accordance with this Section if the reports, inspection criteria and plans required to be submitted by and identified in Sections 505.110 and 505.2100 ~~of this Part~~ and this Section are submitted in accordance with the frequencies specified ~~in those Sections therein~~ and are in compliance with this Part.

- a) The [AgencyDepartment](#) shall issue one Inspection Certificate to each non-ISI boiler and pressure vessel for a term equal to the frequency of inspection of the non-ISI boiler or pressure vessel. The frequency and type of inspection for each non-ISI boiler and pressure vessel shall be as follows:
 - 1) Power boilers, high pressure water boilers and high temperature water boilers shall be inspected annually, which shall be an internal inspection where conditions permit. ~~TheSuch~~ boilers shall also be inspected externally annually while under representative operating conditions, if possible.
 - 2) Low pressure steam boilers, hot water heating boilers and hot water supply boilers shall be inspected every 2 years. ~~TheSuch~~ inspection shall be internal and external, where conditions permit. An external inspection shall be conducted under representative operating conditions at the request of the Authorized Inspector.
 - 3) Pressure vessels subject to internal corrosion shall be inspected in accordance with subsection (a)(3)(A) ~~of this Section~~, unless the [AgencyDepartment](#) approves an alternative under subsection (a)(3)(B) ~~of this Section~~.
 - A) Pressure vessels shall be inspected every 3 years. ~~TheSuch~~ inspection shall be internal and external where conditions permit.

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- B) Alternatively, for each pressure vessel that can be inspected only during refueling outages, the owner may develop an inspection plan for the remaining life of the pressure vessel. The plan shall provide that an inspection of each pressure vessel will occur prior to the completion of every 2 consecutive refueling outages, but in no case more than 5 years after the last inspection of the pressure vessel. The owner may include in the plan contingency options for conducting inspections during unplanned or extended refueling outages, provided the required frequency of inspection is met. The bases for the inspection plan may include, but is not necessarily limited to, alternative examinations and tests planned and performed, past performance of this and similar pressure vessels, status of the pressure vessel in the plant's maintenance program, the environment and contents of the pressure vessel, vessel use, service condition (operating or not) of the pressure vessel relative to operation of the plant, corrosive environment where the pressure vessel is installed, risks, methods of inspection, ALARA (as defined in 32 Ill. Adm. Code 310) considerations, trade-offs and relevant engineering data. This plan shall be submitted to the [AgencyDepartment](#) for approval.
- 4) Pressure vessels not subject to internal corrosion shall be inspected in accordance with subsection (a)(4)(A) or (B) ~~of this Section~~ as applicable, unless the [AgencyDepartment](#) approves an alternative under subsection (a)(4)(C) ~~of this Section~~:
- A) Vessels containing incompressible fluids (e.g., water) shall be inspected externally every 5 years.
- B) Vessels containing compressible fluids (e.g., air steam), or a combination of compressible and incompressible fluids, shall be inspected externally every 3 years.
- C) Alternatively, the owner may develop an inspection plan for the vessel for its remaining life based upon refueling outages. This plan shall be submitted to the [AgencyDepartment](#) for approval. The basis for such an inspection plan may include alternative examinations and tests planned and performed, past performance of the pressure vessel and similar pressure vessels, status of the

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pressure vessel in the plant's maintenance program, the environment and contents of the pressure vessel and relevant engineering data.

AGENCY NOTE: External inspection may be waived by the [Agency Department](#) due to inaccessability of the equipment, based on the owner's detailed assessment of documentation and performance data verifying vessel integrity.

- 5) Inspection of flame safeguard equipment shall be to the standards of Section 505.40(c) ~~of this Part~~ and will be in conjunction with the regular inspection of boilers.
 - 6) A grace period of 2 months beyond the period specified in subsection (a)(1) or (2) ~~of this Section~~, may elapse between internal inspections of the boiler while it is not under pressure and the external inspection of the boiler while it is under pressure.
- b) The [Agency Department](#) shall issue an initial Inspection Certificate for a non-ISI boiler or pressure vessel in accordance with this subsection (b). Owners of a non-ISI boiler or pressure vessel not yet in operation after February 7, 1994, shall, prior to operation of the boiler or pressure vessel, have a valid Inspection Certificate issued by the [Agency Department](#). Application for an Inspection Certificate shall be in accordance with subsection (f) ~~of this Section~~ except that the owner shall submit the documents listed in subsection (f)(2) ~~of this Section~~ at least 90 days prior to operating the boiler or pressure vessel.
- c) For other than initial issuance of an Inspection Certificate in accordance with subsection (b) ~~of this Section~~, the [Agency Department](#) shall issue an Inspection Certificate for each non-ISI boiler or pressure vessel at the nuclear facility in accordance with this Section when the [Agency Department](#) determines that:
- 1) The inspections required under subsection (a) ~~of this Section~~ were applied to the non-ISI boiler or pressure vessel, were completed and the condition of the non-ISI boiler or pressure vessel is such that an Inspection Certificate may be issued in accordance with subsection (d) ~~of this Section~~;
 - 2) The Report of Inspection or similar report form was completed for the

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non-ISI boiler or pressure vessel and was submitted to the AgencyDepartment in accordance with subsection (f)(2)-of this Section; and

- 3) If applicable, all submittals in subsections (e) and (f)(2)(B)-of this Section are met.
- d) The AgencyDepartment shall issue the Inspection Certificate within 90 days following receipt of the Report of Inspection on the non-ISI boiler or pressure vessel, or shall observe the procedures of subsection (g)-of this Section. The latter shall occur either within 90 days following receipt of the Report of Inspection or within 10 days following the expiration date of the Inspection Certificate.
- e) The Inspection Certificate issued for the non-ISI boiler or pressure vessel as established by this Section may be extended for a maximum of 1 year.
 - 1) For all pressure vessels and for boilers, other than power boilers, high pressure water boilers and high temperature water boilers, the owner shall request permission from the AgencyDepartment to extend the term of the Inspection Certificate prior to implementing the extension. The AgencyDepartment shall review a request for extension and permit thesueh extension whenwhere the extension does not increase the risk to the health and safety of the public and personnel.
 - 2) For power boilers, high pressure water boilers and high temperature water boilers, the AgencyDepartment may extend, for a time not exceeding 1 year, the time within which the power boiler is required to be internally inspected, subject to the following conditions and qualifications:
 - A) The analysis and treatment of feedwater for thesueh power boilers shall be under the supervision of a person qualified in the field of water chemistry.
 - B) The analysis and treatment of the boiler feedwater shall be for the purpose of controlling and limiting serious deteriorating, crusting and sludge that affect the safety of the boiler.
 - C) The owner of thesueh boilers shall maintain, for examination by the Inspector, accurate records of sueh-chemical and physical

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laboratory analysis of samples of the boiler water taken at regular intervals of not more than 24 hours operation and of the treatment applied. These records shall specify dates and times of analyses, by whom analyzed, and the treatment applied at that time, and shall be certified by the responsible authority. These records will adequately show the conditions of ~~thesueh~~ water and any constituents or characteristics ~~thatwhich~~ are capable of producing corrosion or other deterioration of the boiler or its parts.

- D) Application for extension shall be in writing setting forth facts establishing compliance with the foregoing conditions and qualifications and shall be accompanied by the report of external inspection.
- f) For each non-ISI boiler or pressure vessel, the owner shall submit the following:
- 1) The information required by Section 505.2100 ~~of this Part~~;
 - 2) On or before the expiration date of the Inspection Certificate issued to the non-ISI boiler or pressure vessel:
 - A) The completed Report of Inspection or similar report form documenting that the inspections were performed in accordance with the inspection criteria and frequency requirements of subsection (a) ~~of this Section~~ and Section 505.2000 ~~of this Part~~.
 - B) All Code Data Reports and all other information related to the repair, replacement or alteration of the non-ISI boiler or pressure vessel or its appurtenances performed since the last Certificate Inspection.
- g) The ~~Agency~~ Department shall take action under Section 505.80 ~~of this Part~~ if the ~~Agency~~ Department finds that:
- 1) The submittals and notifications required by subsections (e) and (f) ~~of this Section~~ have not been made or are incomplete; or
 - 2) The inspections required by this Section have not been performed or are incomplete; or

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- 3) A change to the inspection frequency applied to the non-ISI boiler or pressure vessel is not in accordance with subsection (e) ~~of this Section~~; or
- 4) The non-ISI boiler or pressure vessel was insured and the insurance has been canceled or has otherwise become ineffective.
- h) In addition to the requirements of this Section, owners shall meet the requirements of Section 505.120 ~~of this Part~~.
- i) Notwithstanding any other provision of this Section, an Inspection Certificate shall remain valid beyond the expiration date noted on the certificate until the boiler or pressure vessel is reinspected by the Authorized Inspector or until the certificate is suspended by the Agency Department, provided that the owner of the boiler or pressure vessel makes it available for inspection at reasonable times.

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

Section 505.2500 Repairs and Alterations

Repairs and alterations of non-ISI boilers and pressure vessels, and pressure relief valves associated with non-ISI boilers and pressure vessels, except boilers and pressure vessels and those pressure relief valves associated with boilers and pressure vessels that are exempt under Section 505.50(a) ~~of this Part~~, shall be made in accordance with this Section. Non-ISI boilers and pressure vessels, and pressure relief valves associated with non-ISI boilers and pressure vessels, that are repaired or altered after February 7, 1994 shall be repaired or altered in accordance with this Section or other codes and standards as reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC. The requirements of this Section are subject to the limitations of Section 505.20(c) ~~of this Part~~.

- a) The requirements of this subsection (a) are limited to welded repairs and welded and non-welded alterations of non-ISI boilers and pressure vessels. ~~When~~Where requirements for a repair or alteration are not given, it is intended that, subject to approval of the Authorized Inspector, details of design and construction, insofar as practical, will be consistent with the ASME Code for boilers and pressure vessels constructed to the ASME Code, or the code to which the item was originally constructed for boilers and pressure vessels not constructed to the ASME Code or the repair or alteration rules of the National Board Inspection

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Code.

- 1) All non-ISI boilers and pressure vessels covered by the Act that are repaired after February 7, 1994 shall be repaired by one of the following organizations:
 - A) An owner and those organizations under contract to the owner, provided that:
 - i) ~~thesuch~~ repairs are made in accordance with a Quality Assurance Program that meets the requirements of 10 CFR 50 Appendix B and has been approved by the NRC;
 - ii) all portions of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (a)(1)(A)(i)~~-of this Section~~, that are applicable to a repair activity are applied to the repair; and
 - iii) the owner notifies the ~~Agency~~Department of his ~~or her~~ intention to apply 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (a)(1)(A)(i)~~-of this Section~~, to the repair of boilers and pressure vessels. This notification only needs to be given once for all repairs of boilers and pressure vessels performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.

AGENCY NOTE: The application of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsections (a)(1)(A)(i), (ii) and (iii)~~-of this Section~~, is subject to review by the Authorized Inspector.
 - B) An organization in possession of a valid "R" ~~Certificate~~certificate of Authorization issued by the National Board.
 - C) An organization authorized by the Division of Boiler and Pressure Vessel Safety, Office of the State Fire Marshal, to repair boilers and pressure vessels.

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- 2) Repairs shall be initiated only after they have been authorized by the Authorized Inspector who has reviewed and accepted the weld procedures, welders and welding operators' qualifications and repair methods. The Authorized Inspector may give prior approval for repairs of a routine nature. In every case the Authorized Inspector shall be advised of each repair under prior agreement.
- 3) All non-ISI boilers and pressure vessels covered by the Act that are altered after February 7, 1994 shall be altered by one of the following organizations:
 - A) An owner and those organizations under contract to the owner, provided that:
 - i) ~~thesuch~~ alterations are made in accordance with a Quality Assurance Program that meets the requirements of 10 CFR 50 Appendix B and has been approved by the NRC;
 - ii) all portions of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (a)(3)(A)(i) ~~of this Section~~, that are applicable to an alteration activity are applied to the alteration; and
 - iii) the owner notifies the ~~Agency~~Department of his ~~or her~~ intention to apply 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (a)(3)(A)(i) ~~of this Section~~, to the alteration of boilers and pressure vessels. This notification only needs to be given once for all alterations of boilers and pressure vessels performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.

AGENCY NOTE: The application of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsections (a)(3)(A)(i), (ii) and (iii) ~~of this Section~~, is subject to review by the Authorized Inspector.
 - B) An organization in possession of a valid "R" Certificate of Authorization issued by the National Board, provided the

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alterations are within the scope of ~~that~~sueh authorization.

- 4) Alterations shall be initiated only after they have been authorized by the Authorized Inspector who has reviewed and accepted the alteration methods and calculations. If considered necessary, the Authorized Inspector shall make an inspection of the object before granting ~~sueh~~ authorization.
- 5) Reports documenting repairs and alterations shall be sent to the ~~Agency~~Department in addition to the distribution required by the National Board Inspection Code.
- 6) Documentation of repairs and alterations shall be in accordance with the National Board Inspection Code, except that, in lieu of a form R-1, an alternative form containing equivalent information may be used. All alternative forms shall be signed by the Authorized Inspector. All alternative forms shall be approved by the ~~Agency~~Department prior to use. The Authorized Inspector shall determine whether the completion of the form R-1 or alternative form is required for routine repairs.
- 7) Repairs and alterations shall be accepted by either an Authorized Inspector employed by the Authorized Inspection Agency responsible for the boiler or pressure vessel or by an Authorized Inspector employed by the Authorized Inspection Agency of record for the organization making the repair or alteration. It shall be the responsibility of the organization making the repair or alteration to coordinate the acceptance inspection of the repair or alteration.
- 8) For pressure parts, the rules of Section RC-1050 of the National Board Inspection Code shall apply.
- 9) Pressure Testing
 - A) The Authorized Inspector may require a pressure test after completing a repair to a boiler or pressure vessel when in the Authorized Inspector's judgment one should be conducted.
 - B) A pressure test in accordance with the National Board Inspection Code shall be applied to the boiler or pressure vessel on the

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completion of an alteration.

- 10) For repair methods, the rules of Parts RC and RD of the National Board Inspection Code shall apply.
- 11) Alteration methods shall comply with the general requirements of this subsection (a), and with the appropriate ASME Code Section or Part RC of the National Board Inspection Code, as applicable, including any service restrictions.
- 12) Major replacement of pressure parts, including drums and shells, ~~that~~which are fabricated by welding and for which a Manufacturers Data Report is required by the applicable ASME Code Section shall be fabricated by a manufacturer having an ASME Certificate of Authorization and the appropriate ASME Code Symbol Stamp. The item shall be inspected, stamped with the applicable ASME Code Symbol and the word "PART", and reported on the appropriate Manufacturers Partial Data Report.
- 13) When a repair or alteration requires removal of that part of a non-ISI boiler or pressure vessel containing the Code stamping, the Authorized Inspector shall, subject to the approval of the ~~Agency~~Department, witness the making of a facsimile of ~~the~~the stamping, the obliteration of the old stamping and the transfer of the stamping to the new part. When the stamping is on a nameplate, the Authorized Inspector is to witness the transfer of the nameplate to the new part. The ASME Code Symbol is not to be restamped.
- 14) For rerating, the rules of this subsection (a) and Part RC-3000 of the National Board Inspection Code shall apply. Additionally, the following shall apply:
 - A) All requirements in Parts RC-3020, RC-3021, RC-3022 and RC 3030 of the National Board Inspection Code and this subsection (a) shall be met to the satisfaction of the Authorized Inspection Agency at the location of the installation.
 - B) Revised calculations verifying the new service conditions shall be required from the original manufacturer or, when ~~thesueh~~thesueh

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calculations cannot be obtained from this source, they may be prepared by an ~~engineer~~Engineer in accordance with Part RC-3022(a) of the National Board Inspection Code.

- C) The boiler or pressure vessel shall be pressure tested for the rerated condition as required by subsection (a)(9)(B) ~~of this Section.~~
- b) All ASME Code Section I "V" stamped, Section III "NV" stamped, and Section VIII "UV" stamped pressure relief valves associated with non-ISI boilers and pressure vessels shall be repaired in accordance with this subsection (b).
- 1) All pressure relief valves covered by this subsection (b) that are repaired after February 7, 1994 shall be repaired by one of the following organizations:
- A) An owner and those organizations under contract to the owner, provided that:
- i) ~~thesuch~~ repairs are made in accordance with a Quality Assurance Program that meets the requirements of 10 CFR 50 Appendix B and has been approved by the NRC;
- ii) all portions of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (b)(1)(A)(i) ~~of this Section,~~ that are applicable to a repair activity are applied to the repair; and
- iii) the owner notifies the ~~Agency~~Department of his ~~or her~~ intention to apply 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (b)(1)(A)(i) ~~of this Section,~~ to the repair of these pressure relief valves. This notification only needs to be given once for all repairs of pressure relief valves performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.

AGENCY NOTE: The application of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsections (b)(1)(A)(i), (ii) and (iii) ~~of this Section,~~ is

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subject to review by the Authorized Inspector.

- B) The manufacturer of the valve who is in possession of a valid ASME "V", "NV" or "UV" Certificate of Authorization, provided repairs are within the scope of the organization's Certificate of Authorization and are performed under the organization's Quality Control System or Quality Assurance System, as applicable.
 - C) An organization in possession of a valid "VR" Certificate of Authorization issued by the National Board, provided repairs are within the scope of the organization's Certificate of Authorization and are performed under the organization's Quality Control System.
 - D) An organization in possession of a valid Certificate of Authorization issued by the Division of Boiler and Pressure Vessel Safety, Office of the State Fire Marshal, to repair pressure relief valves provided repairs are within the scope of the organization's Certificate of Authorization and performed under the [organization's](#)~~organizations's~~ accepted Quality Control System.
- 2) Repair of a pressure relief valve is considered to be the replacement or machining of any critical part, lapping of seat and disc or any other operation ~~that~~[which](#) may affect the flow passage, capacity, function or pressure retaining integrity. Disassembly and reassembly or adjustments ~~that~~[which](#) affect the pressure relief valve function are not considered a repair, but a test confirming the valve's set pressure shall be performed. The initial installation, testing and adjustments of a new pressure relief valve on a non-ISI boiler or pressure vessel are not considered a repair.
- 3) Nameplates
- A) The rules of Part RA-2260 and Appendix 2 of the National Board Inspection Code shall apply. The exceptions and clarifications of this subsection (b)(3) shall also apply.
 - B) Individuals authorized by the Division of Boiler and Pressure Vessel Safety, Office of the State Fire Marshal, who are properly trained and qualified employees of the owner may make

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adjustments to the set pressure provided the adjusted settings and the date of the adjustment are recorded on a metal tag secured to the seal wire. All external adjustments shall be resealed showing the identification of the organization making the adjustments.

- C) For owners that act as the valve repair organization under the provisions of subsection (b)(1)(A) ~~of this Section~~ who are not in possession of a valid "VR" Certificate of Authorization issued by the National Board, the requirements for stamping the ASME Code "V", "UV", "NV" or National Board "VR" mark in Parts RA-2262, RA-2264, RA-2265 and Appendix 2 of the National Board Inspection Code shall not apply. All other requirements shall be met.

4) Performance Testing

- A) The rules of Part RA-2280 of the National Board Inspection Code shall apply, regardless of whether the "VR" stamp will be or has been applied. The exceptions and clarifications of this subsection (b)(4) shall also apply.

- B) For owners that act as the valve repair organization under the provisions of subsection (b)(1)(A) ~~of this Section~~ who are not in possession of a valid "VR" Certificate of Authorization issued by the National Board, the requirements for stamping the "VR" mark in Part RA-2280 of the National Board Inspection Code are not required. Also, performance testing equipment qualified by the owner under Part RA-2281 of the National Board Inspection Code shall be done by the owner. The Authorized Inspector shall witness the qualification of test equipment and review the documentation of ~~thesueh~~ qualification as required in Part RA-2281 of the National Board Inspection Code.

- 5) Organizations that repair pressure relief valves under subsections (b)(1)(B) through (b)(1)(D) ~~of this Section~~ may perform field repairs in accordance with the following requirements.

- A) Qualified technicians in the employ of the repair organization perform ~~thesueh~~ repairs.

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- B) Procedures that address field repairs are contained in the Quality Control System or Quality Assurance System, as applicable, and are maintained.
- C) All functions affecting the quality of the repaired pressure relief valves are controlled from the location for which the appropriate authorization was issued.
- D) Periodic audits of work carried out in the field are made by quality control personnel of the repair organization to ensure that the requirements of the Quality Control System or Quality Assurance System, as applicable, are met. This audit may include witnessing the test of the field repaired pressure relief valve.

