

2009

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 33, Issue 17
April 24, 2009
Pages 5948-6129

Index Department
Administrative Code Division
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

April 24, 2009 Volume 33, Issue 17

PROPOSED RULES

AGING, DEPARTMENT ON	
Community Care Program	
89 Ill. Adm. Code 240.....	5948
BOARD OF HIGHER EDUCATION	
Program Review (Private Colleges and Universities)	
23 Ill. Adm. Code 1030.....	5986
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
State of Illinois Medical Care Assistance Plan	
80 Ill. Adm. Code 2120.....	5988
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Indian Child Welfare Services	
89 Ill. Adm. Code 307.....	5990
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Medical Assistance Programs	
89 Ill. Adm. Code 120.....	5994
HUMAN SERVICES, DEPARTMENT OF	
Food Stamps	
89 Ill. Adm. Code 121.....	6009
RACING BOARD, ILLINOIS	
Security Areas	
11 Ill. Adm. Code 436.....	6021
Horseman's Bookkeeping System Licensees	
11 Ill. Adm. Code 450.....	6025
Claiming Races	
11 Ill. Adm. Code 510.....	6031
General Licensee Rules	
11 Ill. Adm. Code 1313.....	6035
Racing Rules	
11 Ill. Adm. Code 1318.....	6040

ADOPTED RULES

AGRICULTURE, DEPARTMENT OF	
Organizational Chart, Description, Rulemaking Procedure, and Programs	
2 Ill. Adm. Code 700.....	6044
OFFICE OF THE STATE FIRE MARSHAL	
Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances	
41 Ill. Adm. Code 170.....	6069

EMERGENCY RULES

BOARD OF HIGHER EDUCATION	
---------------------------	--

Program Review (Private Colleges and Universities)	
23 Ill. Adm. Code 1030.....	6099
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
State of Illinois Medical Care Assistance Plan	
80 Ill. Adm. Code 2120.....	6110
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	6122
EXECUTIVE ORDERS AND PROCLAMATIONS	
EXECUTIVE ORDERS	
Executive Order Protecting the Integrity of State Boards and	
Commissions	
2009-10.....	6123
PROCLAMATIONS	
Dandy-Walker and Hydrocephalus Awareness Month	
2009-126.....	6127
Lyme Disease Awareness Month	
2009-127.....	6128
Illinois Equal Pay Day	
2009-128.....	6129

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.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2009

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 22, 2008	January 2, 2009
2	December 29, 2008	January 9, 2009
3	January 5, 2009	January 16, 2009
4	January 12, 2009	January 23, 2009
5	January 20, 2009	January 30, 2009
6	January 26, 2009	February 6, 2009
7	February 2, 2009	February 13, 2009
8	February 9, 2009	February 20, 2009
9	February 17, 2009	February 27, 2009
10	February 23, 2009	March 6, 2009
11	March 2, 2009	March 13, 2009
12	March 9, 2009	March 20, 2009
13	March 16, 2009	March 27, 2009
14	March 23, 2009	April 3, 2009
15	March 30, 2009	April 10, 2009
16	April 6, 2009	April 17, 2009
17	April 13, 2009	April 24, 2009
18	April 20, 2009	May 1, 2009
19	April 27, 2009	May 8, 2009
20	May 4, 2009	May 15, 2009
21	May 11, 2009	May 22, 2009
22	May 18, 2009	May 29, 2009
23	May 26, 2009	June 5, 2009

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 1, 2009	June 12, 2009
25	June 8, 2009	June 19, 2009
26	June 15, 2009	June 26, 2009
27	June 22, 2009	July 6, 2009
28	June 29, 2009	July 10, 2009
29	July 6, 2009	July 17, 2009
30	July 13, 2009	July 24, 2009
31	July 20, 2009	July 31, 2009
32	July 27, 2009	August 7, 2009
33	August 3, 2009	August 14, 2009
34	August 10, 2009	August 21, 2009
35	August 17, 2009	August 28, 2009
36	August 24, 2009	September 4, 2009
37	August 31, 2009	September 11, 2009
38	September 8, 2009	September 18, 2009
39	September 14, 2009	September 25, 2009
40	September 21, 2009	October 2, 2009
41	September 28, 2009	October 9, 2009
42	October 5, 2009	October 16, 2009
43	October 13, 2009	October 23, 2009
44	October 19, 2009	October 30, 2009
45	October 26, 2009	November 6, 2009
46	November 2, 2009	November 13, 2009
47	November 9, 2009	November 20, 2009
48	November 16, 2009	November 30, 2009
49	November 23, 2009	December 4, 2009
50	November 30, 2009	December 11, 2009
51	December 7, 2009	December 18, 2009
52	December 14, 2009	December 28, 2009

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
240.120	Amendment
240.160	Amendment
240.235	New
240.1399	Amendment
240.1505	Amendment
240.1541	New
240.1542	New
240.1650	Amendment
240.1955	New
- 4) Statutory Authority: 20 ILCS 105/4.02 (as amended by Public Act 95-565, effective June 1, 2008) and 4.01(11)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will add emergency home response service (EHRS) as a core service under the Community Care Program (CCP).