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

Section 505.2600 Code Case Applications

- a) The AgencyDepartment shall act on requests to use ASME Code Cases within 30 days after their receipt. The AgencyDepartment shall approve the use of a Code Case if thatsueh use is directly applicable to and consistent with the uses authorized by the ASME Code Case.
- b) The AgencyDepartment shall automatically approve the use of Code Cases to non-ISI boilers or pressure vessels in all cases in which thewhere such use is approved by the NRC and referenced in the nuclear facility's Updated or Final Safety Analysis Report, technical specifications or other licensing documents. The AgencyDepartment shall not approve such-use of Code Cases whenwhere the use is disapproved by the NRC.
- c) ASME Code Cases approved by the AgencyDepartment for a particular situation rather than for generic use shall be used only for that situation.

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

Section 505.2700 Use of Alternative Standards for Construction, Inspection and Repair

- a) For all non-ISI boilers and pressure vessels, the AgencyDepartment shall

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determine the acceptability of the alternative standards in accordance with this Section.

- b) The [AgencyDepartment](#) shall automatically accept alternative standards that have been accepted by the NRC and referenced in the nuclear facility's Updated or Final Safety Analysis Report, technical specifications or other licensing documents.
- c) For boilers and pressure vessels, other than those covered by subsection (b) ~~of this Section~~, installed subsequent to February 7, 1994, to be constructed to alternative standards other than the ASME Code standards [referenced in Section 505.40](#), the owner may request the [AgencyDepartment](#) to issue a permit for the installation of a boiler or pressure vessel not constructed in accordance with the applicable ASME Code.
 - 1) The owner shall submit the documentation described in this Section to the [AgencyDepartment](#) and obtain a special installation permit.
 - 2) The owner shall specify the reasons why the boiler or pressure vessel cannot be constructed in accordance with ASME Code standards. The owner shall also supply the following information to the [AgencyDepartment](#) for review and consideration of requests for a special installation permit:
 - A) Full details of design and construction showing equivalency to and departures from the ASME Code, including blueprints and material showing details of the construction;
 - B) Data relating to the physical and chemical properties of all materials used in construction;
 - C) Calculations showing how the MAWP was derived;
 - D) An authentic test record for all non-ASME Code materials used in construction; and
 - E) Other data as the owner deems relevant or as the [AgencyDepartment](#) may request in order to establish that the boiler or pressure vessel will be capable of operating as safely as one

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built to ASME Code standards.

- 3) The AgencyDepartment may issue special installation permits to a class of boilers or pressure vessels meeting the ~~above~~ criteria listed in subsection (c)(2) when it deems that the public interest would be best served by application of the class of boilers or pressure vessels rather than individual case-by-case determination.
 - 4) The AgencyDepartment may, as a condition to issuance of a special installation permit, require the installation of safety features or prescribed operating procedures for boilers or pressure vessels. The AgencyDepartment will use relevant safety data in determining the need for installation of safety features or operating features.
 - 5) If the AgencyDepartment denies a request for a special permit, the owner may request a hearing pursuant to Section 505.84 ~~of this Part~~.
- d) For boilers and pressure vessels, other than those covered by subsection (b) ~~of this Section~~, to be inspected to standards other than those specified in this Part, the owner shall request the use of alternative standards.
- 1) The owner shall submit the documentation described in subsection (c)(2) this Section to the AgencyDepartment and obtain permission to use the alternative standards.
 - 2) The owner shall specify the reasons why the boiler or pressure vessel cannot be inspected in accordance with this Part.
 - 3) The AgencyDepartment may approve the use of alternative standards for inspection for a class of boilers or pressure vessels when it deems that the public interest would be best served by application of the class of boilers or pressure vessels rather than individual case-by-case determination.
 - 4) The AgencyDepartment may, as a condition of approval of the use of alternative standards for inspection, require the installation of safety features or prescribed operating procedures for boilers or pressure vessels. The AgencyDepartment will use relevant safety data in determining the need for installation of safety features or operating features.

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- 5) If the [AgencyDepartment](#) denies a request for the use of alternative standards for inspection, the owner may request a hearing pursuant to Section 505.84 ~~of this Part~~.
- e) For boilers and pressure vessels, other than those covered by subsection (b) ~~of this Section~~, to be repaired to standards other than those specified in this Part, the owner shall request the use of alternative standards.
- 1) The owner shall submit the documentation described in this Section to the [AgencyDepartment](#) and obtain permission to use the alternative standards.
- 2) The owner shall specify the reasons why the boiler or pressure vessel cannot be repaired in accordance with this Part.
- 3) The [AgencyDepartment](#) may approve the use of alternative standards for repair for a class of boilers or pressure vessels when it deems that the public interest would be best served by application of the alternative standards to the class of boilers or pressure vessels rather than individual case-by-case determination.
- 4) The [AgencyDepartment](#) may, as a condition of approval of the use of alternative standards for repair, require the installation of safety features or prescribed operating procedures for boilers or pressure vessels, require monitoring the integrity of the alternative repair, or approve the alternative repair on a temporary basis. The [AgencyDepartment](#) will use relevant safety data in determining the need for ~~installing~~ installation of safety features or operating features, monitoring the integrity of the alternative repair, or approving the alternative repair on a temporary basis.
- 5) If the [AgencyDepartment](#) denies a request for the use of alternative standards for repair, the owner may request a hearing pursuant to Section 505.84 ~~of this Part~~.
- f) Owners shall meet the requirements of Section 505.170 ~~of this Part~~ in all cases involving use of alternative standards for non-ISI boilers or pressure vessels.

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

Section 505.2900 Authorized Inspection Agencies

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- a) Authorized Inspection Agencies that are insuring a non-ISI boiler or pressure vessel shall immediately notify the AgencyDepartment when thesueh insurance is canceled, not renewed, suspended or otherwise made ineffective because of unsafe conditions.
- b) Organizations seeking to provide inspection services to the requirements of the National Board Inspection Code or the ASME Code, except for Section III and Section XI, shall be subject to the requirements of Section 505.190-of this Part.
- c) The request for recognition submitted in Section 505.190(a)-of this Part shall also contain documentation demonstrating that the organization meets the ASME Code or the National Board Inspection Code requirements for Authorized Inspection Agencies, if any, for the scope of inspection activities.
- d) Organizations that are providing inspection services at nuclear facilities may be reviewed by the AgencyDepartment. TheSuch reviews shall be for the purpose of verifying that the organization is in compliance with applicable ASME Code Sections or National Board Inspection Code, as applicable, including qualification and duty requirements for Authorized Inspection Agencies contained in those standards~~therein~~.
- e) An organization that is recognized by the AgencyDepartment under Section 505.190(b)-of this Part as an Authorized Inspection Agency may be reviewed by the AgencyDepartment either prior or subsequent to recognition. TheSuch reviews shall be for the purpose of verifying that the organization is in compliance with applicable ASME Code Sections or National Board Inspection Code, as applicable, including qualification and duty requirements for Authorized Inspection Agencies contained in those standards~~therein~~.
- f) The AgencyDepartment shall give 15 days written notice before any reviews are performed under this Section. Reviews shall be performed at the locations where control of Authorized Inspectors occurs or at the organization's home office.

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

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- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
104.272	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and [305 ILCS 5/12-4.25(K)]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking implements provisions that permit the Department to temporarily withhold payments, in whole or part, to a provider or alternate payee upon receipt of credible evidence that the payments may involve fraud or willful misrepresentation. The Department must notify the provider or alternate payee of its intent of withholding and provide the provider or alternate payee an opportunity to request a reconsideration of the withholding.
- 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? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Ill. Register Citation:</u>
104.207	Amendment	32 Ill. Reg. 8482; June 13, 2008
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/557-7157

The Department requests the submission of written comments within 30 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded providers
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEALS

Section

104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

104.100	Support Order, Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments
104.104	Conduct of Other Hearings
104.105	Conduct of Hearings on Petitions for Release from Administrative Paternity

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Orders

- 104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

Section

- 104.200 Applicability
104.202 Definitions
104.204 Notice of Denial of An Application
104.206 Notice of Intent to Recover Money
104.207 Notice of Contested Paternity Hearing
104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement or to Revoke Alternate Payee
104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action
104.210 Right to Hearing
104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
104.212 Prior Factual Determinations
104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship
104.215 Notice of Formal Conference
104.216 Formal Conference on Recovery of Money
104.217 Purpose of Formal Conference
104.220 Notice of Hearing
104.221 Issues at Hearings
104.225 Legal Counsel
104.226 Appearance of Attorney or Other Representative
104.230 Notice, Service and Proof of Service
104.231 Form of Papers
104.235 Discovery
104.240 Conduct of Hearings
104.241 Amendments
104.242 Motions
104.243 Subpoenas
104.244 Burden of Proof
104.245 Witness at Hearings

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104.246	Evidence at Hearings
104.247	Cross-Examination
104.248	Disqualification of Hearing Officers
104.249	Genetic Testing in Contested Paternity Hearings
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments During Pendency of Proceedings
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section	
104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section	
104.400	Suspected Intentional Violation of the Program
104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures
104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing

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104.470 Administrative Disqualification Hearing Decision and Notice of Decision
104.480 Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section
104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; preemptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p.80, effective May 8, 1980; preemptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September

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10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg. 5351, effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. 17743, effective November 27, 2002; amended at 27 Ill. Reg. 5853, effective March 24, 2003; amended at 27 Ill. Reg. 13771, effective August 1, 2003; amended at 28 Ill. Reg. 2735, effective February 1, 2004; emergency amendment at 29 Ill. Reg. 2735, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10187, effective June 30, 2005; amended at 31 Ill. Reg. 2387, effective January 19, 2007; amended at 32 Ill. Reg. _____, effective _____.

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

Section 104.272 Withholding of Payments During Pendency of Proceedings

- a) Payments on pending and subsequently submitted bills may be withheld during the pendency of the administrative proceeding:
 - 1) Where:
 - A) the administrative proceeding seeks the termination of the provider or revocation of the alternate payee; or
 - B) the administrative hearing is seeking recovery of money and the recovery is at risk due to the financial or other circumstances of the provider or the alternate payee.
 - 2) Where the administrative proceeding is seeking recovery of money only, the withholding shall be limited to the amount sought in the recovery and in conformance with Section 104.273.
- b) A provider or alternate payee may request a full or partial release of withheld payments. The provider must submit a request, in writing, setting forth the reasons the payments should be released, to the Office of Inspector General at either 404 North Fifth Street, Springfield, Illinois 62702, or by e-mail to Oigwebmaster@illinois.gov.state.il.us. The request should set forth the reasons for the request in conformance with subsection (c) of this Section.

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- c) Partial or full release of payments on pending and subsequently submitted bills may be granted, at the discretion of the Inspector General of the Department, based on the following factors:
- 1) The Department has not proceeded in a timely manner in presentation of its case in the administrative proceeding, including, but not limited to, lengthy delays in the availability of Department witnesses, attorneys or Administrative Law Judges.
 - 2) Where it is in the best interests of the recipients of medical assistance. This may include, but is not limited to, access to medical services for recipients or the potential movement of patients from long term care settings.
 - 3) Where, based on the reasons for the initiation of the proceeding, the full or partial release of payments would not be, in the judgment of the Inspector General, detrimental to the recipients or the Department.
 - 4) Whether the ~~provider~~[provider/vendor](#) or alternate payee has caused delays in proceeding in a timely manner, including, but not limited to, delays in the availability of witnesses or attorneys.
- d) The Inspector General will notify the provider or alternate payee in writing of the decision on the request for release of payments.
- e) Payments on pending and subsequently submitted bills will not be released if:
- 1) The basis for the termination or revocation is a criminal conviction.
 - 2) The basis for the termination or revocation is the termination, revocation or denial of a professional license or certification.
 - 3) The provider or alternate payee has had payments suspended pursuant to [305 ILCS 5/12-4.25\(K\)](#) or 42 CFR 455.23.
 - 4) The provider or alternate payee has had payments suspended pursuant to 305 ILCS 5/12-4.25(F-5).
- f) The Inspector General may release partial payment when, in the judgment of the

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Inspector General, full release of payments is not warranted pursuant to subsection (b) of this Section, but a partial release would meet these criteria.

- g) The Inspector General may again institute full or partial withholding of payments after a full or partial release of payments if:
- 1) The ~~provider~~~~vendor~~ or alternate payee has not proceeded in a timely manner in presentation of its case in the administrative proceeding, including, but not limited to, lengthy delays in the availability of witnesses or attorneys.
 - 2) The ~~provider's~~~~vendor's~~ or alternate payee's professional license or certification has been revoked, suspended, denied or otherwise not renewed.
- h) If the ~~provider~~~~vendor~~ is terminated or the alternate payee is revoked as a result of final agency action, payments or credit for any services rendered subsequent to receipt of the notice of intent to terminate shall be denied. The ~~provider~~~~vendor~~ or alternate payee will receive payment or credit for services rendered prior to receipt of the notice of intent to terminate or revoke subject to setoff for recovery of the amount sought in the proceeding.
- i) If the payments have been suspended pursuant to 305 ILCS 5/~~12-4.25(F-5)~~~~12-425(F-5)~~ and the indictment or charge results in conviction, all withheld payments shall be considered forfeited to the Department. If the indictment or charge does not result in conviction, payments pending and subsequently submitted bills will be released, unless the provider is involved in any other proceeding in which payments are being withheld.
- j) If the ~~provider~~~~vendor~~ or alternate payee is convicted of a felony offense of the type described in 305 ILCS 5/~~12-4.25(F-5)~~~~12-425(F-5)~~, the Department may withhold payments from the ~~provider~~~~vendor~~ or alternate payee from the date of conviction until the date the ~~provider~~~~vendor~~ or alternate payee receives a notice of intent to terminate or revoke. Once the ~~provider~~~~vendor~~ or alternate payee receives a notice of intent to terminate or revoke, the Department may continue to withhold payments during the pendency of the administrative proceeding.
- k) If payments have been withheld pursuant to 305 ILCS 5/12-4.25(K), 42 CFR 455.23, or 89 Ill. Adm. Code 140.44, and the Department commences an

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administrative proceeding that seeks the termination of the provider or revocation of the alternate payee, the Department shall continue to withhold payments during the pendency of the administrative proceeding. If the provider is terminated or alternate payee is revoked as a result of final agency action, the withheld payments shall be denied.

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

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
140.413	Amendment
140.435	Amendment
140.436	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments remove the prior approval requirements for surgeries for morbid obesity and add qualifying criteria necessary for the surgery. Also, sets limitations for group psychotherapy sessions and requires a physician who has completed an approved general psychiatry residency program, provide service. Further, makes changes regarding the repealed Nursing and Advance Practice Nursing Act and removes limitations on Advanced Practice Nurses (APNs) for psychiatric services, with the exception of group psychotherapy.
- 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? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.6	Amendment	31 Ill. Reg. 13570; October 5, 2007
140.24	Amendment	32 Ill. Reg. 6344; April 18, 2008
140.1001	Amendment	32 Ill. Reg. 6344; April 18, 2008
140.490	Amendment	32 Ill. Reg. 6869; April 25, 2008
140.494	Amendment	32 Ill. Reg. 6869; April 25, 2008
140.80	Amendment	32 Ill. Reg. 9786; July 11, 2008
140.454	Amendment	32 Ill. Reg. 10782; July 18, 2008

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140.455 Amendment 32 Ill. Reg. 10782; July 18, 2008

- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/557-7157

The Department requests the submission of written comments within 30 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medical providers who have completed an approved general psychiatry residency program and APNs.
- B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination or Revocation on Persons Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination,

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	Suspension or Barring
140.20	Submittal of Claims
140.21	Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22	Magnetic Tape Billings (Repealed)
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Sanctioned Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983;

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18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989;

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amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill.

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Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective

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September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514,

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effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill.

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Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; amended at 32 Ill. Reg. 7727, effective May 5, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.413 Limitation on Physician Services

- a) When provided in accordance with the specified limitations and requirements, the Department shall pay for the following services:
 - 1) Termination of pregnancy – only in those cases in which the physician has certified in writing to the Department that the procedure is necessary to preserve the life of the mother. All claims for reimbursement for abortions or induced miscarriages or premature births must be accompanied by the physician's written certification ~~which specifies~~ that the procedure is necessary for preservation of the life of the woman, or that the induced premature birth was to produce a live viable child and was necessary for the health of the mother or her unborn child.
 - 2) Sterilization

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- A) Therapeutic sterilization – only when the procedure is either a necessary part of the treatment of an existing illness, or is medically indicated as an accompaniment of an operation on the female genitourinary tract. Mental incapacity does not constitute an illness or injury ~~that~~^{which} would authorize this procedure.
- B) Nontherapeutic sterilization – only for recipients age 21 or older and mentally competent. The physician must obtain the recipient's informed written consent in a language understandable to the recipient before performing the sterilization and must advise the recipient of the right to withdraw consent at any time prior to the operation. The operation shall be performed no sooner than 30 days and no later than 180 days following the date of the recipient's written informed consent, except in cases of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of premature delivery or emergency abdominal surgery if at least 72 hours have passed since informed consent was given.
- 3) ~~Surgery By pass surgery~~ for morbid obesity – ~~only with the prior approval of the Department. The~~ the Department shall approve payment for this service only in those cases in which ~~the physician~~ determines that obesity is exogenous in nature, the recipient has had the benefit of other therapy with no success, ~~and~~ endocrine disorders have been ruled out, ~~and the~~ body mass index (BMI) is 40 or higher, or 35 to 39.9 with serious medical complications. The medical record must contain the following documentation of medical necessity:(See Sections 140.40 through 140.42 for prior approval requirements.)
- A) Documentation of review of systems (history and physical);
- B) Client height, weight and BMI;
- C) Listing of co-morbidities;
- D) Patient weight loss attempts;
- E) Current and complete psychiatric evaluation indicating the patient is an appropriate candidate for weight loss surgery; and

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F) Documentation of nutritional counseling.4) Psychiatric ~~services~~Services

A) Treatment – when the services are provided by a physician who has been enrolled as an approved provider with the Department. Psychiatric treatment services are not covered services for ~~recipients~~Recipients of General Assistance or Aid to the Medically Indigent.

B) Consultation – only when necessary to determine the need for psychiatric care. Services provided subsequent to the initial consultation must comply with the requirements for treatment.

C) Group Psychotherapy – payment may be made for up to two group sessions per week, with a maximum of one session per day. The following conditions must be met for group psychotherapy:

i) documentation maintained in the patient's medical record must indicate the person participating in the group session has been diagnosed with a mental illness as defined in the International Classification of Diseases (ICD-9-CM) or the Diagnostic and Statistical Manual of Mental Disorders (DSM IV). The allowable diagnosis code ranges will be specified in the Handbook for Physicians; and

ii) the entire group psychotherapy service is directly performed by a physician licensed to practice medicine in all its branches and has completed an approved general psychiatry residency program; and

iii) the group size does not exceed 10 patients, regardless of payment source; and

iv) the minimum duration of a group session is one hour; and

v) the group session is documented in the patient's medical record by the rendering physician, including the session's

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primary focus, level of patient participation, and begin and end times of each session; and

vi) the group treatment model, methods, and subject content have been selected on evidence-based criteria for the target population of the group and follows recognized practice guidelines for psychiatric services; and

vii) the group session is provided in accordance with a clear written description of goals, methods and referral criteria.

- 5) Services provided to a recipient in his or her home – only when the recipient is physically unable to go to the physician's office.
- 6) Services provided to recipients in group care facilities by a physician other than the attending physician – only for emergency services provided when the attending physician of record is not available or when the attending physician has made referral with the recipient's knowledge and permission.
- 7) Services provided to recipients in a group care facility by a physician who derives a direct or indirect profit from total or partial ownership (or from other types of financial investment for profit in the facility) – only when occasioned by an emergency due to acute illness or, unavailability of essential treatment facilities in the vicinity for short-term care pending transfer, or when there is no comparable facility in the area.
- 8) Maternity care – Payment shall be made for pre-natal and post-natal care only when the following conditions are met:
 - A) the physician, whether based in a hospital, clinic, or individual practice, retains hospital delivery privileges, ~~or~~ maintains a written referral arrangement with another physician who retains such privileges, or has been included in the Maternal and Child Health Program as a result of having entered into an appropriate Healthy Moms/Healthy Kids Program provider agreement;
 - B) the written referral agreement is kept on file and is available for inspection at the physician's place of business, and details

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procedures for timely transfer of medical records; and

- C) maternal services are delivered in a manner consistent with the quality of care guidelines published by the American College of Obstetricians and Gynecologists in the current edition of the "Standards for Obstetric-Gynecologic Services" (1989 Edition), 409 12th Street, S.W., Washington, D.C. 20024-2188.

9) Physician services to children under age 21

- A) Payment shall be made only when the physician meets one or more of the following conditions. The physician:
- i) has admitting privileges at a hospital; or
 - ii) is certified or is eligible for certification in pediatrics or family practice by the medical specialty board recognized by the American Board of Medical Specialties; or
 - iii) is employed by or affiliated with a Federally Qualified Health Center; or
 - iv) is a member of the National Health Service Corps; or
 - v) has been certified by the Secretary of the Department of Health and Human Services as qualified to provide [physicianphysicians'](#) services to a child under 21 years of age; or
 - vi) has current, formal consultation and referral arrangements with a pediatrician or family practitioner for the purposes of specialized treatment and admission to a hospital. The written referral agreement is kept on file and is available for inspection at the physician's place of business, and details procedures for timely transfer of medical records; or
 - vii) has entered into a Maternal and Child Health provider agreement or has otherwise been transferred in from the Healthy Moms/Healthy Kids Program;

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- B) The physician shall certify to the Department the way in which he or she meets the above criteria; and
 - C) Services to children shall be delivered in a manner consistent with the standards of the American Academy of Pediatrics and rules [as published by the Illinois Department of Public Health \(77 Ill. Adm. Code 630, Maternal and Child Health Services; 77 Ill. Adm. Code 665, Child Health Examination Code Examinations; 77 Ill. Adm. Code 675, Hearing Screening; 77 Ill. Adm. Code 685, Vision Screening\)](#).
- 10) Hysterectomy – only if the individual has been informed, orally and in writing, that the hysterectomy will render her permanently incapable of reproducing and the individual has signed a written acknowledgment of receipt of the information. The Department will not pay for a hysterectomy [thatwhich](#) would not have been performed except for the purpose of rendering an individual permanently incapable of reproducing.
- 11) Selected surgical procedures, including:
- A) Tonsillectomies or Adenoidectomies
 - B) Hemorrhoidectomies
 - C) Cholecystectomies
 - D) Disc Surgery/Spinal Fusion
 - E) Hysterectomies
 - F) Joint Cartilage Surgery/Meniscectomies
 - G) Excision of Varicose Veins
 - H) Submucous Resection/Rhinoplasty/Repair of Nasal System
 - I) Mastectomies for Non-Malignancies

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J) Surgical procedures ~~that~~^{which} generally may be performed in an outpatient setting (see Section 140.117) only if the Department authorizes payment. The Department will in some instances require that a second physician agree that the surgical procedure is medically necessary prior to approving payment for one of these procedures. The Department will require a second opinion when the attending physician has been notified by the Department that he ~~or she~~ will be required to obtain prior approval for payment for the surgeries listed. (See Sections 140.40 through 140.42 for prior approval requirements.) The Department will select physicians for this requirement based on the recommendation of a peer review committee that has reviewed the utilization pattern of the physician.

12) Mammography screening

A) Covered only when ordered by a physician for screening by low-dose mammography for the presence of occult breast cancer under the following guidelines:

- i) a baseline mammogram for women 35 through 39 years of age; and
- ii) a mammogram once per year for women 40 years of age or older.

B) As used in this ~~subsection (a)(12) rule~~, "low-dose mammography" means the x-ray examination of the breast using equipment specifically designated for mammography that will meet appropriate radiological standards.

13) Pap tests and prostate-specific antigen tests – coverage is provided for the following:

- A) An annual cervical smear or Pap smear test for women.
- B) An annual digital rectal examination and a prostate-specific antigen test, upon the recommendation of a physician licensed to practice medicine in all its branches, for:

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- i) asymptomatic men age 50 and over;
 - ii) African-American men age 40 and over; and
 - iii) men age 40 and over with a family history of prostate cancer.
- b) In cases ~~in which~~^{where} a physical examination by a second physician is needed, the Department will notify the recipient and designate a physician to perform the examination. Physicians will be subject to this requirement for six months, after which a request can be submitted to the peer review committee to consider removal of the prior approval requirement.

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

Section 140.435 Advanced Practice Nurse Services

- a) For purposes of enrollment in the Medical Assistance Program, an ~~advanced practice nurse~~^{Advanced Practice Nurse} (APN) means a person who is licensed as a registered professional nurse, holds a valid license in the state of practice and is legally authorized under state law or rule to practice as an advanced practice nurse, so long as that practice is not in conflict with the ~~Nurse Practice Act~~^{Nursing and Advanced Practice Nursing Act} [225 ILCS 65], the Medical Practice Act of 1987 [225 ILCS 60] and implementing rules (68 Ill. Adm. Code 1305). Categories of APNs include:
- 1) Certified Registered Nurse Anesthetist (CRNA);
 - 2) Certified Nurse Midwife (CNM);
 - 3) Certified Nurse Practitioner (CNP); and
 - 4) Clinical Nurse Specialist (CNS).
- b) An ~~APN~~^{Advanced Practice Nurse} must have and maintain a current collaborative or written practice agreement with a collaborating physician or practitioner under whom the APN will be practicing, as set forth in the ~~Nurse~~^{Nursing and Advanced Practice} ~~Nursing~~ Act.

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- c) Depending on the site of care, CRNAs may or may not be required to possess a written collaborative or written practice agreement as set forth in the [Nurse Practice Act](#), ~~Nursing and Advanced Practice Nursing Act~~. CRNAs may work in a hospital, ~~or~~ a physician's, dentist's or podiatrist's office, ~~or~~ an Ambulatory Surgical Treatment Center.
- d) The agreement or agreements required under ~~subsections Section 140.435~~ (b) and (c) shall comply with all requirements as described in the [Nurse Practice Act](#), ~~Nursing and Advanced Practice Nursing Act~~ and 68 Ill. Adm. Code 1305. Agreements ~~as~~ required under the Act and 68 Ill. Adm. Code 1305 must be updated, be maintained on file at each practice location, ~~and~~ be available upon the Department's request.
- e) The APN must notify the Department within 10 business days if an agreement is dissolved or if a change occurs in the collaborating physician or practitioner under the agreement. The Department will then re-evaluate the APN's enrollment status.
- f) The collaborating physician or practitioner is not required to be enrolled with the Department. However, the collaborating physician or practitioner may not be terminated, suspended or barred by the Department from participating in the Medical Assistance Program.
- g) An APN who is required to maintain a collaborative or written practice agreement must submit the following information with the initial application for enrollment:
- 1) Documentation of specialty of practice.
 - 2) Collaborating physician's or practitioner's name and address.
 - 3) Collaborating physician's or practitioner's Federal Employer Identification Number (FEIN).
 - 4) Collaborating physician's or practitioner's medical license number.
 - 5) Collaborating physician's or practitioner's state of licensure, if other than Illinois.

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- h) A CRNA who is not required to maintain a collaborative or written practice agreement and who provides services in a hospital or Ambulatory Surgical Treatment Center setting must submit with the initial application for enrollment the names and addresses of the hospitals or Ambulatory Surgical Treatment Centers where he or she practices ~~with the initial application for enrollment.~~

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

Section 140.436 Limitations on Advanced Practice Nurse Services

The following will not be reimbursed:

- a) Nursing services provided in the role of physician assistant~~Physician Assistant.~~
- b) Mileage to and from place of service.
- c) Consultations between APNs~~Advanced Practice Nurses~~ or between an APN~~Advanced Practice Nurse~~ and a physician.
- d) Group psychotherapy.~~Psychiatric services as defined in the American Medical Association Current Procedural Terminology (CPT) book code range 90801 through 90899.~~

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

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- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
160.70	Amendment
160.71	Amendment
160.110	Amendment
160.130	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These amendments maximize child support collections by lowering the threshold from \$150 to \$25 to allow the Illinois Department of Revenue to intercept State tax refunds and/or the Comptroller to intercept any State payments in that amount. Further, allows HFS to give credit to the non-custodial parent for a child support payment made directly to the custodial parent instead of following the ordered payment path. This is necessary when HFS is enforcing the order issued from another state and will only occur if the other state that issued the order allows such credit. In addition, this rulemaking will prevent money intended to go to the custodial parent from being refunded to the non-custodial parent in error. Also clarifies procedures and makes technical changes.
- 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? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
160.5	Amendment	32 Ill. Reg. 8490; 6/13/08
160.60	Amendment	32 Ill. Reg. 8490; 6/13/08
160.75	Amendment	32 Ill. Reg. 8490; 6/13/08
160.140	Amendment	32 Ill. Reg. 8490; 6/13/08

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- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which Interested Persons may Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/557-7157

The Department requests the submission of written comments within 30 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

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14) Regulatory Agenda on which this Rulemaking was summarized: July 2007

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

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

- 160.1 Incorporation by Reference
- 160.5 Definitions
- 160.10 Child Support Enforcement Program
- 160.12 Administrative Accountability Process
- 160.15 Fees for IV-D Non-TANF Cases
- 160.20 Assignment of Rights to Support
- 160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

- 160.30 Cooperation With Support Enforcement Program
- 160.35 Good Cause for Failure to Cooperate with Support Enforcement
- 160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
- 160.45 Suspension of Child Support Enforcement Upon a Claim of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

- 160.60 Establishment of Support Obligations
- 160.61 Uncontested and Contested Administrative Paternity and Support Establishment
- 160.62 Cooperation with Paternity Establishment and Continued Eligibility
Demonstration Program (Repealed)
- 160.64 Compromise of Assigned Obligations
- 160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

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Section	
160.70	Enforcement of Support Orders
160.71	Credit for Payments Made Directly to the Title IV-D Client
160.75	Withholding of Income to Secure Payment of Support
160.77	Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies
160.80	Amnesty – 20% Charge (Repealed)
160.85	Diligent Efforts to Serve Process
160.88	State Case Registry
160.89	Interest

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section	
160.90	Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section	
160.95	State Disbursement Unit
160.100	Distribution of Child Support for TANF Recipients
160.110	Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services
160.120	Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130	Distribution of Intercepted Federal Income Tax Refunds
160.132	Distribution of Child Support for Non-TANF Clients
160.134	Distribution of Child Support For Interstate Cases
160.136	Distribution of Support Collected in IV-E Foster Care Maintenance Cases
160.138	Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section	
160.140	Statement of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

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- 160.150 Department Review of Distribution of Child Support for TANF Recipients
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380,

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effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill. Reg. 13393, effective July 28, 2006; amended at 31 Ill. Reg. 12771, effective August 27, 2007; emergency amendment at 32 Ill. Reg. 543, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6511, effective March 31, 2008; amended at 32 Ill. Reg. _____, effective _____.

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

- a) **Income Withholding**

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].
- b) **Federal and State Income Tax Refunds and Other Payments**
 - 1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other federal and State payments (see Section 10.05a of the State Comptroller Act [15 ILCS 405/10.05a], Section 2505-650 of the Department of Revenue Law [20 ILCS 2505/2505-650] and the Debt Collection Improvement Act of 1996 (31 USC 3701 et seq.)) due such

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relatives.

- 2) The Department shall submit past-due support amounts to:
 - A) the Department of Health and Human Services to intercept federal income tax refunds and other federal payments in accordance with federal instructions as follows:
 - i) in IV-D TANF and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150. The Department may combine assigned support amounts from the same obligor in multiple cases to reach the minimum amount of \$150 for TANF, AFDC and Foster Care cases; however, amounts under this subsection (b)(2)(A)(i) may not be combined with amounts under subsection (b)(2)(A)(ii) to reach the minimum amounts required for submittal; and
 - ii) in IV-D non-TANF cases, past-due support owed to or on behalf of a child, or a child and the parent with whom the child is living if the same support order includes support for the child and the parent, and the amount of past-due support is not less than \$500. The Department may combine non-assistance support amounts from the same obligor in multiple cases to reach the minimum amount of \$500; however, amounts under this subsection (b)(2)(A)(ii) may not be combined with amounts under subsection (b)(2)(A)(i) to reach the minimum amounts required for submittal.
 - B) the Illinois Department of Revenue to intercept State income tax refunds and the Comptroller to intercept other State payments as follows:
 - i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or ~~\$25~~\$150, whichever is less;

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- ii) in inactive IV-D TANF or AFDC and IV-D foster care cases, past-due support owed in any amount; and
 - iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.
- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount that will be submitted for intercept;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
 - i) a redetermination by the Department or, after such redetermination,
 - ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, at the request of the responsible relative; and
 - D) that the Internal Revenue Service or Financial Management Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.
- 4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting

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the past-due amount.

- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:
 - A) a hearing by the Department within 30 days from the date of mailing of the notice; or
 - B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based.
- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within ten days after the responsible relative's request. The Department shall be bound by the decision of the state with the order.
- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 8) The Department shall notify:
 - A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
 - B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept or other federal payment offset, in accordance with federal instructions;
 - C) the Illinois Department of Revenue of any deletion of an amount submitted for State income tax refund and the Comptroller for other payment intercept or any significant decrease in the amount; and

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- D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.
- 9) The Department shall:
- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
 - B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his or hers; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.
- 10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection (b) only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (b)(3) of this Section and shall promptly apply:
- A) federal income tax refunds first to satisfy any IV-D TANF or AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D non-TANF past-due support; and
 - B) other federal and State payments in accord with distribution provisions in Subpart F of this Part.
- 11) The Department shall inform individuals who receive IV-D non-TANF support enforcement services, in advance, of the following:
- A) amounts intercepted under this subsection (b) will be applied in accordance with Section 160.130;

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- B) any payment received by the IV-D non-TANF individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.
- c) Unemployment Insurance Benefits
- 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one-month support obligation.
 - 2) The Department shall take the following action:
 - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
 - B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
 - C) establish the amount to be deducted by data entry to the DES computer file, which amount shall be the lesser of:
 - i) the amount of the income withholding order; or
 - ii) fifty percent of the Unemployment Insurance Benefit.
 - D) receive amounts deducted direct from DES.
 - E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.
 - F) post each collection to the Department's payment record.

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- G) apply each collection to the current support obligation, then to past-due obligations.
 - H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
- 3) The Department of Employment Security shall take the following action:
- A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
 - B) pay all amounts deducted direct to the Department.
- d) Contempt of Court and Other Legal Proceedings
- 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one-month support obligation, except as set forth in subsection (d)(2) of this Section.
 - 2) Contempt proceedings shall not be used in the following instances:
 - A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
 - i) receiving public assistance;
 - ii) mentally or physically disabled;
 - iii) incarcerated;
 - iv) out-of-the-country;
 - v) deceased; or

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- vi) otherwise situated making such action unproductive.
- B) other legal or administrative remedies are more appropriate under the circumstances.
- 3) Contempt and other legal proceedings shall be used to:
 - A) establish the amount of past-due support;
 - B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate,
 - ii) levy upon real estate and personal property, or
 - iii) registration in another state;
 - C) secure an order for lump sum or periodic payment of the past-due support or judgment;
 - D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
 - E) obtain full or partial payment of past due support through incarceration;
 - F) ascertain the responsible relative's source and amount of income or location and value of assets;
 - G) void a transfer of property fraudulently made to avoid payment of child support in accordance with the Uniform Fraudulent Transfer Act [740 ILCS 160] or obtain a settlement in the best interest of the child support creditor;
 - H) secure other enforcement relief; and
 - I) obtain any combination of the above.

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- 4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving TANF in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].
 - 5) In TANF cases, the Department shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- e) Liens Against Real Estate and Personal Property – Judicial Enforcement of Order for Support
- 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].
 - 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:
 - A) the past-due amount is at least \$3,500; and
 - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.
 - 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript,

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certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]).

- 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity which is not less than \$3,500 in excess of any statutory exemption.
- f) Liens Against Real Estate and Personal Property – Administrative Enforcement of Order for Support
- 1) Liens against real estate
 - A) The Department shall impose liens against real estate of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when both of the following circumstances exist:
 - i) the amount of past-due support is at least \$3,500; and
 - ii) the responsible relative has an interest in real estate against which a lien may be claimed.
 - B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative and recorded or filed with the Recorder or Registrar of Titles of the county in which the real estate of the responsible relative is located. The notice shall inform the responsible relative and the Recorder or Registrar of Titles of the following:
 - i) the name and address of the responsible relative;
 - ii) a legal description of the real estate to be levied;
 - iii) the amount of past-due support to be satisfied by the levy;
 - iv) the fact that a lien is being claimed for past-due child

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support owed by the responsible relative; and

- v) the right to prevent action against the real property by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a hearing by the Department.
- C) A written request for hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (f).
- D) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- E) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- F) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative has a known equity in the real estate that is not less than \$3,500 in excess of any statutory exemption.
- 2) Liens against personal property
- A) The Department shall impose liens against personal property of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when the following circumstances exist:
 - i) the amount of past-due support is at least \$1,000;
 - ii) the responsible relative has an interest in personal property against which a lien may be claimed; and

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- iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the amount of at least \$300.
- B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative, any joint owner of whom the Department has knowledge and location information, the financial institution in which an account of the responsible relative is located, the sheriff of the county in which goods or chattels of the responsible relative are located, or any person or entity indebted to or holding personal property of the responsible relative or which may be liable for payment of money in connection with a claim or cause of action of the responsible relative. The notice shall contain the following:
- i) the name and address of the responsible relative;
 - ii) a description of the account or personal property to be levied;
 - iii) the amount of past-due support to be satisfied by the levy;
 - iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative;
 - v) the right of the responsible relative to prevent levy upon the personal property, including accounts, by payment of the past-due support amount in full or by contesting the determination that past-due support is owed or the amount of past-due support by requesting a hearing within 15 days after the date of mailing of the Notice of Lien or Levy; and
 - vi) the right of a joint owner to prevent levy upon his or her share of the account or other personal property or to seek a refund of his or her share of the account or other personal property already levied, by requesting, within 15 days after the date of mailing of the Notice of Lien or Levy to the

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joint owner, a hearing by the Department to determine his or her share of the account or other personal property. A joint owner who is not provided with a Notice of Lien or Levy by the Department may request a hearing by the Department within 45 days after the date of levy of the account or other personal property.

- C) In addition to the information to be included in the Notice of Lien or Levy under subsection (f)(2)(B), the Notice of Lien or Levy provided to a financial institution shall:
- i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24];
 - ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit such assets within five days after being served with a Notice to Surrender Assets by the Department;
 - iii) state that the financial institution may charge the responsible relative's account a fee of up to \$50, and that the amount of any such fee be deducted from the account before remitting any assets from the account to the Department; and
 - iv) include a form, Response to Notice of Lien or Levy, to be completed by the financial institution and returned to the Department within 30 days after receipt of the Notice of Lien or Levy.
- D) The form for the response to Notice of Lien or Levy provided for under subsection (f)(2)(C)(iv) of this Section shall include provisions for the financial institution to complete stating:

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- i) the amount of assets in the responsible relative's account;
 - ii) the amount of the fee to be deducted from the account;
 - iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution;
 - iv) the name and address of any joint owners of the account;
and
 - v) the amount of assets surrendered and remitted to the Department.
- E) A written request for a hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from levying upon the personal property, although the lien shall remain in effect during the pendency of any appeal taken pursuant to this subsection (f).
- F) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the responsible relative's written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- G) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.110 upon receipt of a joint owner's written request for a hearing.
- H) The Department, upon determining a joint owner's share of the personal property or account, shall release the lien against the personal property or account to the extent of the joint owner's share. If the Department's determination of the joint owner's share occurs after the personal property or account has been levied, the Department shall refund the joint owner's share of the personal property or account.
- I) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

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- J) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives shall be subject to all State and federal confidentiality laws and regulations. Following data exchange with financial institutions to locate personal property of responsible relatives, the Department shall return to financial institutions such data that does not relate to a responsible relative whose personal property may be subject to lien or levy under this subsection (f).
- g) Security, Bond or Other Guarantee of Payment
- 1) Except as provided in subsections (g)(2) and (3) of this Section, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code [305 ILCS 5/10-17.4].
 - 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.
 - 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.
- h) Past-Due Support Information to Consumer Reporting Agencies
- 1) The Department shall report the following information concerning responsible relatives in IV-D cases to consumer reporting agencies when

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the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (b)(2)(A) of this Section:

- A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support that has accumulated under the order for support.
- 2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount that will be reported;
 - C) the date past-due support will be reported; and
 - D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days from the date of mailing of the notice.
- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:
- A) a request for:

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- i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
 - B) payment in full of the amount of the past-due support stated in the:
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.
 - 6) The Department shall advise consumer reporting agencies of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- i) High-Volume Automated Administrative Enforcement in Interstate Cases
- 1) The Department shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request of another state to enforce support orders, and shall promptly report the results of such enforcement activity to the requesting state.
 - 2) High-volume automated administrative enforcement means that, upon a request of another state, the Department shall identify, through automated data matches with financial institutions and other entities, where assets may be found of persons who owe child support in other states, and seize such assets through levy or other appropriate processes.
 - 3) The Department may, by electronic or other means, transmit to another state a request for assistance in a case involving the enforcement of a support order. The request shall:
 - A) Include such information that will enable the state to which the request is transmitted to compare the information about the case to the information in the databases of that state.
 - B) Constitute a certification by the Department of the amount of support owed and that the Department has complied with all

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procedural due process requirements applicable to each case.