Table of Contents: Added reference for new Sections 240.235, 240.1541, 240.1542, 240.1955 and revised subheading for Section 240.1399.

Section 240.120: Updates the listing of CCP services.

Section 240.160: Adds a definition for this new service.

Section 240.235: Describes the applicable service components required of prospective EHRS vendors.

Section 240.1399: Updates terminology in provision regarding termination of a vendor or a Case Coordination Unit.

Section 240.1505: Sets forth experience requirements for prospective EHRS vendors.

Section 240.1541: Sets forth EHRS equipment specifications.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

Section 240.1542: Describes applicable administrative requirements for EHRS providers.

Section 240.1650: Adds applicable cross-references for EHRS in provisions addressing provider service violations.

Section 240.1955: Sets forth the fixed unit rates of reimbursement for EHRS.

- 6) 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: This rulemaking does not create or enlarge any State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed rulemaking within 45 days after the date of publication of this Notice to:

Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
421 E. Capitol Avenue, #100
Springfield, IL 62701-1789

217/785-3346

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Any entity providing emergency home response services under a provider agreement with the Community Care Program will be affected by this rulemaking.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2006

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

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 240
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1, 1982 (Repealed)
240.160	Definitions

SUBPART B: SERVICE DEFINITIONS

Section	
240.210	In-home Service
240.220	Chore-Housekeeping Service (Repealed)
240.230	Adult Day Service
240.235	Emergency Home Response Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
240.280	Individual Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 240.360 Reporting Changes
- 240.370 Voluntary Repayment

SUBPART D: APPEALS

- Section
- 240.400 Appeals and Fair Hearings
- 240.405 Representation
- 240.410 When the Appeal May Be Filed
- 240.415 What May Be Appealed
- 240.420 Group Appeals
- 240.425 Informal Review
- 240.430 Informal Review Findings
- 240.435 Withdrawing an Appeal
- 240.436 Cancelling an Appeal
- 240.440 Examining Department Records
- 240.445 Hearing Officer
- 240.450 The Hearing
- 240.451 Conduct of Hearing
- 240.455 Continuance of the Hearing
- 240.460 Postponement
- 240.465 Dismissal Due to Non-Appearance
- 240.470 Rescheduling the Appeal Hearing
- 240.475 Recommendations of Hearing Officer
- 240.480 The Appeal Decision
- 240.485 Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

- Section
- 240.510 Application for Community Care Program
- 240.520 Who May Make Application
- 240.530 Date of Application
- 240.540 Statement to be Included on Application

SUBPART F: ELIGIBILITY

- Section
- 240.600 Eligibility Requirements

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

240.610	Establishing Eligibility
240.620	Home Visit
240.630	Determination of Eligibility
240.640	Eligibility Decision
240.650	Continuous Eligibility
240.655	Frequency of Redeterminations
240.660	Extension of Time Limit

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section	
240.710	Age
240.715	Determination of Need
240.720	Clients Prior to Effective Date of This Section (Repealed)
240.725	Clients After Effective Date of This Section (Repealed)
240.726	Emergency Budget Act Reduction (Repealed)
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for Homemaker Service
240.729	Maximum Payment Levels for Adult Day Care Service
240.730	Plan of Care
240.735	Supplemental Information
240.740	Assessment of Need
240.750	Citizenship
240.755	Residence
240.760	Furnishing of Social Security Number

SUBPART H: FINANCIAL REQUIREMENTS

Section	
240.800	Financial Factors
240.810	Assets
240.815	Exempt Assets
240.820	Asset Transfers
240.825	Income
240.830	Unearned Income Exemptions
240.835	Earned Income
240.840	Potential Retirement, Disability and Other Benefits
240.845	Family
240.850	Monthly Average Income

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

240.855	Applicant/Client Expense for Care
240.860	Change in Income
240.865	Application For Medical Assistance (Medicaid)
240.870	Determination of Applicant/Client Monthly Expense for Care
240.875	Client Responsibility

SUBPART I: DISPOSITION OF DETERMINATION

Section	
240.905	Prohibition of Institutionalized Individuals From Receiving Community Care Program Services
240.910	Written Notification
240.915	Service Provision
240.920	Reasons for Denial
240.925	Frequency of Redeterminations (Renumbered)
240.930	Suspension of Services
240.935	Discontinuance of Services to Clients
240.940	Penalty Payments
240.945	Notification
240.950	Reasons for Termination
240.955	Reasons for Reduction or Change

SUBPART J: SPECIAL SERVICES

Section	
240.1010	Nursing Facility Screening
240.1020	Interim Services
240.1040	Intense Service Provision
240.1050	Temporary Service Increase

SUBPART K: TRANSFERS

Section	
240.1110	Individual Transfer Request – Vendor to Vendor – No Change in Service
240.1120	Individual Transfer Request – Vendor to Vendor – With Change in Service
240.1130	Individual Transfers – Case Coordination Unit to Case Coordination Unit
240.1140	Transfer of Pending Applications
240.1150	Interagency Transfers
240.1160	Temporary Transfers – Case Coordination Unit to Case Coordination Unit