- 4) If the Department provides assistance to another state pursuant to this Section with respect to a case, neither state shall consider the case to be transferred to the caseload of such other state.
- 5) The Department shall maintain records of:
 - A) The number of such requests for assistance received by the Department.
 - B) The number of cases for which the Department collected support in response to such a request and the actual amount of such support collected.
- j) Past-Due Support Certified to the Illinois Department of Revenue, to municipalities or to the IV-D Agency of Another State for Administrative Enforcement in the Other State
 - 1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Illinois Public Aid Code [305 ILCS 5/10-17.9]), to municipalities with ordinances to immobilize and impound vehicles for non-payment of child support (see Section 10-17.3 of the Illinois Public Aid Code [305 ILCS 5/10-17.3]) or to another state's IV-D agency for administrative enforcement where the responsible relative has property in the other state.
 - 2) The Department may certify past-due support amounts to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state when the following conditions exist:
 - A) past-due support is owed for a child or for a child and the parent with whom the child is living;
 - B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (j)(3) of this Section;

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- C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and
 - D) the responsible relative is not deceased.
- 3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state, which advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount that will be submitted for collection;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
 - D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.
- 4) Factors for a satisfactory repayment plan will include, but are not limited to:
- A) the amount of past-due support owed;
 - B) the amount to be paid toward the past-due amount;
 - C) the amount of current child support obligations; and
 - D) the individual's ability to pay.
- 5) The Department shall provide the Illinois Department of Revenue, municipalities or the IV-D agency of another state for administrative enforcement in the other state, the following descriptive information on the responsible relative:

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- A) name;
 - B) Social Security Number;
 - C) IV-D identification number; and
 - D) the past-due support amount.
- 6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state.
- 7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.
- 8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (j)(6) of this Section.
- 9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.
- 10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- 11) The Department shall:
- A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support

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obligation; or

- B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.
- k) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports
- 1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human Services for denial of passports when the amount of past-due support exceeds \$2,500:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support that has accumulated under the order for support.
 - 2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services, which advance notice shall inform the relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount that will be certified;
 - C) the date past-due support will be certified; and
 - D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
 - 3) The Department shall provide the responsible relative with notice of the

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results of the redetermination and the right to prevent certification by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.

- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
 - 5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:
 - A) a request for:
 - i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
 - B) payment in full of the amount of the past-due support stated in the:
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.
 - 6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- l) List of Responsible Relatives
 - 1) Any list of responsible relatives owing past-due support to be disclosed pursuant to Section 12-12.1 of the Illinois Public Aid Code [305 ILCS 5/12-12.1] shall be developed as required by this subsection (l).
 - 2) The list shall include no more than 200 responsible relatives at any given time, shall include only responsible relatives owing \$5,000 or more in past-due support accumulated under Illinois court or administrative support orders, and shall include, but is not limited to, the following information about each responsible relative:

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- A) the name of the responsible relative;
 - B) the responsible relative's last known address; and
 - C) the amount of past-due support as of a given date, expressed within a range (for example, \$50,000-\$100,000), that has accumulated under the support order.
- 3) The Department shall make the list available for public inspection at its offices or by other means of publication, including the Internet.
- 4) The Department shall send an advance notice by certified mail to the responsible relative at his or her last known address at least 90 days prior to publishing past-due support information. The advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount as of a given date;
 - C) the earliest date by which past due support information will be published;
 - D) the right to contest the determination that past-due support is owed or the amount of past-due support by submitting a written request to the Department for a hearing no later than 10 days before the date of publication stated in the advance notice; and
 - E) that within 60 days from the date of delivery or refusal of the advance notice, the responsible relative may avoid publication of the past-due support information by paying the past-due support in full, or by establishing and complying with a satisfactory payment plan as determined by the Department.
- 5) Factors for a satisfactory payment plan will include, but are not limited to:
- A) the amount of past-due support owed;

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- B) the amount to be paid toward the past-due support;
 - C) the amount of the current support obligation(s); and
 - D) the responsible relative's ability to pay.
- 6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.101 and 104.103 upon receipt of a request for a hearing.
- 7) The Department shall be stayed from publishing past-due support information regarding the responsible relative by any of the following:
- A) a timely written request for hearing from the responsible relative regarding the existence or amount of past-due support stated in the advance notice; or
 - B) as of the date of publishing, a pending judicial review of a final administrative decision of the Department issued pursuant to this subsection.
- m) Certification of Past-Due Support to the Illinois Secretary of State for Driver's License Suspension
- 1) The Department shall issue a Notice of Intent to Request Suspension of an Illinois Driver's License to a responsible relative in accordance with Section 10-17.6 of the Illinois Public Aid Code [305 ILCS 5/10-17.6] and Section 7-702 of the Illinois Vehicle Code [625 ILCS 5/7-702], when the following circumstances exist:
- A) the amount of past-due support is at least \$2500;
 - B) the responsible relative has not made a voluntary payment in the last 90 days.
- 2) The Notice of Intent to Request Suspension of an Illinois Driver's License shall contain the following:
- A) the name and address of responsible relative;

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- B) the responsible relative's Recipient Identification Number;
 - C) the responsible relative's Driver's License Number;
 - D) the amount of past-due support, including interest;
 - E) the fact that the responsible relative's name will be referred to the Secretary of State for suspension of the driver's license if the responsible relative fails to contact the Department within 15 days after the mailing date of Notice;
 - F) the right of the responsible relative to prevent certification for the license suspension by payment of the past-due support amount in full or by entering into a repayment plan satisfactory to the Department or to contest the amount of past-due support that is owed by requesting a hearing within 15 days after the date of mailing by the Department.
- 3) A written request for hearing made within 15 days after the date of mailing of the Notice of Intent to Request Suspension of an Illinois Driver's License shall stay the Department from certifying past-due support to the Secretary of State.
- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- n) Debit Authorization for Obligor's Who Are Not Subject to Income Withholding
- 1) The Department shall adopt a child support enforcement debit authorization form that, upon being signed by an obligor, authorizes the State Disbursement Unit to debit the obligor's financial institution account periodically in an amount equal to the amount of the child support obligation.
 - 2) The Department shall, upon adoption, inform each financial institution conducting business in this State that the child support enforcement debit authorization form has been adopted and is ready for use.

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- 3) The child support enforcement debit authorization form shall include instructions concerning the debiting of accounts held on behalf of obligors and the transfer of the debited amount to the State Disbursement Unit.
 - 4) When an obligor does not have a payor, as defined in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15], he or she must sign a child support enforcement debit authorization form. The obligor must sign a separate child support enforcement debit authorization form for each financial institution holding an account on his or her behalf in which a child support payment is to be debited and transferred to the State Disbursement Unit.
 - 5) The signing and issuance of a child support enforcement debit authorization form does not relieve the obligor from responsibility for compliance with any requirement under the order for support.
 - 6) It is the responsibility of the obligor to notify the State Disbursement Unit in accordance with the instructions provided on the child support enforcement debit authorization form.
- o) Other Remedies
The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

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

Section 160.71 Credit for Payments Made Directly to the Title IV-D Client

Where the operative court or administrative order for support requires child support payments to be made to the Department, the State Disbursement Unit, or the Clerk of the Circuit Court, the Department will allow a one time credit to its child support accounts receivable for payments made directly to the Title IV-D client, up to the amount of the past due support owed to the Title IV-D client, when:

- a) a court of competent jurisdiction enters an order requiring credit; or
- b) the following circumstances exist:
 - 1) [either:](#)

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- A) the order for support was entered in Illinois; ~~or, if a foreign order, has been registered in Illinois; and~~
- B2) ~~if the order for support is a foreign order: a balance of support is owed to the Title IV-D client; and~~
- i) ~~the order has been registered in Illinois; and~~
- ii) ~~the law of the state that entered the order allows credit for payments made directly to the Title IV-D client; and~~
- 2) a balance of support is owed to the Title IV-D client; and
- 3) there has been no other instance, after the effective date of this Section, in which the Department credited its child support accounts receivable for payments made by the responsible relative directly to the Title IV-D client; and
- 4) either:
- A) the Title IV-D client signs a statement specifying the payments that the client is requesting be credited to the accounts receivable; or
- B) the responsible relative provides the Department with clear and convincing documentation (such as copies of canceled checks or money order receipts) showing that the payments for which the relative is requesting credit were made and the Department has given the Title IV-D client opportunity to acknowledge or deny receipt of the payments.

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

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section 160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services

Child support payments which are received on behalf of a former AFDC or TANF recipient who

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continues to receive child support enforcement services, shall be distributed in accordance with the provisions of subsections (a) through (g) of this Section.

- a) **Current Support:** Upon cancellation of TANF or AFDC, a client's assignment of support ceases (see Section 160.20), except with respect to the amount of any unpaid support obligation that has accrued under such assignment. For any month in which a client is not a TANF recipient, regardless of whether such client continues to receive child support enforcement services, the client is entitled to the amount of current support paid for that month, up to the amount of the monthly support obligation for that month. Current support payments to former AFDC or TANF recipients who do receive child support enforcement services from the Department shall be issued within two business days after initial receipt in the State.
- b) **Unpaid Current Support Accrued Following Cancellation:** If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient who receives child support enforcement services exceeds the amount of current support distributed pursuant to subsection (a) above, the client shall be paid any such amount, up to the unpaid current support obligation which has accrued for any month following cancellation of the client's AFDC or TANF case in which the client received child support enforcement services. Such payments to former AFDC or TANF recipients shall be issued within two business days after initial receipt in the State.
- c) **Unpaid Current Support Accrued Prior to the Family Receiving Assistance (only in cases where the assignment of support rights under Section 160.20 of this Part was entered into on or after October 1, 1998):** If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient who receives child support enforcement services exceeds the amount of support distributed pursuant to subsections (a) and (b) of this Section, the client shall be paid any such amount, up to the unpaid current support obligation that has accrued for any month prior to the family having first received assistance, but only if such first month commenced on or after October 1, 1998, and only if such amount was not collected by use of federal income tax refund offset. Such payments to former TANF recipients shall be issued within two business days after initial receipt in the State.
- d) **Unreimbursed AFDC or TANF:** If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient exceeds the amount to be

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distributed pursuant to subsections (a) and (b) of this Section and, where applicable, subsection (c) of this Section, the excess shall be retained by the Department to reimburse it for past unreimbursed AFDC or TANF. If the unpaid support obligation is greater than the past unreimbursed AFDC or TANF, then the maximum reimbursement amount is the amount of unreimbursed AFDC or TANF the Department has provided. If the past unreimbursed AFDC or TANF is greater than the unpaid support obligation, then the maximum reimbursement amount is the amount of the unpaid support obligation, unless amounts are collected which represent the required support obligation for periods prior to the first month in which the former AFDC or TANF recipient received AFDC or TANF, and that first month of receipt of AFDC or TANF occurred prior to October 1, 1998, or the amounts are collected by use of offset of federal income tax refunds, in which case such amounts will be retained by the Department to reimburse the difference between such support obligation and such past unreimbursed AFDC or TANF.

- e) Past Excess: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient exceeds the amount to be distributed pursuant to subsections (a), (b), (c), and (d) of this Section, the excess, up to the amount of the unpaid support obligation, including the unpaid obligation for months prior to the first month in which the former AFDC or TANF recipient received AFDC or TANF, shall be paid to the client. Such payments to former AFDC or TANF recipients shall be issued within two business days after initial receipt in the State.
- f) Amounts In Excess of the Child Support Obligation: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient who continues to receive child support enforcement services exceeds the amount to be distributed pursuant to subsections (a), (b), (c), (d), and (e) of this Section, and a support obligation exists for future months, the amount shall be applied to the future months and paid to the client, except when the collection was the result of a federal income tax refund intercept. In any collection resulting from a federal income tax refund intercept, distribution will be applied in accordance with Section 160.130 of this Part. If no future support is due, the excess shall be refunded to the responsible relative.
- g) Identification of Child Support Payment: Any support payment issued to a former AFDC or TANF recipient under this Section shall be identified on its face as being a child support payment.

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

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Section 160.130 Distribution of Intercepted Federal Income Tax Refunds

The Department shall as promptly as possible apply collections it receives as a result of intercept of federal income tax refunds only against the past-due support amount specified in the advance notice provided the responsible relative (see Section 160.70(c)(3)).

- a) Federal income tax refunds shall be applied first to satisfy any IV-D AFDC, IV-D TANF or IV-E foster care assigned past-due support and then to satisfy any IV-D non-TANF past-due support.
- b) The Department shall send payments made to a IV-D client or DCFS as a result of the intercept of federal or State income tax refunds and other State payments within 30 calendar days after initial receipt by the Department, except as described in subsections (c) and (d) of this Section.
- c) When a responsible relative initiates the review process under Section [160.70\(b\)\(3\)\(C\)](#)~~160.70(e)(3)(C)~~ between the date of the tax refund intercept and the date the Department disburses the intercepted funds or the 30th calendar day after the Department's initial receipt of such funds, whichever first occurs, the State Disbursement Unit shall send any funds determined to be due the IV-D client or DCFS within 15 calendar days after the review process concludes.
- d) If the Department is notified by the federal Office of Child Support Enforcement that an intercept to satisfy IV-D non-TANF past-due support is being made from a refund based on a joint return, the Department may delay distribution of the federal tax refund intercept until it is notified that the unobligated spouse's proper share of the refund has been paid or for a period not to exceed six months from notification of the intercept, whichever first occurs.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special White-Tailed Deer Season for Disease Control
- 2) Code Citation: 17 Ill. Adm. Code 675
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
675.10	Amendment
675.20	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to remove Ogle, LaSalle, and Grundy Counties from the list of open counties for this season and to add Kane County west of State Route 47. The four "core" disease counties will remain in this season and the outlying counties that have discovered only one or two deer with CWD will be offered similar hunting opportunities by being incorporated into the Late-Winter Deer Season. Kane County is being added because positive deer have been identified within a few miles of its border.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Jack Price, Legal Counsel
Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

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One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 675
SPECIAL WHITE-TAILED DEER SEASON FOR DISEASE CONTROL

Section

675.10	CWD Season
675.20	CWD Deer Permit Requirements
675.30	Weapon Requirements for CWD Deer Hunting Season
675.40	CWD Deer Hunting Rules
675.50	Reporting Harvest
675.60	Rejection of Application/Revocation of Permits
675.70	Regulations at Various Department-Owned or -Managed Sites

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

SOURCE: Adopted at 29 Ill. Reg. 20454, effective December 2, 2005; amended at 31 Ill. Reg. 1874, effective January 5, 2007; amended at 31 Ill. Reg. 14822, effective October 18, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 675.10 CWD Season

- a) Season: One-half hour before sunrise on the first Friday after January 11 to ½ hour after sunset on the following Sunday. Shooting hours are ½ hour before sunrise to ½ hour after sunset. Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).
- b) Open counties: Boone, McHenry, ~~Ogle~~, Winnebago, ~~LaSalle~~, ~~Grundy~~ and DeKalb counties and that portion of Kane County west of State Route 47. Additional counties in which ~~deer with~~ CWD foci are identified subsequent to adoption of this Part shall be opened via public announcement (e.g., press release, site posting and publication in Outdoor Illinois).

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- c) Hunting outside the set season dates or without a valid permit for the area hunted is a Class B misdemeanor (see 520 ILCS 5/2.24).

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

Section 675.20 CWD Deer Permit Requirements

- a) Hunters must have an unfilled deer permit valid for the previous firearm, muzzleloader or youth deer season and valid for one of the open counties (Boone, McHenry, DeKalb, [Kane](#) or Winnebago); an unfilled deer permit valid for the previous archery deer season; or a valid Chronic Wasting Disease (CWD) Season Deer Permit. A CWD Season Deer Permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Unfilled firearm, muzzleloader or youth deer permits are valid only for the county for which they were originally issued, except that unfilled landowner property-only hunting firearm deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties. Unfilled archery deer permits are valid throughout all counties/portions of counties open to this special season, except that unfilled landowner property-only hunting archery deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties.
- 1) Unfilled firearm, muzzleloader or youth deer permits that were originally issued for special hunt areas are not valid during the CWD Season unless:
 - A) the hunter's name is redrawn at the daily site lottery to hunt at the same special hunt area during the CWD Season; or
 - B) the special hunt area is open to persons with a county permit and the special hunt area does not conduct a daily site lottery.
 - 2) Sites conducting a daily site lottery will be announced publicly.
- b) CWD Season Deer Permits are available over-the-counter (OTC) from participating license vendors for a fee of \$5. These permits shall be antlerless-only.

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- c) Hunters purchasing CWD Season Deer Permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.
- d) Permits are not transferable. Refunds will not be granted.
- e) A \$3 service fee will be charged for replacement permits. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- f) Recipients of the CWD Season Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.
- g) Successful hunters checking in their deer at the CWD Deer Season check station who provide tissue samples to the Department for CWD testing (or who attempt to do so, in situations where deer are unsuitable for testing) are eligible to receive an additional permit (either-sex) at no charge each time they check in a deer and submit samples. These permits, which are valid for the remainder of the season, will be issued at the time of check-in by check station personnel.
- h) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

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

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- 1) Heading of the Part: Late-Winter Deer Hunting Season
- 2) Code Citation: 17 Ill. Adm. Code 680
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
680.10	Amendment
680.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part are being proposed to incorporate statutory changes affecting hunting hours and to update rifle requirements.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

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

217/782-1809

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 680
LATE-WINTER DEER HUNTING SEASON

Section

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

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

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective August 3, 1998; amended at 24 Ill. Reg. 8975, effective June 19, 2000; amended at 26 Ill. Reg. 13820, effective September 5, 2002; emergency amendment at 28 Ill. Reg. 1032, effective January 6, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 2197, effective January 26, 2004; amended at 28 Ill. Reg. 15503, effective November 19, 2004; amended at 29 Ill. Reg. 20462, effective December 2, 2005; amended at 30 Ill. Reg. 14508, effective August 24, 2006; amended at 31 Ill. Reg. 13180, effective August 30, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 680.10 Statewide Season

- a) Season: One-half hour before sunrise on the first Friday after January 11 to ½ hour after sunset on the following Sunday. Shooting hours are ½one-half hour before sunrise to ½ hour after sunset. Hunting prior to ½ hour before sunrise or

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after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). ~~Hunting after sunset is a Class B misdemeanor (see 520 ILCS 5/2.24).~~

- b) For the purpose of removing surplus deer, the Department of Natural Resources (Department) shall open select counties and sites to firearm deer hunting during the Late-Winter Deer Season. The Department shall notify the public of the counties that are projected to have surplus deer populations via a public announcement. These counties also will be listed in the instructions contained in the current Late-Winter Deer Permit Application.
- c) Hunting outside the set season dates or without a valid permit for the county hunted in is a Class B misdemeanor (see 520 ILCS 5/2.24).

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

Section 680.40 Statewide Firearm Requirements for Late-Winter Deer Hunting

- a) The only legal firearms to take, or attempt to take, deer are:
 - 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or
 - 2) A single or double barreled muzzleloading rifle of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length; or
 - 3) centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches and single-shot muzzleloading handguns (blackpowder handguns that are incapable of being loaded from the breech end) of .50 caliber or larger capable of producing at least 500 foot pounds of energy at the muzzle according to published ballistic tables of the manufacturer.
- b) Standards and specifications for legal ammunition are:
 - 1) For shotguns and muzzleloading firearms, the minimum size of the projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.

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- 2) The only legal ammunition for a centerfire handgun is a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches, or a straight-walled centerfire cartridge of .30 caliber or larger, both of which must be available with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle. Single-shot muzzleloading handguns must use a projectile of .44 caliber or larger with sufficient blackpowder or "blackpowder substitute" (such as Pyrodex) to produce at least 500 foot pounds of energy at the muzzle. A wad or sleeve is not considered a projectile or part of a projectile.
 - 3) Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
- c) Standards and specifications for use of muzzleloading firearms are as follows:
- 1) A muzzleloading firearm is defined as a firearm that is incapable of being loaded from the breech end.
 - 2) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) are an approved blackpowder substitute only in muzzleloading firearms that are specifically designed for their use.
 - 3) Only percussion ~~Percussion~~-caps, wheel lock, matchlock or flint type ignition ~~only~~ may be used, except the Connecticut Valley Arms (CVA) electronic ignition shall be legal to use.
 - 4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel ~~unwound~~~~un-wound~~ or removal of prime powder and match with match not lit, or removal of the battery from the CVA electronic ignition muzzleloader, shall constitute an unloaded muzzleloading firearm.
- d) Hunters using unfilled muzzleloader deer permits may only use muzzleloading rifles as specified in subsection (a)(2). Hunters using unfilled firearm deer

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permits, or Late-Winter Deer Season Permits, may use all firearms specified in subsection (a). Hunters using unfilled youth deer permits may only use shotguns or muzzleloaders as specified in subsections (a)(1) and (a)(2).

- e) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the Late-Winter Deer Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than deer hunters shall not be prohibited during the Late-Winter deer season as set in Section 680.10. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
- 3)

<u>Section Number:</u> 1070.20	<u>Proposed Action:</u> Amendment
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- 4) Statutory Authority: 625 ILCS 5/Ch 7-101
- 5) A Complete Description of the Subjects and Issues Involved: This amendment is to establish that Proof of Financial Responsibility, as required in IVC Section 7-315 and notices of cancellation or termination of the certified policy of insurance, as required in IVC Section 7-318, when submitted by paper, shall be 8½" X 11" size paper. The Secretary of State will not process and shall return a certificate until it is submitted on the correct size of paper.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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? Yes

<u>Section Numbers:</u> 1070.110	<u>Proposed Action:</u> Amendment	<u>Illinois Register Citation:</u> 32 Ill. Reg. 8890; 6/20/08
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- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Arlene J. Pulley

SECRETARY OF STATE

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Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217/557-4462

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because the need for this rulemaking was not anticipated at the time the agendas were prepared.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1070
ILLINOIS SAFETY RESPONSIBILITY LAW

Section

1070.10	Forms of Security
1070.20	Future Proof
1070.30	Installment Agreements
1070.40	Disposition of Security
1070.50	Failure to Satisfy Judgment
1070.60	Release From Liability
1070.70	Incomplete Unsatisfied Judgment
1070.80	Driver's License Restriction for Exclusive Operation of Commercial Vehicles
1070.90	Dormant and Dead Judgments
1070.100	Bankruptcy
1070.110	Illinois Safety and Family Financial Responsibility Law

AUTHORITY: Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7].

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; New Part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. 8517, effective May 27, 1993; amended at 18 Ill. Reg. 10909, effective June 28, 1994; amended at 20 Ill. Reg. 398, effective December 20, 1995; amended at 20 Ill. Reg. 7956, effective May 30, 1996; amended at 24 Ill. Reg. 1672, effective January 14, 2000; emergency amendment at 27 Ill. Reg. 14361, effective August 20, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18458, effective November 24, 2003; emergency amendment at 30 Ill. Reg. 7974, effective April 14, 2006, for a maximum of 150 days; emergency expired September 11, 2006; amended at 30 Ill. Reg. 6392, effective April 12, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 1070.20 Future Proof

- a) For purposes of this Section, the following definitions shall apply:

"Certificate of Insurance" – certificate filed with the Secretary of State's

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Office as proof that the person has purchased financial responsibility insurance as outlined in [IVC Section 625 ILCS 5/7-315](#).

"Department" – Department of Driver Services of the Office of the Secretary of State.

"Financial Responsibility Insurance" – insurance used to establish proof of financial responsibility as established in [IVC Sections 7-315 and 7-316](#) ~~of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-315 and 7-316]~~.

"Illinois Insurance Guarantee Fund" – section of the Illinois Department of Insurance which deals with disposition of assets following bankruptcy.

["Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.](#)

"Law" – the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 7].

"Lien" – claim on property of another as security for payment of a just debt.

"Motor Vehicle Liability Policy" – "owner's policy" or an "operator's policy" of liability insurance ~~that~~[which](#) is certified pursuant to [IVC Section 7-315 or 7-316](#), ~~and~~ comports with [IVC Section 7-302](#) ~~of the Law~~ and ~~which~~ complies with the requirements of [IVC Section 7-317\(b\), \(c\), \(d\), and \(f\)](#) ~~of the Law~~.

"Proof of Financial Responsibility for the Future" – ability to respond in damages for any liability resulting from the ownership, maintenance, use or operation of a motor vehicle as provided in [IVC Section 7-302](#) ~~of the Law~~.

"Real Estate Bond" – proof filed pursuant to [IVC Section 7-320](#) ~~of the Law~~.

"Secretary of State" – Secretary of State of Illinois.

"Stock" – proportionate share in ownership of corporation held by individual and ~~that~~[which](#) is usually represented by a stock certificate.

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"Surety" – a person who makes himself/herself liable for another's debts or defaults of obligations.

- b) When a person purchases insurance to file proof of financial responsibility for the future, the insurance company will file a certificate of insurance with the Department. The certificate filed shall be either the AAMVA (American Association of Motor Vehicle Administrators) Uniform Financial Responsibility form, containing the insured's name and address, license number, and birthdate; current policy number and effective date of the insurance policy and the name of the insurance company with the signature of its authorized representative, or other certificate of insurance proof conforming to the requirements of [IVC](#) Section 7-315 or 7-316 ~~of the Law~~, which is endorsed and certifies policy limits as specified in [IVC](#) Section 7-302 ~~of the Law~~. If an owner's rather than operator's policy, it must include the model year, trade name and identification number of the vehicle. The owner's policy must also conform with the amounts specified in [IVC](#) Section 7-302 ~~of the Law~~.
- c) If a person purchases a certificate of insurance to satisfy his/her requirement to file future proof of financial responsibility and the insurance company fails and is no longer in business, and ceases operations by order of a court, and the Department is notified by the Illinois Insurance Guarantee Fund of the non-operation of the insurance company, the person shall have 30 days after notification by the Department to file a new certificate of insurance or satisfy his/her future proof requirement by cash or one of the other alternate methods provided in [IVC](#) Section 7-314 ~~of the Law~~. If a suspension has been entered even though the person has filed future proof of financial responsibility within the 30 day time period, the suspension shall be removed.
- d) If a person required to furnish proof of financial responsibility for the future chooses to file a bond pursuant to [IVC](#) Section 7-320 ~~of the Law~~, and the bond is executed by the person giving the proof and two individual sureties, the following conditions must be met:
- 1) Each surety must own real estate within the State of Illinois;:-
 - 2) Each surety must have equity in that real estate in the amount of the bond;:-
 - 3) The bond must be endorsed by the clerk of the court and approved by a judge as provided in [IVC](#) Section 7-320 ~~of the Law~~.

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- e) If any evidence of proof of financial responsibility for the future filed under the Law falls below the amount required as provided in [IVC Section 7-302](#) ~~of the Law~~, additional evidence shall be required. Cash and securities are deposited with the Illinois State Treasurer and the Treasurer monitors the securities and informs the Department if its value falls below the amount required. A certificate of insurance or bonds, real estate bonds that are without liens, stocks, and cash shall be accepted as evidence to establish the additional required proof of financial responsibility for the future. The additional security shall be sent to the Safety and Financial Responsibility Section, Department of Driver Services, 2701 South Dirksen Parkway, Springfield, Illinois 62723.
- f) Whenever any evidence of proof of ability to respond in damages required to be filed pursuant to the provisions of [IVC Section 7-301](#) ~~of the Law~~ no longer fulfills the purpose for which required, the Department shall require other evidence of ability to respond in damages, including but not limited to an endorsed certificate of insurance meeting the requirements of [IVC Section 7-302](#) ~~of the Law~~, bonds, unencumbered real estate bonds, stocks or cash. The person required to post proof shall have 30 days after notification by the Department to post or file additional proof. If the person fails to post proof within 30 days, ~~then~~ the Secretary of State shall suspend the driver's license, registration certificate, license plates and registration sticker pending receipt of such proof.
- g) Proof of Financial Responsibility as required in the Law shall be made by filing with the Secretary of State a written or electronic certificate of insurance. Notices of cancellation or termination of the certified policy of insurance proof as required in [IVC Sections 7-315 and 7-318](#) ~~of the Law~~ must be submitted in writing or electronically. All written or electronic certificates of insurance proof and cancellation or termination as required in the Law must be submitted in a manner satisfactory to the Secretary of State.
- h) A notice of cancellation or termination of the certified policy of insurance for nonpayment of premiums shall only be sent to the Secretary of State after the insured has failed to discharge, on or after the due date, any of his or her obligations in connection with the payment of premiums, or installments that are payable directly to the insurer, its agent, or a party that has financed the premium. In the event an insurance company violates the provisions of this subsection, that violation shall be reported to the Illinois Department of Financial and Professional Regulation-Division of Insurance.

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- i) Proof of Financial Responsibility as required in IVC Section 7-315, and notices of cancellation or termination of the certified policy of insurance, as required in IVC Section 7-318, when submitted by paper shall be 8½" X 11" in size. The Department shall return certificates submitted incorrectly to the insurance company. Certificates will not be processed until submitted on the correct size of paper.

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Service Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 140
- 3) Section Number: 140.129 Adopted Action:
New Section
- 4) Statutory Authority: 5 ILCS 2505/2505-795; 35 ILCS 120/12 (incorporated by reference into the Service Occupation Tax Act at 35 ILCS 115/12)
- 5) Effective Date of Amendment: August 11, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 5956; April 11, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

In subsections (a) (definition of "Cost Price"); (b)(2); (b)(3)(A) through (b)(3)(D); (b)(5); (d)(2) and (d)(3), after "his", added "or her".

In subsections (a) (definition of "Cost Price"); (b)(2); (b)(3)(B); (b)(3)(D); and (c)(2), changed "his" to "the".

In subsections (a) and (c)(2), after "him", added "or her".

In subsection (b)(1), deleted "of this Section".

In subsections (b)(1)(C) and (b)(1)(D); (b)(3)(A) through (b)(3)(D) and (d)(3), after "he", added "or she".

In subsection (b)(3), deleted the colon.

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In subsections (b)(3)(A) through (b)(3)(D) and (c)(2), after "He", added "or she".

In subsection (b)(3)(A), deleted "of this subsection".

In subsection (b)(3)(D), changed "above" to "in this subsection (b)(3)(D)".

In subsection (a)(3)(D), deleted "a".

In subsections (c) and (d)(1), changed "130.100 et al" to "130".

In subsection (c), deleted the subsection label and added a colon after "Examples".

In subsections (c)(1) and (2), changed the subsection labels to "1" and "2".

In subsection (c)(2), deleted "of this Section".

In subsection (d), deleted the subsection label and added a colon after "Examples".

In subsection (d)(1), changed the subsection labels to "1", "2" and "3".

In subsection (d)(3), changed "above" to "in this subsection (d)(3)".

In subsection (e), deleted the subsection label and added a colon after "Examples".

In subsection (e), changed the subsection labels to "1", "2" and "3".

In subsection (f), added "he or" before "she".

In subsection (f), added "his or" before the word "her".

- 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 amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendment: This rulemaking explains the taxation of tangible personal property transferred as part of a seminar. Under this rulemaking, seminar materials that are transferred to persons as part of their attendance at a seminar are considered a service transaction and will result in tax liability under either the Service Occupation Tax Act or the Use Tax Act. The regulation provides a definition of the term, "seminar materials" and "seminar provider." The rule provides numerous examples in order to demonstrate how the service occupation tax and use tax might apply to different seminar providers. In contrast to these transactions, the rule proposes that retailers' occupation tax liability will be incurred for transactions in which a seminar provider offers seminar materials without requiring attendance. This is the case, for instance, when a seminar provider who also presents a live seminar makes his seminar materials available at a reduced price for persons not wishing to attend the live seminar. Numerous examples of these types of situations are also provided. The regulation also explains that seminar providers will generally incur use tax liability on items that are not considered "seminar materials" that are provided free of charge to attendees at seminars, such as coffee mugs, calendars, briefcases, and tee shirts. Finally, the regulation explains that not-for-profit organizations considered exempt by the Department (for example, as exclusively religious or charitable) incur no tax liability on seminar materials transferred incident to presentation of seminars that are in furtherance of their organizational purposes. As the regulation explains, however, these organizations may still incur retailers' occupation tax liability on any retail sales made at the seminar, unless that selling is one of the three types of limited selling authorized for exempt entities. Cross-references are made throughout these regulations to other sections of Part 140 (Service Occupation Tax) in order to provide additional guidance in explaining the liability of servicemen.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jerilynn G. Troxell
Deputy General Counsel – Sales & Excise Taxes
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 140
SERVICE OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	
140.101	Basis and Rate of the Service Occupation Tax
140.105	Calculation of Tax Incurred by Servicemen – Threshold Determination of Cost Ratio
140.106	When Cost Ratio is 35% or Greater, Service Occupation Tax Liability Is Incurred by Servicemen on Their Selling Price
140.108	"De Minimis" Servicemen Who Incur Use Tax on Their Cost Price
140.109	"De Minimis" Servicemen Who Incur Service Occupation Tax on Their Cost Price
140.110	Example of Methods Used by Servicemen to Determine Liability
140.115	Occasional Sales to Servicemen by Suppliers (Repealed)
140.120	Meaning of Serviceman
140.124	Commercial Distribution Fee Sales Tax Exemption
140.125	Examples of Nontaxability
140.126	Taxation of Food, Drugs and Medical Appliances
140.127	Service Provided to Persons Who Lease Tangible Personal Property to Exempt Hospitals
140.128	Persons Who Lease Tangible Personal Property to Governmental Bodies
140.129	Taxation of Seminar Materials
140.130	Suppliers of Printers (Repealed)
140.135	Sales of Drugs and Related Items, to or by Pharmacists (Repealed)
140.140	Other Examples of Taxable Transactions
140.141	Warranty Repairs
140.145	Multi-Service Situations

SUBPART B: DEFINITIONS

Section	
140.201	General Definitions

SUBPART C: BASE OF THE TAX

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- Section
- 140.301 Cost Price
- 140.305 Refunds by Supplier or Serviceman

SUBPART D: TAX RETURNS

- Section
- 140.401 Monthly Returns When Due – Contents of Returns
- 140.405 Annual Tax Returns
- 140.410 Final Return
- 140.415 Taxpayer's Duty to Obtain Form
- 140.420 Annual Information Returns by Servicemen
- 140.425 Filing of Returns for Serviceman Suppliers by their Suppliers Under Certain Circumstances
- 140.430 Incorporation by Reference

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140.1001 Payment of Tax
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140.1010 Payment of Tax Directly to the Department (Repealed)
140.1015 Itemization of the Tax by Suppliers (Repealed)
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140.1101 Filing of Documents with the Department

SUBPART L: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

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140.1201 When Lessee of Premises May File Return for Leased Department
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140.1210 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART M: USE OF EXEMPTION CERTIFICATES

Section
140.1301 When Purpose of Serviceman's Purchase is Known (Repealed)
140.1305 When Purpose of Serviceman's Purchase is Unknown
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SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

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140.1401 Claims for Credit – Limitations – Procedure
140.1405 Disposition of Credit Memoranda by Holders Thereof

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140.1410 Refunds
140.1415 Interest

SUBPART O: DISCONTINUATION OF A BUSINESS

Section
140.1501 Procedures

SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section
140.1601 Requirements and Procedures

SUBPART Q: POWER OF ATTORNEY

Section
140.1701 General Information

AUTHORITY: Implementing the Service Occupation Tax Act [35 ILCS 115] and authorized by Section 2505-100 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-100].

SOURCE: Adopted May 21, 1962; amended at 3 Ill. Reg. 23, p. 161, effective June 3, 1979; amended at 3 Ill. Reg. 44, p. 198, effective October 19, 1979; amended at 4 Ill. Reg. 24, pp. 526, 536 and 550, effective June 1, 1980; amended at 5 Ill. Reg. 822, effective January 2, 1981; amended at 6 Ill. Reg. 2879, 2883, 2886, 2892, 2895 and 2897, effective March 3, 1982; codified at 6 Ill. Reg. 9326; amended at 9 Ill. Reg. 7941, effective May 14, 1985; amended at 11 Ill. Reg. 14090, effective August 11, 1987; emergency amendment at 12 Ill. Reg. 14419, effective September 1, 1988, for a maximum of 150 days; emergency expired January 29, 1989; amended at 13 Ill. Reg. 9388, effective June 6, 1989; amended at 14 Ill. Reg. 262, effective January 1, 1990; amended at 14 Ill. Reg. 15480, effective September 10, 1990; amended at 15 Ill. Reg. 5834, effective April 5, 1991; amended at 18 Ill. Reg. 1550, effective January 13, 1994; amended at 20 Ill. Reg. 5379, effective March 26, 1996; amended at 20 Ill. Reg. 7008, effective May 7, 1996; amended at 20 Ill. Reg. 16211, effective December 16, 1996; amended at 24 Ill. Reg. 8125, effective May 26, 2000; emergency amendment at 25 Ill. Reg. 1811, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4971, effective March 23, 2001; amended at 25 Ill. Reg. 6531, effective May 3, 2001; amended at 26 Ill. Reg. 4905, effective March 15, 2002; amended at 27 Ill. Reg. 812, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11187, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; emergency amendment at 28 Ill. Reg. 15257, effective November 3, 2004,

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for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 1940, effective January 24, 2005; amended at 29 Ill. Reg. 7070, effective April 26, 2005; amended at 32 Ill. Reg. 13845, effective August 11, 2008.

SUBPART A: NATURE OF TAX

Section 140.129 Taxation of Seminar Materialsa) Definitions

"Cost Price" means the consideration paid by a serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of his or her supplier's cost of the property sold or on account of any other expense incurred by the supplier. When a serviceman contracts out part or all of the services required in the sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him or her by a subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of the property. However, if a primary de minimis serviceman who incurs a Use Tax liability on his or her cost price subcontracts service work to a secondary de minimis serviceman who also incurs a Use Tax liability on the cost price, the primary serviceman will not incur Use Tax liability if the secondary de minimis serviceman has paid, or will remit, Illinois Use Tax on the cost price of any tangible personal property transferred to the primary serviceman and certifies that fact in writing to the primary de minimis serviceman.

"Non-Seminar Materials" means materials or items transferred incident to the presentation of a seminar but not related to the actual subject matter of the seminar presentation or necessary for participation in the seminar. These items would include, but are not limited to, coffee mugs, briefcases or other promotional items. Pencils, pens, pads of paper and similar items are considered items necessary for participation in the seminar.

"Seminar" means any presentation, conference, training program, or continuing education course designed for educational, informational, professional or recreational purposes.

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"Seminar Attendance" occurs when a person is required to be physically at a specific location at a specific date and time in order to participate in the seminar. For videoconferences and teleconferences, attendance occurs only when instant interactive communication with the speaker is available.

"Seminar Materials" mean any educational or informational material, and any other items of tangible personal property, prepared, compiled or otherwise obtained for distribution to seminar customers incident to the presentation of a seminar, or of a right to attend the seminar. Seminar materials include, but are not limited to: books, manuals, practice guides, study guides, outlines, audio and video tapes, compact discs, cassette tapes, and items related to the subject of the seminar.

"Seminar Provider" means a person, group, organization, association, or other legal entity that offers, organizes or presents seminars. A seminar provider does not include an organization or institution granted a Department issued exemption identification number ("E" number) pursuant to 35 ILCS 120/1g of the Retailers' Occupation Tax Act when conducting a seminar or course of study in furtherance of its organizational purpose.

b) Seminar Materials – Service Transactions

1) Except as provided in subsection (c) of this Section, a seminar provider will incur either Service Occupation Tax or Use Tax liability on all seminar materials transferred during the presentation of a seminar for which a fee or other charge is made for attendance. See the examples in subsection (b)(3) and Sections 140.101 through 140.109 of this Part for further information. See subsection (f) for information regarding the tax liabilities of seminar providers conducting seminars for which no fee or other charge is made for attendance. A serviceman's liability may be calculated in one of four ways:

A) Service Occupation Tax on the separately stated selling price of tangible personal property transferred incident to service;

B) Service Occupation Tax on 50% of the serviceman's entire bill;

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- C) Service Occupation Tax on the serviceman's cost price of tangible personal property transferred incident to service if he or she is a registered de minimis serviceman; or
- D) Use Tax on the serviceman's cost price of tangible personal property transferred incident to service if he or she is a de minimis serviceman not otherwise required to be registered under Section 2a of the Retailers' Occupation Tax Act. To determine the proper tax base for seminar materials transferred incident to the sale of service, see the examples in subsection (b)(3) and Sections 140.101 through 140.109 of this Part.
- 2) A serviceman is considered a "de minimis" serviceman if his or her aggregate annual cost price of tangible personal property transferred incident to service is less than 35% of the aggregate annual total gross receipts from all sales of service (or less than 75% in the case of servicemen transferring prescription drugs or engaged in graphic arts production). See Section 140.105 for further information.
- 3) Examples
- A) Unregistered De Minimis Serviceman. The seminar provider is an unregistered de minimis serviceman as provided in Section 140.108 of this Part (e.g., he or she is unregistered because he or she does not sell tangible personal property at retail, nor has he or she chosen to become registered and remit Service Occupation Tax). He or she presents a seminar on antiques appraisal in Illinois, and as a part of the seminar provides attendees with a manual, a chart and some graphs. The provider purchases manuals at retail from a bookseller and the charts and graphs are photocopied at the seminar provider's office. The seminar provider incurs Use Tax liability on his or her cost price of the manual (i.e., on the amount charged by the bookseller for the purchase of the manuals). The seminar provider incurs Use Tax on the cost price of the paper and ink used to produce the chart and graphs (i.e., the amount charged by the office supply store for the paper and ink). If tax is not paid to either of these suppliers, the seminar provider must self-assess and remit tax to the Department. See Section 140.108 of this Part. Please note: if the seminar provider were to

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make any sales at retail, such as a videotape of the seminar sold outside the seminar, or an antiques appraisal booklet sold over the internet, he or she would not be eligible to pay tax as provided in this Example A and would instead be required to remit Service Occupation Tax to the Department on all his or her service sales as provided in subsections (b)(3)(B) through (D).

- B) Registered De Minimis Serviceman. A seminar provider presents a seminar in Illinois, and as part of the seminar provides the attendees with a manual, a chart and some graphs. The seminar provider is registered with the Department either because he or she has chosen to remit Service Occupation Tax or because he or she makes sales at retail and incurs Retailers' Occupation Tax. He or she otherwise qualifies as a "de minimis" serviceman. See Section 140.109 of this Part. The seminar provider may remit Service Occupation Tax and any applicable local taxes to the Department on his or her cost price of the materials transferred as part of the seminar. In this situation, the seminar provider is not authorized to pay tax to his or her suppliers. He or she must instead provide the suppliers (the bookseller and the office supply store) with a Certificate of Resale for the purchase of materials transferred as part of the seminar. The seminar provider must register and remit Service Occupation Tax to the Department on his or her cost price of the manuals, the paper and the ink. If the seminar provider contracts with a print shop to photocopy the chart and graphs, the seminar provider would provide a Certificate of Resale to the print shop and then remit Service Occupation Tax to the Department on his or her cost price of the charts and graphs (i.e., on a lump sum invoice from the print shop, tax would be calculated on 50% of the total print shop bill).
- C) Registered Serviceman Who Is Not De Minimis; Charge for Materials Not Separately Stated. A seminar provider presents a seminar in Illinois for \$500. As a part of the seminar, he or she provides the attendees with manuals, a chart and some graphs. The seminar provider is registered with the Department to remit Service Occupation Tax and his or her annual aggregate cost price of materials transferred incident to service is 45% of his or her total sales of service (he does not qualify as a "de minimis"

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serviceman). The seminar provider does not separately state a charge for the seminar materials on the invoice to the seminar attendees. The seminar provider incurs Service Occupation Tax and any applicable local taxes on 50% (\$250) of the total invoice charged to the seminar attendees. However, the tax base cannot be less than the serviceman's cost price. If the serviceman's cost price of the materials transferred is \$300, then the serviceman's tax base is \$300. See Section 140.106 of this Part. In this situation, the seminar provider is not authorized to pay tax to his or her suppliers. He or she must instead provide the suppliers with a Certificate of Resale for the purchase of the manuals, charts and graphs that are transferred as part of the seminar.

D) Registered Serviceman Who Is Not De Minimis; Charge for Materials Separately Stated. A seminar provider presents a seminar in Illinois and provides the attendees with a manual and some charts and graphs. The total charge to the seminar attendees for the seminar is \$125, which includes the price of the seminar materials. On the invoice to the attendees, the seminar provider lists a charge for the seminar materials of \$75. The seminar provider is registered with the Department to remit Service Occupation Tax and his or her annual aggregate cost of materials transferred is 43% of total gross receipts from sales of service (he or she does not qualify as a "de minimis" serviceman). The seminar provider incurs Service Occupation Tax and any applicable local taxes on the separately stated charge of \$75. However, the tax base cannot be less than the serviceman's cost price. If the serviceman's cost price of the materials transferred is \$85, then the serviceman's tax base is \$85. See Section 140.106 of this Part. In this situation, the seminar provider is not authorized to pay tax to his or her suppliers. He or she must instead provide the suppliers with a Certificate of Resale for the purchase of materials transferred as part of the seminar and remit tax to the Department as provided in this subsection (b)(3)(D).

4) Servicemen incurring Service Occupation Tax (e.g., subsections (b)(3)(B) through (D) of this Section) shall collect the Service Use Tax from customers. Although not required unless requested by the service customer, the Service Use Tax may be separately stated as a distinct item

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on the service bill. See 86 Ill. Adm. Code 160.115 for additional information.

- 5) Credit for Taxes Paid in Error to Supplier. Servicemen in subsections (b)(3)(B) through (D) are required to remit Service Occupation Tax to the Department and are not authorized to pay tax to suppliers. However, if tax has been paid to a supplier, the serviceman may take a credit against his or her Service Occupation Tax liability for taxes paid in error to a supplier for the same tangible personal property that was transferred to seminar attendees incident to service. It should be noted, however, that the serviceman will remain liable for any additional local taxes, if applicable. This would be the case, for instance, if a not-for-profit professional association makes bulk purchases of paper and ink for general administrative purposes, pays Use Tax on those purchases, and then later uses a portion of that paper and ink to photocopy graphs or charts for distribution at a seminar as provided in subsections (b)(3)(B) through (D).

c) Seminar Materials – Retail Transactions

Transactions in which a seminar provider transfers seminar materials to a person without requiring his or her attendance are subject to Retailers' Occupation Tax liability. The Retailers' Occupation Tax Act [35 ILCS 120] imposes a tax upon persons engaged in this State in the business of selling tangible personal property to purchasers for use or consumption. See 86 Ill. Adm. Code 130. The tax base is the selling price of the seminar materials transferred to the purchaser. A seminar provider, however, does not incur Retailers' Occupation Tax liability for materials that are provided to a person who is registered to attend a seminar but who is unable to attend because of illness, inclement weather, or similar event.

Examples:

- 1) A seminar provider presents a seminar on how to capitalize on investments through use of the internet. The charge to attend the seminar is \$400. However, the seminar provider makes the seminar materials available, without requiring attendance, for \$175. Sales of the seminar materials to persons who do not attend the seminar are subject to Retailers' Occupation Tax, and any applicable local taxes, on the \$175 selling price of the seminar materials.
- 2) A seminar provider presents a seminar for \$400 on how to buy real estate. During the seminar, the provider transfers manuals to the attendees. The

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transfer of manuals to attendees during the seminar is considered a sale of service. However, the provider also sells a videotape of the seminar presentation along with the manuals at a table outside the seminar room for a reduced selling price of \$200. The sale of the video presentation and manuals is subject to Retailers' Occupation Tax liability, and any applicable local taxes, on the \$200 selling price. The provider's sale of the videotapes disqualifies him or her from electing to handle the service tax liability by paying Use Tax to suppliers, as provided in subsection (b)(3)(A) of this Section. He or she must instead remit Service Occupation Tax to the Department as provided in subsections (b)(3)(B) through (D).

- d) Non-Seminar Materials – When Subject to Retailers' Occupation Tax or Use Tax Liability
The sale of non-seminar materials by a seminar provider is subject to Retailers' Occupation Tax liability. The gift of non-seminar materials by a seminar provider will result in the seminar provider incurring Use Tax liability on the cost price of those non-seminar materials. Examples:
- 1) Sales. A seminar provider sells briefcases, coffee mugs, t-shirts, tote bags, and other novelty items. The seminar provider would incur Retailers' Occupation Tax liability, including any applicable local tax liability, on the selling price of those items. See 86 Ill. Adm. Code 130.100.
 - 2) Gifts – Items. A seminar provider purchases calendars, coffee mugs and tote bags and gives the items to the seminar attendees without charge. The seminar provider incurs Use Tax liability on the cost price of the items given as a gift. See 86 Ill. Adm. Code 150.305(c). A seminar provider may discharge his or her tax liability on these items by paying tax to an Illinois-registered supplier. If the supplier is not registered to remit tax to Illinois (e.g., the items were purchased over the internet from a supplier not registered to remit tax to Illinois), the seminar provider must self-assess and remit Use Tax directly to the Department.
 - 3) Gifts – Food and Beverage. A seminar provider presents a seminar on the art of origami. During the seminar, the provider makes coffee and doughnuts available to the attendees at no charge. The seminar provider incurs Use Tax liability on the cost price of the coffee and doughnuts. If the seminar provider purchased the doughnuts and coffee at a local

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supermarket and paid tax at the time of purchase, his or her Use Tax liability has been discharged. If the coffee and doughnuts were purchased from a caterer (or other provider of food and beverages, including, but not limited to, a hotel), the seminar provider's liability is discharged when he or she pays tax to the caterer. If the seminar provider does not remit tax to a supermarket or caterer as noted in this subsection (d)(3), he or she must self-assess and remit Use Tax to the Department. See 86 Ill. Adm. Code 150.305(c) for further information.

- e) Exempt Organizations – When Subject to Retailers' Occupation Tax, Service Occupation Tax, or Use Tax Liability
An organization that has been granted a Department issued E-number pursuant to 35 ILCS 120/1g of the Retailers' Occupation Tax Act may incur Retailers' Occupation Tax, Use Tax, or Service Occupation Tax liability as described in this Section if the seminar presented by the organization is not in furtherance of the organization's purpose. Organizations granted Department issued E-numbers that present seminars that are in furtherance of organizational purposes are not considered to be "seminar providers" for purposes of the tax liability incurred on seminar materials as explained in this Section. However, if an exempt entity engages in selling tangible personal property at a seminar, Retailers' Occupation Tax liability will be incurred on the sale of the tangible personal property unless the selling is one of the three types of limited selling authorized for exempt entities as provided in 86 Ill. Adm. Code 130.2005(a)(1) through (4). Examples:
- 1) A health services group that has been granted a Department issued E-number presents a seminar on automobile repair. The health services group would be subject to tax under this Section because automobile repair is not an organizational purpose of the group.
 - 2) A church that has been granted a Department issued E-number presents a seminar in furtherance of its organizational purpose on the teachings of religious scholars. The church would not incur tax liability because it is not included in the definition of a seminar provider under this Section when presenting a seminar in furtherance of its organizational purpose.
 - 3) An organization whose purpose is to promote heart health, and that has been granted a Department issued E-number, sponsors a heart health seminar on Valentine's Day. During break, the organization sells red roses as a fundraiser. The charges for the seminar are not taxable because the

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organization is not considered a seminar provider under this Section when presenting a seminar in furtherance of its organizational purpose. However, the sale of the roses is subject to Retailers' Occupation Tax unless it is one of the organization's two annual authorized tax exempt fundraising events.

f) Seminars for Which No Charge Is Made for Attendance

If a seminar provider does not impose a charge for attendance, no sale of service occurs under the Service Occupation Tax. However, the seminar provider is considered the end user of tangible personal property that he or she uses to conduct the seminar, including materials that are distributed to attendees, and generally incurs Use Tax liability on his or her cost price of such items. Such items could include tangible personal property that the provider itself uses to conduct the seminar (e.g., a CD used to record information for a presentation; a laser pointer) or items that are provided to attendees (e.g., a binder; legal pads for notes; pencils; pens). In the former instance, the seminar provider is considered the end user of such items because it consumes them in conducting the seminar. In the latter instance, the seminar provider is considered to be the end user of these items because it is a donor of the items to attendees. As a donor, it incurs a Use Tax liability. See 86 Ill. Adm. Code 150.305(c). If the seminar provider does not pay tax to its suppliers on these items (e.g., it purchased them over the internet from a supplier not registered to collect and remit tax to the Department), the seminar provider is required to self-assess and remit tax to the Department. A seminar provider that has obtained an E-number from the Department and conducts a seminar in furtherance of its organizational purpose may make tax-free purchases of tangible personal property for use at the seminar, including donations, by providing suppliers with its E-number.

(Source: Added at 32 Ill. Reg. 13845, effective August 11, 2008)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Number:</u>	<u>Peremptory Action:</u>
310.100	Amendment
310.220	Amendment
310.490	Amendment
310.APPENDIX A TABLE S	New Section
310.APPENDIX A TABLE X	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Sections 310.100, 310.220, 310.490, and 310.Appendix A Table S to reflect the Agreement between CMS, the Departments of Corrections, Juvenile Justice and State Police and the Laborers' International Union of North America - Illinois State Employees Association (ISEA) Local 2002, and Southern and Central Illinois Laborers' District Council that was signed July 10, 2008. The Illinois Public Labor Relations Act [5 ILCS 315] Section 3(s)(1) defines "unit" to mean a class or positions suitable for representation. In this case, the Illinois Labor Relations Board certified two units. One unit is all positions in a single class, Police Lieutenant. The other unit is all positions in a single class in which the employees are qualified for the positions using an examining option and have particular functions, Public Service Administrator title, option 7 and functions described as Departments of Corrections and Juvenile Justice Shift Commanders, Majors, Chiefs of Security or Clinical Service Supervisor, or State Police Forensic Science Administrators. The Agreement pertains to both certified units and provides for the employees in the positions to receive Equivalent Earned Time, the positions to be assigned to the VR-704 bargaining unit and certain pay grades effective June 8, 2007, the pay grades to contain certain rates of pay on steps and the eligible employees to receive signing pay. No position in either unit is excluded from the bargaining unit representation by the Illinois Labor Relations Board.

CMS is amending Section 310.Appendix A Table X to reflect two Memoranda of Understanding (MOU) between CMS and the American Federation of State, County, and Municipal Employees (AFSCME) that were signed July 9 or 10, 2008. The first MOU assigns the Public Service Administrator title, Option 8H (Special License - Environmental Health Practitioner) to the RC-063 bargaining unit and the pay grade RC-063-22, effective February 29, 2008. One position within the title's option is excluded

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from the bargaining unit representation by the Illinois Labor Relations Board. The second MOU assigns the Public Service Administrator title, Option 9G (Special License – Registered Professional Geologist License) to the RC-063 bargaining unit and the pay grade RC-063-22, effective May 9, 2007. No position within the title's option is excluded from the bargaining unit representation by the Illinois Labor Relations Board.

- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]
- 6) Effective Date: August 8, 2008
- 7) A Complete Description of the Subjects and Issues Involved: In the Table of Contents, the heading for 310.Appendix A Table S is changed.

In Section 310.100(g)(1), the eligibility for equivalent earned time is revised.

In Section 310.220, a new subsection (e) is added for signing pay and the subsections are renumbered.

In Section 310.490(e)(1), the eligibility for equivalent earned time is revised.

In Section 310.Appendix A Table S, the heading for 310.Appendix A Table S is changed. A title table with Police Lieutenant and Public Service Administrator Option 7, and three rate tables with the pay grades 24 and 25 effective date June 8, 2007 are added.

In Section 310.Appendix A Table X, the Public Service Administrator title Options 8H and 9G, its title code 37015, RC-063 bargaining unit and pay grade 22 are added to the title table.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: August 8, 2008
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 12) Are there any other proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding these peremptory amendments shall be directed to:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-7964
Fax: 217/524-4570
CMS.PayPlan@Illinois.gov

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

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310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
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310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
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310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

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310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

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310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

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310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
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310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' –

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	ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Natural Resource, Historic Preservation and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919,

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effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective

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December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency

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amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg.

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10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September

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27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28,

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2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; peremptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008.

SUBPART A: NARRATIVE

Section 310.100 Other Pay Provisions

- a) Transfer – Upon the assignment of an employee to a vacant position in a class with the same pay grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position in a given class and subsequent appointment to a position in the same pay grade, no increase in salary will be given.
- b) Entrance Base Salary –
 - 1) Qualifications Only Meet Minimum Requirements – When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary of the pay grade.
 - 2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer

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the candidate an entrance base salary that is not more than 10% above the candidate's current base salary. An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.

- 3) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.
- c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.
- d) Differential and Overtime Pay – An eligible employee may have an amount added to his/her base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:
 - 1) Shift Differential Pay – An employee may be paid an amount in addition to his/her base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
 - 2) Overtime Pay –

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- A) Eligibility – The Director of Central Management Services will maintain a list of titles and their overtime eligibility as determined by labor contracts, Federal Fair Labor Standards Act, or State law or regulations. Overtime shall be paid in accordance with the labor contracts, Federal Fair Labor Standards Act, and State law or regulations.
- B) Compensatory Time – Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.
- 3) Incentive Pay – An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- 4) Temporary Assignment Pay –
- A) When Assigned to a Higher-Level Position Classification – A bargaining unit employee may be temporarily assigned to a

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bargaining unit position in a position classification having a higher pay grade and shall be eligible for temporary assignment pay. To be eligible for temporary assignment pay, the employee must be directed to perform the duties that distinguish the higher-level position classification and be held accountable for the responsibility of the higher classification. Employees shall not receive temporary assignment pay for paid days off except if the employee is given the assignment for 30 continuous days or more, the days off fall within the period of time and the employee works 75% of the time of the temporary assignment. Temporary assignment pay shall be calculated as if the employee received a promotion into the higher pay grade. In no event is the temporary assignment pay to be lower than the minimum rate of the higher pay grade or greater than the maximum rate of the higher pay grade.

- B) When Required to Use Second Language Ability – Employees who are bilingual or have the ability to use sign language, Braille, or another second language (e.g., Spanish) and whose job descriptions do not require that they do so shall be paid temporary assignment pay when required to perform duties requiring the ability. The temporary assignment pay received is prorated based on 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.
- e) Interim Assignment Pay – This subsection of the Pay Plan explains interim assignment pay as applied to certified non-bargaining unit employees in a salary grade position assigned to perform on a full-time interim basis and be accountable for the higher-level duties and responsibilities of the non-bargaining unit (salary grade or merit compensation (including broad-band and medical administrator)) position. On the effective date of the certified non-bargaining unit employee's interim assignment (80 Ill. Adm. Code 302.150(j)), the employee shall receive an adjustment as if the employee received a promotion into the higher pay grade or range.
 - 1) When Assigned to the Salary Grade Position – When assigned to the salary grade position, the employee's base salary shall be advanced to the lowest step in the higher pay grade that represents at least a full step increase in the lower pay grade. When the employee's current rate is Step

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8 in the lower pay grade, the employee shall be paid at the lowest step rate in the higher pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the higher pay grade that is at least equivalent to that amount. Upon interim assignment, the employee's creditable service date shall not change. Effective July 1, 2007, employees in interim assignment, which was effective prior to July 1, 2007, shall have the creditable service date as if not on a leave to serve in an interim assignment.

- 2) When Assigned to the Merit Compensation Position – When assigned to the merit compensation position, the employee's base salary shall receive an adjustment, which is an amount equivalent to between 8% and 15% of the employee's current base salary. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the salary range to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change. Effective July 1, 2007, employees in interim assignment, which was effective prior to July 1, 2007, shall have the creditable service date as if not on a leave to serve in an interim assignment.
- f) Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- g) Equivalent Earned Time –
 - 1) Eligibility – Employees who are non-union [or represented by the VR-704 bargaining unit](#), exempt under the Federal Fair Labor Standards Act, and in positions not eligible for overtime compensation may receive equivalent earned time for hours worked in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee.

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- 2) Restoration – Employees who are eligible for equivalent earned time shall have the balance of the employee's unused equivalent earned time at the close of business on June 30, 2007 restored as accrued equivalent earned time effective July 1, 2007.
- 3) Accrual –
 - A) Employees who are eligible for equivalent earned time shall request that time before working in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be accrued at straight time only to a maximum of 160 hours at any time.
 - B) Equivalent earned time will accrue in no less than one-half hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.
- 4) Compensation – Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.
- h) Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis computed by dividing the annual rate of salary by the total number of work days in the year.
- i) Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a).

AGENCY NOTE – The method to be used in computing the lump sum payment for accrued vacation, sick leave and unused compensatory overtime payment for an incumbent entitled to shift differential during his/her regular work hours will

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be to use his/her current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

j) Salary Treatment Upon Return From Leave –

- 1) An employee returning from Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave with Pay (80 Ill. Adm. Code 303.175), Family Responsibility Leave (80 Ill. Adm. Code 303.148), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) or leave to serve in an interim assignment will be placed on the step that reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained.
- 2) An employee returning to his/her former pay grade from any other leave (not mentioned in subsection (j)(1)) of over 14 days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.

k) Salary Treatment Upon Reemployment –

- 1) Upon the reemployment of an employee in a class with the same pay grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
- 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower pay grade that provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be

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adjusted to reflect that time on layoff does not count as creditable service time.

- l) Reinstatement – The salary upon reinstatement should not provide more than a 10% increase over the candidate's current base salary or exceed the current value of the salary step held in the position where previously certified without prior approval by the Director of Central Management Services. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the pay grade.
- m) Extended Service Payment –
 - 1) The Step 8 rate shall be increased by \$25 per month for those employees who have attained 10 years of service and have three years of creditable service on Step 8 in the same pay grade. This increase is suspended for non-union positions and employees.
 - 2) The Step 8 rate shall be increased by \$50 per month for those employees who have attained 15 years of service and have three years of creditable service on Step 8 in the same pay grade. This increase is suspended for non-union positions and employees.
- n) Bilingual Pay – Individual positions whose job descriptions require the use of sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.

(Source: Peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008)

SUBPART B: SCHEDULE OF RATES

Section 310.220 Negotiated Rate

- a) Rates by Geographic Area, Agency or Agency Area – The rate of pay for a class in any specific area or agency, or in a specific area for an agency, as established and approved by the Director of Central Management Services after having conducted negotiations for this purpose, or as certified as being correct and reported to the Director of Central Management Services by the Director of the Illinois Department of Labor for designated classifications.

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- b) Rates for Positions Excluded from Bargaining Unit Representation – An employee occupying a position in a class normally subject to contract, but whose position is excluded from the bargaining unit, shall be assigned to the Merit Compensation System (Subpart C) and receive the rates within the Merit Compensation System Salary Schedule (Appendix D) based on the salary range assigned to the classification title in Section 310.410.
- c) Rates for Higher Duties – As provided in certain collective bargaining agreements, an employee may be paid at an appropriate higher rate when assigned to perform the duties of a higher level position. Eligibility for and the amount of this pay will be as provided in the contract.
- d) Promotion from Step 8 – Effective March 27, 2008, when an employee represented by the American Federation of State, County, and Municipal Employees (AFSCME) is promoted from Step 8, the employee shall be paid as provided in Section 310.80(d)(1)(A)(ii).
- e) Signing Pay – Effective July 10, 2008, if the employee is represented by the VR-704 bargaining unit and would have been eligible for an annual merit compensation evaluation between June 8, 2007 and December 31, 2007, potentially receiving a one-time merit compensation bonus at that time, the employee is eligible for the signing pay. The signing pay is calculated by taking the employee's VR-704 monthly salary effective June 8, 2007 times 12 months and multiplying the result by 3%. The VR-704 monthly salaries are located in Appendix A Table S.
- f) To Locate Rates – The negotiated rates of pay for classifications in specified operating agencies, in specified agency facilities or with specified duties shall be as indicated in Appendix A, unless the rates are red-circled.
- gf) Red-Circled Rates – Red-circled rates are the negotiated or arbitrator assigned base salaries not otherwise on a step in the pay grade assigned to a classification or in the Pay Plan. The base salaries may be above the pay grade's maximum base salary or between two base salaries on consecutive steps. An employee who takes a position in a Trainee Program (80 Ill. Adm. Code 302.170) classification that represents a reduction when comparing classifications (Section 310.45) shall have the base salary red-circled at the amount of the former classification. If through negotiation of a classification assignment to a pay grade where the base salary exceeds Step 8, the base salary shall be red-circled at its current rate and

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may receive contractual adjustments.

(Source: Peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.490 Other Pay Provisions

- a) Transfer – Upon assignment of an employee to a vacant position in a class with the same salary range as the class for the position being vacated, the employee's base salary will not be changed. Upon separation and subsequent appointment to a position in the same salary range, no increase in salary will be given.
- b) Entrance Base Salary –
 - 1) When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary of the salary range.
 - 2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 10% above the candidate's current base salary. An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.
 - 3) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance salary may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate of pay shall be

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advanced to the new rate.

- c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.
- d) Differential and Overtime Pay – An eligible employee may have an amount added to the base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:
 - 1) Shift Differential Pay – An employee may be paid an amount in addition to the base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
 - 2) Overtime Pay –
 - A) Eligibility – The Director of Central Management Services shall maintain a listing of classes of positions subject to the provisions of the Merit Compensation System that are eligible for overtime compensation. Classes in salary ranges MC-06 and below and, effective January 1, 2008, classes in salary ranges MS-23 and below are eligible for straight-time overtime unless exceptions are determined by the Director of Central Management Services or federal guidelines. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. Classes in MC-07 and above and, effective January 1, 2008, classes in MS-24 and above are not eligible for overtime unless required by federal regulation or approved by the Director of Central Management Services. Exceptions must be requested by

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the employing agency and will be determined on the basis of the special nature of the situation, a substantial need to provide overtime compensation and a significant number of hours worked beyond the normal work schedule, and will be granted only for a specified time period for which the special situation is expected to exist.

- B) Compensatory Time – Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.

e) Equivalent Earned Time –

- 1) Eligibility – Employees who are non-union [or represented by the VR-704 bargaining unit](#), exempt under the Federal Fair Labor Standards Act, and in positions not eligible for overtime compensation may receive equivalent earned time for hours worked in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee.
- 2) Restoration – Employees who are eligible for equivalent earned time shall have the balance of the employee's unused equivalent earned time at the close of business on June 30, 2007 restored as accrued equivalent earned time effective July 1, 2007.

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- 3) Accrual –
 - A) Employees who are eligible for equivalent earned time shall request that time before working in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be accrued at straight time only to a maximum of 160 hours at any time.
 - B) Equivalent earned time will accrue in no less than one-half hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.
- 4) Compensation – Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.
- f) Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily rate basis computed by dividing the annual rate of salary by the total number of work days in the year.
- g) Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.
- h) Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum payments cannot be given in these transactions. Methods of computation are explained in Section 310.520(a).

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AGENCY NOTE: The method to be used in computing lump sum payment for accrued vacation, sick leave and unused compensatory overtime for an incumbent entitled to shift differential during the regular work hours will be to use the current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

- i) Salary Treatment upon Return from Leave –
 - 1) An employee returning from Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave with Pay (80 Ill. Adm. Code 303.175), Family Responsibility Leave (80 Ill. Adm. Code 303.148), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) or leave to serve in an interim assignment will have his/her salary established as determined appropriate by the employing agency and approved by the Director of Central Management Services. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Creditable service date will be maintained.
 - 2) An employee returning to his/her former salary range from any other leave (not mentioned in subsection (i)(1)) of over 14 days will be placed at the salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.
- j) Employees in classes that are made subject to the Merit Compensation System will retain their current salary, except that in no event is the resultant salary to be lower than the minimum rate or higher than the maximum rate of the new salary range.
- k) Temporary Assignment Pay When Required to Use Second Language Ability – Employees who are bilingual or have the ability to use sign language, Braille, or another second language (e.g., Spanish) and whose job descriptions do not require that they do so shall be paid temporary assignment pay when required to perform

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duties requiring the ability. The temporary assignment pay received is prorated based on 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.

- l) Salary Treatment Upon Reemployment –
 - 1) Upon the reemployment of an employee in a class with the same salary range as the class for the position held before layoff, the employee will be placed at the same salary as held at the time of the layoff, and his creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
 - 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the same salary as held at the time of layoff, except that if this exceeds the maximum of the new range, the employee will be placed at that maximum salary. The creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
- m) Reinstatement – The salary upon reinstatement should not provide more than a 10% increase over the candidate's current base salary or exceed the salary rate held in the position where previously certified without prior approval of the Director of Central Management Services. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.
- n) Bilingual Pay – Individual positions whose job descriptions require the use of sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.
- o) Clothing or Equipment Allowance – An employee may be paid an amount in addition to his/her base salary to compensate for clothing or equipment that is required in the performance of assigned duties. The amount will be determined by the Director of the employing agency, and will require approval of the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

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- p) Interim Assignment Pay – This subsection of the Pay Plan explains interim assignment pay as applied to certified non-bargaining unit employees in a merit compensation (including broad-band and medical administrator) position assigned to perform on a full-time interim basis and be accountable for the higher-level duties and responsibilities of the non-bargaining unit (salary grade or merit compensation (including broad-band and medical administrator)) position. On the effective date of the employee's interim assignment (80 Ill. Adm. Code 302.150(j)), the employee shall receive an adjustment as if the employee received a promotion into the higher pay grade or range.
- 1) When Assigned to the Merit Compensation Position – When assigned to the merit compensation position, the adjustment is an amount equivalent to between 8% and 15% of the employee's current base salary. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the salary range to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change. Effective July 1, 2007, employees in interim assignment, which was effective prior to July 1, 2007, shall have the creditable service date as if not on a leave to serve in an interim assignment.
 - 2) When Assigned to the Salary Grade Position – When assigned to the salary grade position, the adjustment is determined by taking the difference between the salary on the step equivalent to or greater than the employee's current base salary and the salary one step above that step and adding that difference to the employee's current base salary. Then place the employee on the lowest step in the higher pay grade that is at least equivalent to that amount. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the pay grade to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change. Effective July 1, 2007, employees in interim assignment, which was effective prior to July 1, 2007, shall have the creditable service date as if not on a leave to serve in an interim assignment.
- q) International Differential Pay – For positions with a headquarters outside of the United States, a differential shall be made once a month to the base salary of the employee residing outside the United States to compensate for a change in the currency exchange rate.

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(Source: Peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008)

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Section 310.APPENDIX A Negotiated Rates of Pay

**Section 310.TABLE S VR-704 (Corrections, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)~~HR-012 (Fair Employment Practices Employees, SEIU)~~
(Repealed)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
<u>Police Lieutenant</u>	<u>32977</u>	<u>VR-704</u>	<u>24</u>
<u>Public Service Administrator, Option 7 (not forensic science administrator II function)</u>	<u>37015</u>	<u>VR-704</u>	<u>24</u>
<u>Public Service Administrator, Option 7 (forensic science administrator II function only)</u>	<u>37015</u>	<u>VR-704</u>	<u>25</u>

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Bargaining Unit: VR-704

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>24</u>	<u>B</u>	<u>4811</u>	<u>4955</u>	<u>5103</u>	<u>5256</u>	<u>5536</u>	<u>5826</u>	<u>6105</u>	<u>6387</u>	<u>6676</u>	<u>7094</u>	<u>7307</u>
<u>24</u>	<u>Q</u>	<u>5027</u>	<u>5177</u>	<u>5334</u>	<u>5495</u>	<u>5787</u>	<u>6088</u>	<u>6381</u>	<u>6674</u>	<u>6976</u>	<u>7415</u>	<u>7638</u>
<u>24</u>	<u>S</u>	<u>5095</u>	<u>5245</u>	<u>5401</u>	<u>5562</u>	<u>5852</u>	<u>6154</u>	<u>6448</u>	<u>6743</u>	<u>7045</u>	<u>7482</u>	<u>7705</u>
<u>25</u>	<u>B</u>	<u>5128</u>	<u>5281</u>	<u>5440</u>	<u>5603</u>	<u>5909</u>	<u>6221</u>	<u>6531</u>	<u>6842</u>	<u>7152</u>	<u>7612</u>	<u>6841</u>

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Bargaining Unit: VR-704

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>24</u>	<u>B</u>	<u>4955</u>	<u>5104</u>	<u>5256</u>	<u>5414</u>	<u>5702</u>	<u>6001</u>	<u>6288</u>	<u>6579</u>	<u>6876</u>	<u>7307</u>	<u>7599</u>
<u>24</u>	<u>Q</u>	<u>5178</u>	<u>5332</u>	<u>5494</u>	<u>5660</u>	<u>5961</u>	<u>6271</u>	<u>6572</u>	<u>6874</u>	<u>7185</u>	<u>7637</u>	<u>7942</u>
<u>24</u>	<u>S</u>	<u>5248</u>	<u>5402</u>	<u>5563</u>	<u>5729</u>	<u>6028</u>	<u>6339</u>	<u>6641</u>	<u>6945</u>	<u>7256</u>	<u>7706</u>	<u>8014</u>
<u>25</u>	<u>B</u>	<u>5282</u>	<u>5439</u>	<u>5603</u>	<u>5771</u>	<u>6086</u>	<u>6408</u>	<u>6727</u>	<u>7047</u>	<u>7367</u>	<u>7840</u>	<u>8154</u>

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<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>24</u>	<u>B</u>	<u>5104</u>	<u>5257</u>	<u>5414</u>	<u>5576</u>	<u>5873</u>	<u>6181</u>	<u>6477</u>	<u>6776</u>	<u>7082</u>	<u>7526</u>	<u>7827</u>
<u>24</u>	<u>Q</u>	<u>5333</u>	<u>5492</u>	<u>5659</u>	<u>5830</u>	<u>6140</u>	<u>6459</u>	<u>6769</u>	<u>7080</u>	<u>7401</u>	<u>7866</u>	<u>8180</u>
<u>24</u>	<u>S</u>	<u>5405</u>	<u>5564</u>	<u>5730</u>	<u>5901</u>	<u>6209</u>	<u>6529</u>	<u>6840</u>	<u>7153</u>	<u>7474</u>	<u>7937</u>	<u>8254</u>
<u>25</u>	<u>B</u>	<u>5440</u>	<u>5602</u>	<u>5771</u>	<u>5944</u>	<u>6269</u>	<u>6600</u>	<u>6929</u>	<u>7258</u>	<u>7588</u>	<u>8075</u>	<u>8399</u>

(Source: Old Table S repealed by peremptory rulemaking at 25 Ill. Reg. 8009, effective June 14, 2001; new Table S added by peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE X RC-063 (Professional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	14
Environmental Protection Geologist II	13802	RC-063	16
Environmental Protection Geologist III	13803	RC-063	18
Geographic Information Specialist I	17271	RC-063	19
Geographic Information Specialist II	17272	RC-063	23
Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Hearing and Speech Advanced Specialist	18227	RC-063	22
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Management Systems Specialist	25583	RC-063	21
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program Coordinator	29908	RC-063	19
Optometrist	30300	RC-063	14
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20
Psychologist III	35613	RC-063	22
Psychologist Associate	35626	RC-063	15
Public Health Educator	36430	RC-063	19
Public Service Administrator, Options 3, 4, 6E and 8E	37015	RC-063	24
Public Service Administrator, Options 8H and 9G	37015	RC-063	22
Public Service Administrator, Option 8O	37015	RC-063	21
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

School Psychologist	39200	RC-063	18
Social Worker II	41412	RC-063	18
Social Worker III	41413	RC-063	19
Social Worker IV	41414	RC-063	21
Staff Pharmacist	41787	RC-063	24
Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated pay grade have the following options: 3; 4; 6E; ~~8H;~~ and 8O; ~~and 9G~~. See the definition of option in Section 310.50.

Effective July 1, 2007
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
14	B	2973	3049	3132	3215	3337	3467	3618	3751	3893	4120	4285
14	Q	3095	3178	3262	3350	3479	3620	3778	3920	4070	4306	4478
14	S	3155	3238	3324	3414	3548	3686	3847	3988	4140	4374	4549
15	B	3087	3168	3254	3342	3490	3634	3776	3930	4076	4321	4494
15	Q	3216	3301	3392	3487	3641	3792	3945	4110	4260	4514	4695
15	S	3278	3362	3457	3552	3709	3858	4016	4178	4328	4585	4768
16	B	3224	3311	3401	3499	3655	3817	3976	4143	4307	4562	4744
16	Q	3358	3452	3550	3652	3817	3989	4156	4327	4501	4769	4960
16	S	3425	3520	3617	3721	3886	4060	4228	4397	4572	4835	5028
17	B	3367	3462	3562	3666	3835	4012	4182	4351	4528	4797	4989
17	Q	3513	3614	3719	3825	4009	4192	4368	4546	4731	5013	5214
17	S	3578	3681	3786	3894	4079	4264	4440	4616	4800	5085	5288

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

18	B	3539	3641	3746	3857	4044	4233	4425	4605	4790	5076	5279
18	Q	3695	3801	3914	4031	4230	4424	4626	4815	5006	5306	5518
18	S	3761	3867	3984	4098	4297	4494	4694	4884	5078	5374	5589
19	B	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	Q	3889	4006	4126	4249	4466	4674	4896	5100	5314	5634	5859
19	S	3959	4077	4197	4320	4537	4746	4965	5171	5385	5704	5932
20	B	3934	4052	4173	4296	4513	4723	4948	5163	5377	5703	5931
20	Q	4113	4235	4360	4490	4716	4938	5172	5394	5619	5962	6200
20	S	4180	4304	4430	4561	4785	5006	5241	5464	5688	6029	6270
21	B	4152	4278	4405	4536	4770	5000	5233	5472	5700	6055	6297
21	Q	4340	4471	4602	4741	4986	5223	5470	5719	5958	6328	6581
21	S	4409	4540	4672	4812	5053	5294	5540	5789	6026	6398	6654
22	B	4388	4521	4658	4796	5046	5292	5542	5799	6040	6416	6673
22	Q	4587	4725	4867	5011	5274	5533	5792	6059	6314	6704	6972
22	S	4657	4794	4937	5083	5341	5602	5859	6130	6385	6776	7047
23	B	4658	4796	4939	5086	5356	5631	5899	6171	6439	6843	7117
23	Q	4867	5011	5162	5319	5600	5887	6164	6449	6729	7150	7436
23	S	4937	5083	5233	5388	5668	5955	6234	6518	6797	7219	7508
24	B	4955	5104	5256	5414	5702	6001	6288	6579	6876	7307	7599
24	Q	5178	5332	5494	5660	5961	6271	6572	6874	7185	7637	7942
24	S	5248	5402	5563	5729	6028	6339	6641	6945	7256	7706	8014
25	B	5282	5439	5603	5771	6086	6408	6727	7047	7367	7840	8154
25	Q	5519	5685	5853	6029	6361	6694	7031	7366	7700	8193	8521
25	S	5592	5753	5927	6101	6431	6763	7099	7434	7767	8263	8594
26	B	5582	5748	5923	6158	6495	6839	7186	7521	7860	8367	8702
26	Q	5846	6022	6204	6454	6805	7165	7528	7880	8232	8765	9116
26	S	5903	6079	6262	6516	6870	7235	7600	7954	8312	8851	9205

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Effective January 1, 2008
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
14	B	3062	3140	3226	3311	3437	3571	3727	3864	4010	4244	4414
14	Q	3188	3273	3360	3451	3583	3729	3891	4038	4192	4435	4612
14	S	3250	3335	3424	3516	3654	3797	3962	4108	4264	4505	4685
15	B	3180	3263	3352	3442	3595	3743	3889	4048	4198	4451	4629
15	Q	3312	3400	3494	3592	3750	3906	4063	4233	4388	4649	4836
15	S	3376	3463	3561	3659	3820	3974	4136	4303	4458	4723	4911
16	B	3321	3410	3503	3604	3765	3932	4095	4267	4436	4699	4886
16	Q	3459	3556	3657	3762	3932	4109	4281	4457	4636	4912	5109
16	S	3528	3626	3726	3833	4003	4182	4355	4529	4709	4980	5179
17	B	3468	3566	3669	3776	3950	4132	4307	4482	4664	4941	5139
17	Q	3618	3722	3831	3940	4129	4318	4499	4682	4873	5163	5370
17	S	3685	3791	3900	4011	4201	4392	4573	4754	4944	5238	5447
18	B	3645	3750	3858	3973	4165	4360	4558	4743	4934	5228	5437
18	Q	3806	3915	4031	4152	4357	4557	4765	4959	5156	5465	5684
18	S	3874	3983	4104	4221	4426	4629	4835	5031	5230	5535	5757
19	B	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	Q	4006	4126	4250	4376	4600	4814	5043	5253	5473	5803	6035
19	S	4078	4199	4323	4450	4673	4888	5114	5326	5547	5875	6110
20	B	4052	4174	4298	4425	4648	4865	5096	5318	5538	5874	6109
20	Q	4236	4362	4491	4625	4857	5086	5327	5556	5788	6141	6386
20	S	4305	4433	4563	4698	4929	5156	5398	5628	5859	6210	6458
21	B	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	Q	4470	4605	4740	4883	5136	5380	5634	5891	6137	6518	6778
21	S	4541	4676	4812	4956	5205	5453	5706	5963	6207	6590	6854

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

22	B	4520	4657	4798	4940	5197	5451	5708	5973	6221	6608	6873
22	Q	4725	4867	5013	5161	5432	5699	5966	6241	6503	6905	7181
22	S	4797	4938	5085	5235	5501	5770	6035	6314	6577	6979	7258
23	B	4798	4940	5087	5239	5517	5800	6076	6356	6632	7048	7331
23	Q	5013	5161	5317	5479	5768	6064	6349	6642	6931	7365	7659
23	S	5085	5235	5390	5550	5838	6134	6421	6714	7001	7436	7733
24	B	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	Q	5333	5492	5659	5830	6140	6459	6769	7080	7401	7866	8180
24	S	5405	5564	5730	5901	6209	6529	6840	7153	7474	7937	8254
25	B	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	Q	5685	5856	6029	6210	6552	6895	7242	7587	7931	8439	8777
25	S	5760	5926	6105	6284	6624	6966	7312	7657	8000	8511	8852
26	B	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
26	Q	6021	6203	6390	6648	7009	7380	7754	8116	8479	9028	9389
26	S	6080	6261	6450	6711	7076	7452	7828	8193	8561	9117	9481

(Source: Peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008)

HEALTH FACILITIES PLANNING BOARD

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Processing, Classification Policies and Review Criteria
- 2) Code Citation: 77 Ill. Adm. Code 1110
- 3) The Notice of Adopted Amendment being corrected appeared at: 32 Ill. Reg. 12332; August 1, 2008
- 4) The information being corrected is as follows: The answer to Question # 14 of the adopted rulemaking for this Part should have been "Yes", not "No", in response to whether there are pending Proposed amendments to this rule. The accompanying information is as follows:

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1110.10	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.30	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.40	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.50	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.55	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.60	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.65	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.110	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.120	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.130	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.210	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.220	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.230	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.234	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.310	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.320	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.410	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.420	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.510	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.520	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.530	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.610	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.620	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.630	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.710	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.720	Repeal	32 Ill. Reg. 1575; February 8, 2008

HEALTH FACILITIES PLANNING BOARD

NOTICE OF CORRECTION TO NOTICE ONLY

1110.730	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.1410	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.1420	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.1430	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.1710	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.1720	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.1730	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.2310	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.2320	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.2330	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.2410	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.2420	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.2430	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.2510	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.2520	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.2540	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.2610	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.2620	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.2640	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.2710	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.2720	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.2730	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.2740	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.2750	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.2810	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.2820	Repeal	32 Ill. Reg. 1575; February 8, 2008
1110.2830	Amend	32 Ill. Reg. 1575; February 8, 2008
1110.2930	New	32 Ill. Reg. 1575; February 8, 2008
1110.3030	New	32 Ill. Reg. 1575; February 8, 2008

This information was inadvertently omitted from the Notice of Adoption.

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 August 5, 2008 through August 11, 2008 and have been scheduled for review by the Committee at its September 16, 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>
9/19/08	<u>Department of Human Rights</u> , Procedures Applicable to All Agencies (44 Ill. Adm. Code 750)	6/13/08 32 Ill. Reg. 8536	9/16/08
9/19/08	<u>Illinois Racing Board</u> , Illinois Racing Board (11 Ill. Adm. Code 200)	6/13/08 32 Ill. Reg. 8547	9/16/08
9/19/08	<u>Illinois Racing Board</u> , Security and Admissions (11 Ill. Adm. Code 1325)	6/13/08 32 Ill. Reg. 8552	9/16/08
9/19/08	<u>Illinois Racing Board</u> , Regulations for Meetings (11 Ill. Adm. Code 1424)	6/13/08 32 Ill. Reg. 8556	9/16/08
9/20/08	<u>Department of Healthcare and Family Services</u> , Practice in Administrative Hearings (89 Ill. Adm. Code 104)	6/13/08 32 Ill. Reg. 8482	9/16/08
9/20/08	<u>Department of Healthcare and Family Services</u> , Child Support Enforcement (89 Ill. Adm. Code 160)	6/13/08 32 Ill. Reg. 8490	9/16/08
9/20/08	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	4/25/08 32 Ill. Reg. 6869	9/16/08

PROCLAMATIONS

**2008-314
SPECIAL SESSION PROCLAMATION**

WHEREAS, in the past six years, the State of Illinois has made the largest investment under any administration in Illinois history in elementary and secondary education, investing approximately \$8.4 billion in new money for elementary and secondary schools;

WHEREAS, the Fiscal Year 2009 budget contains an increase of \$360 million in education funding over the last fiscal year, including a \$32.5 million increase to expand early childhood education;

WHEREAS, since 2003, the State has increased the foundation level from \$4,560 to \$5,959 per student;

WHEREAS, despite these measures, there still exists vast inequities among school districts in the amount of per-pupil spending provided, with a disparity of more than \$17,879 in per-pupil operational spending between the highest and lowest spending elementary school districts in Illinois, \$14,005 in per-pupil operational spending between the highest and lowest spending high school districts in Illinois, and \$18,240 in per-pupil operational spending between the highest and lowest spending unit school districts in Illinois;

WHEREAS, these inequities are, in part, due to a reliance on property tax revenues as the primary source of school funding;

WHEREAS, these inequities require that alternatives to the State's reliance on property tax revenues as the primary source of school funding be considered;

WHEREAS, various proposals have been introduced through the years to alter the manner in which school districts receive funding in order to alleviate these inequities and ensure that every child in every school district receives the same high quality education;

WHEREAS, it is imperative that all necessary measures are taken to promote equity and equality in the State's education system; and

THEREFORE, pursuant to Article IV, Section 5(b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly, in duly constituted quorums capable of conducting business, in a special session to commence on August 12, 2008, at 3:00 p.m., to consider

PROCLAMATIONS

measures aimed at increasing school funding, improving the school funding structure, and eliminating any current inequities.

Dated: August 5, 2008

Filed: August 5, 2008

2008-315**SPECIAL SESSION PROCLAMATION**

- WHEREAS, it has been nearly nine years since the Illinois General Assembly has passed a comprehensive capital infrastructure plan;
- WHEREAS, a capital infrastructure plan will provide much needed resources into repairing and maintaining our State's roads, bridges, and schools, will spur economic development, and create and support thousands of new jobs;
- WHEREAS, a capital infrastructure plan would further leverage additional federal and local funds for the State's infrastructure needs;
- WHEREAS, on March 5, 2008, the *Illinois Works Coalition* was formed in order to engage a bipartisan working group which could draw expertise from business, labor, and local leaders across the State in order to focus attention and help pass a statewide capital infrastructure plan;
- WHEREAS, the *Illinois Works Coalition* convened meetings with legislative leaders and citizens across Illinois to discuss a comprehensive plan that could pass both chambers of the General Assembly;
- WHEREAS, on May 20, 2008, the Co-Chairs of the *Illinois Works Coalition*, former Speaker of the United States House of Representatives Dennis Hastert and Southern Illinois University President Glenn Poshard, announced the *Coalition's* recommendations for a \$34 billion comprehensive capital infrastructure plan;
- WHEREAS, Illinois Senate President Emil Jones, Illinois Senate Minority Leader Frank Watson, Illinois House Minority Leader Tom Cross, numerous mayors, unions, and associations, and I have endorsed the \$34 billion comprehensive capital infrastructure plan proposed by the *Coalition*;
- WHEREAS, the Illinois Senate has passed several bills which could fund the proposed capital infrastructure plan;

PROCLAMATIONS

- WHEREAS, the Illinois House of Representatives has failed to act on legislation necessary to fund the capital infrastructure plan;
- WHEREAS, on July 31, 2008, the *Illinois Works Coalition* and I proposed a new \$25 billion capital infrastructure plan, which eliminated the need for expanded gaming as a funding source, in response to concerns raised by certain House representatives;
- WHEREAS, the new proposed capital plan is supported by President Jones, Leader Watson, Leader Cross, and Co-Chairs of the *Illinois Works Coalition*, Speaker Hastert and President Poshard;
- WHEREAS, the new proposed capital plan contemplates investments of more than \$14.4 billion in road projects, \$4.1 billion in education facilities, \$3.4 billion in public transit and rail, \$800 million in environment and water, \$310 million in State facilities, \$100 million in healthcare facilities, \$425 million in economic development, and more than \$1.4 billion in other critical infrastructure needs for the State of Illinois;
- WHEREAS, according to a study conducted by Southern Illinois University, the new proposed \$25 billion capital plan would create 443,000 new full-time jobs, lead to \$32 billion in economic activity, and generate more than \$2.3 billion in State and local tax revenues; and

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly, in duly constituted quorums capable of conducting business, in a special session to commence on August 13, 2008, at 5:00 p.m., to consider the new proposed capital infrastructure plan, along with any other measures necessary to provide for the capital infrastructure needs of the State of Illinois.

Dated: August 5, 2008

Filed: August 5, 2008

2008-316

The Honorable Raymond J. Tobolski, Jr.

- WHEREAS, mayors provide countless services to our communities every day. They are on the front lines of local issues, working for the betterment of the lives of the residents in their cities, towns and villages; and

PROCLAMATIONS

WHEREAS, the efforts of mayors serve to help foster economic stability, create jobs, and plan for growth in their communities. Their hard work and dedication helps to make our state a great place to live, work, and raise families; and

WHEREAS, the outstanding devotion, vision and leadership of former Mayor Raymond J. Tobolski, Jr. greatly benefited the Village of McCook and contributed significantly to the economic vitality of both the west suburban region and the State of Illinois as a whole; and

WHEREAS, throughout his life, serving not only as mayor, but also as Chief of Police and Lieutenant with the Fire Department, the Honorable Raymond Tobolski was a dedicated public servant and his memory serves as a wonderful example for others to follow; and

WHEREAS, the work that Mayor Tobolski did throughout the years has undoubtedly created a lasting impact and will serve as a foundation for the future:

THEREFORE, be it resolved, that I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize the outstanding contributions of **the Honorable Raymond J. Tobolski, Jr.**, the late former Mayor of the Village of McCook.

Issued by the Governor August 1, 2008

Filed by the Secretary of State August 8, 2008.

2008-317**National Farmers' Market Week**

WHEREAS, farmers' markets are important outlets in Illinois and across the United States for agricultural producers, providing them with increased marketing opportunities; and

WHEREAS, direct marketing of farm products through farmers' markets continues to be an important sales outlet for agricultural producers nationwide. The U.S. Department of Agriculture reports over 4,500 Farmers' Markets currently operate throughout the nation, generating sales in excess of \$1 billion a year, with most of the money going directly to small family farmers; and

WHEREAS, there are nearly 250 farmers' markets throughout Illinois, including a new and successful farmers' market on the Illinois State Fairgrounds, offering consumers farm-fresh, affordable, convenient, and healthy products such as fruits, vegetables, cheeses, herbs, fish, flowers, baked goods, meat, and much more; and

PROCLAMATIONS

WHEREAS, farmers' markets serve as an integral link between urban, suburban, and rural communities; and

WHEREAS, the popularity of farmers' markets continues to rise as more and more consumers discover the joys of shopping for unique ingredients sold directly from the farm as well as the pleasure of buying familiar products in their freshest possible state; and

WHEREAS, the farmers of Illinois as well as the entire United States provide for the consumer's needs while at the same time continue to be excellent stewards of the land; and

WHEREAS, about one in four farmers' markets in the country contribute their surplus to gleaning programs that distribute food to local homeless shelters, community pantries, and other charitable organizations that feed the hungry; and

WHEREAS, more than 2,300 farmers' markets nationwide now accept coupons from participants of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and the Senior Farmers' Market Nutrition Program. In Illinois more than 34,000 low income eligible seniors and 34,000 low income women and children benefit from the WIC and Senior Farmers' Market Nutrition Programs; and

WHEREAS, farmers' markets support economic development and tourism in villages, towns, and cities throughout the State:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 3-9, 2008 as **NATIONAL FARMERS' MARKET WEEK** in Illinois, and encourage all citizens to celebrate the benefits of farmer's markets and the bountiful production of Illinois' farmers.

Issued by the Governor August 1, 2008

Filed by the Secretary of State August 8, 2008.

2008-318**Child Support Awareness Month**

WHEREAS, the Department of Healthcare and Family Services has been given the responsibility of providing child support services to all Illinois families; and

PROCLAMATIONS

WHEREAS, Illinois recognizes that children need strong family support; and

WHEREAS, Illinois works to focus attention on the needs of children to have both parents' involvement in their children's lives; and

WHEREAS, under my administration, Illinois Child Support Enforcement was named the Most Improved Program in the nation for 2006 by the National Child Support Enforcement Association and was given the Commissioners Award for Excellence in Performance in 2007 by the Federal Office of Child Support Enforcement; and

WHEREAS, Illinois' focus on improving outcomes for families has resulted in record-breaking collections of more than \$1.33 billion dollars; and

WHEREAS, the Department of Healthcare and Family Services is working closely with the Departments of Human Services, Public Health, Children & Family Services, Employment Security, Corrections, Revenue, Natural Resources, the Secretary of State, and other state and county agencies as well as community groups to increase the number of children for whom paternity is established and whose families receive child support services; and

WHEREAS, Illinois is playing a lead role in helping strengthen Illinois families through innovation and sound practices in child support services:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2008 as **CHILD SUPPORT AWARENESS MONTH** in Illinois to promote the importance of child support and to affirm the continued commitment of my administration to helping our children receive the love and care that is vital to their success and the future welfare of Illinois.

Issued by the Governor August 4, 2008

Filed by the Secretary of State August 8, 2008.

2008-319
Navy Week

WHEREAS, the United States Navy (USN) is the branch of the United States Armed Forces responsible for conducting naval operations with sailors protecting our nation domestically and overseas; and

PROCLAMATIONS

- WHEREAS, the United States Navy can trace its origins to the Continental Navy, which was established during the American Revolutionary War, but was disbanded in the year 1790. October 13, 1775 has come to be known as the United States Navy's official birthday – the day that George Washington announced that he had taken command of three armed schooners under Continental authority to intercept any British supply ships near Massachusetts; and
- WHEREAS, the 1789 ratification of the United States Constitution supported the existence of a standing navy by giving Congress the right "to provide and maintain a navy". Following conflict with Barbary Coast corsairs, Congress enacted this right in 1794 by ordering the construction and manning of six frigates, thus establishing a permanent U.S. Navy. Soon after, the Department of the Navy was established on April 30, 1798; and
- WHEREAS, the 21st century U.S. Navy maintains its presence in the world as an instrument of American policy. Despite decreases in the number of ships and personnel following the Cold War, the U.S. Navy remains the world's largest navy, with a tonnage greater than 17 of the next largest world navies combined; and
- WHEREAS, the U.S. Navy currently numbers nearly half a million men and women on active or ready reserve duty and consists of 280 ships and over 3,700 operational aircraft; and
- WHEREAS, from its earliest settlement and conflicts, Illinois has had a rich Naval tradition and the proud name of "USS Illinois" has been present on four U.S. Navy ships; and
- WHEREAS, currently, Illinois is home to the Naval Station Great Lakes, which is the United States Navy's Headquarters Command for training issues, located in North Chicago, Illinois. Featured at this command center: the Recruit Training Center (Boot Camp), the Naval Hospital, and the Naval District Headquarters; and
- WHEREAS, the observance of Navy Week provides an opportunity to raise awareness of what the Navy does, why it is important for global stability, and what opportunities exist in today's Navy for young people:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 10-17, 2008 as **NAVY WEEK** in Illinois, in celebration of the past, present, and future of the United States Navy, and in recognition of the brave men and women who have served and currently serve in the Navy.

PROCLAMATIONS

Issued by the Governor August 7, 2008
Filed by the Secretary of State August 8, 2008.

2008-320**GUBERNATORIAL PROCLAMATION**

On Monday, August 4, 2008, severe storms with high wind and heavy rainfall swept through the City of Chicago toppling trees and downing power lines. Flash flooding occurred as a result of the heavy rain. The severe storm resulted in the loss of sewer service, basement flooding and evacuations. Damaged wastewater pumps may be out of service for an extended period of time.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare the City of Chicago as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible the request for direct federal assistance to supplement the State's efforts if it is deemed necessary to protect public health and safety and to assist in recovery.

Date: August 8, 2008
Filed: August 8, 2008

2008-321**Italian-American Heritage Month and Christopher Columbus Day**

WHEREAS, the first Italian to set foot in this hemisphere was an explorer named Christopher Columbus. Daring to find a western route to Asia, Columbus set sail in 1492 and stumbled upon the Caribbean that same year; and

WHEREAS, today, there are more than 15 million Italian-Americans living in the United States. Of them, nearly 750,000 live in the State of Illinois; and

WHEREAS, Italian-Americans have made significant contributions to American life. From the sciences to the arts, their influence can be clearly seen throughout the country; and

PROCLAMATIONS

WHEREAS, in 1976, President Jimmy Carter issued a proclamation to recognize the many achievements and successes of Italian-Americans. Since then, every October has been designated the official month to celebrate Italian-American heritage; and

WHEREAS, the second Monday of every October is also designated as a national holiday in honor of Christopher Columbus. In commemoration, the Joint Civic Committee of Italian Americans hosts an annual Columbus Day Parade in Chicago, which is celebrating 56 years this year:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2008 as **ITALIAN-AMERICAN HERITAGE MONTH** and October 13, 2008 as **CHRISTOPHER COLUMBUS DAY** in Illinois in recognition of Italian-American heritage, and in honor of Christopher Columbus and his contributions to the birth of this nation.

Issued by the Governor August 7, 2008

Filed by the Secretary of State August 11, 2008.

2008-322**Pfc. David J. Badie**

WHEREAS, on Friday, August 1, Army Private First Class David J. Badie from Rockford died at age 23 of injuries sustained when an improvised explosive device detonated near his vehicle in Chowkay Valley, Afghanistan, where Pfc. Badie was serving in support of Operation Enduring Freedom; and

WHEREAS, Pfc. Badie was posthumously promoted from Private First Class to Specialist; and

WHEREAS, before his deployment, when he was at home on leave in June, Specialist Badie told his step-father that he enjoyed what he was doing and that he was proud to serve in the Army; and

WHEREAS, Specialist Badie had plans to attend college when his enlistment ended and dreamed of becoming a history teacher; and

WHEREAS, Specialist Badie was assigned to the Special Troops Battalion, 1st Infantry Division, based in Fort Hood Texas; and

WHEREAS, a funeral will be held on Wednesday, August 13 for Specialist Badie, who is survived by his mother Willa "Netha" Morgan and step-father Daniel Morgan, as well as two sisters and a brother:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on August 11, 2008 until sunset on August 13, 2008 in honor and remembrance of Specialist Badie, whose selfless service and sacrifice is an inspiration.

Issued by the Governor August 8, 2008

Filed by the Secretary of State August 11, 2008.

ILLINOIS ADMINISTRATIVE CODE

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