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 240.1170 Caseload Transfer – Vendor to Vendor
240.1180 Caseload Transfer – Case Coordination Unit to Case Coordination Unit

SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

- Section
240.1210 Administrative Service Contract

SUBPART M: CASE COORDINATION UNITS AND PROVIDERS

- Section
240.1310 Standard Contractual Requirements for Case Coordination Units and Providers
240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts
240.1330 General Vendor and CCU Responsibilities (Repealed)
240.1396 Payment for Services (Repealed)
240.1397 Purchases and Contracts (Repealed)
240.1398 Safeguarding Case Information (Repealed)
240.1399 ~~Suspension~~/Termination of a Vendor or Case Coordination Unit (CCU)

SUBPART N: CASE COORDINATION UNITS

- Section
240.1400 Community Care Program Case Management
240.1410 Case Coordination Unit Administrative Minimum Standards
240.1420 Case Coordination Unit Responsibilities
240.1430 Case Management Staff Positions, Qualifications and Responsibilities
240.1440 Training Requirements For Case Management Supervisors and Case Managers

SUBPART O: PROVIDERS

- Section
240.1505 Administrative Requirements for Certification
240.1510 Provider Administrative Minimum Standards
240.1520 Provider Responsibilities
240.1525 Standard Requirements for In-home Service Providers
240.1530 General In-home Service Staffing Requirements
240.1535 In-home Service Staff Positions, Qualifications, Training and Responsibilities
240.1540 General Chore-Housekeeping Staffing Requirements (Repealed)
240.1541 Minimum Equipment Specifications for Emergency Home Response Service

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

240.1542	Administrative Requirements for Emergency Home Response Service Providers
240.1545	Chore-Housekeeping Staff Positions, Qualifications and Responsibilities (Repealed)
240.1550	Standard Requirements for Adult Day Service Providers
240.1555	General Adult Day Service Staffing Requirements
240.1560	Adult Day Service Staff
240.1565	Adult Day Service Satellite Sites
240.1570	Service Availability Expansion
240.1575	Adult Day Care Site Relocation
240.1580	Standards for Alternative Providers
240.1590	Standard Requirements for Individual Provider Services

SUBPART P: PROVIDER PROCUREMENT

Section

240.1600	Provider Agency Certification
240.1605	Emergency Certification
240.1607	Standard CCP Provider Agreement
240.1610	Procurement Cycle for Provider Services (Repealed)
250.1615	Provider Initiated Service Area Modifications
240.1620	Issuance of Provider Proposal and Guidelines (Repealed)
240.1625	Content of Provider Proposal and Guidelines (Repealed)
240.1630	Criteria for Number of Provider Contracts Awarded (Repealed)
240.1635	Evaluation of Provider Proposals (Repealed)
240.1640	Determination and Notification of Provider Awards (Repealed)
240.1645	Objection to Certification Decision
240.1650	Classification, Identification and Receipt of Provider Service Violations
240.1655	Method of Identification of Provider Service Violations (Repealed)
240.1660	Provider Performance Reviews
240.1661	Provider and Case Coordination Unit Right to Appeal
240.1665	Contract Actions for Failure to Comply with Community Care Program Requirements

SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

Section

240.1710	Procurement Cycle For Case Management Services
240.1720	Case Coordination Unit Performance Review

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

SUBPART R: ADVISORY COMMITTEE

Section

- 240.1800 Community Care Program Advisory Committee
240.1850 Technical Rate Review Advisory Committee (Repealed)

SUBPART S: PROVIDER RATES

Section

- 240.1910 Establishment of Fixed Unit Rates
240.1920 Contract Specific Variations
240.1930 Fixed Unit Rate of Reimbursement for Homemaker Service
240.1940 Fixed Unit Rates of Reimbursement for Adult Day Service and Transportation
240.1950 Adult Day Care Fixed Unit Reimbursement Rates
[240.1955 Fixed Unit Rates of Reimbursement for Emergency Home Response Service](#)
240.1960 Case Management Fixed Unit Reimbursement Rates
240.1970 Enhanced Rate for Health Insurance Costs

SUBPART T: FINANCIAL REPORTING

Section

- 240.2020 Financial Reporting of Homemaker Service
240.2030 Unallowable Costs for Homemaker Service
240.2040 Minimum Direct Service Worker Costs for Homemaker Service
240.2050 Cost Categories for Homemaker Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(11)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendment at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendment at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendment at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendment at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendment suspended at 16 Ill. Reg. 1744; emergency amendment modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendment at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2496, effective February 1, 1999; amended at 23 Ill. Reg. 5642, effective May 1, 1999; amended at 26 Ill. Reg. 9668, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10829, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17358, effective November 25, 2002; emergency amendment at 28 Ill. Reg. 923, effective December 26, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 7611, effective May 21, 2004; emergency amendment at 30 Ill. Reg. 10117, effective June 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 11767, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 16281, effective September 29, 2006; amended at 30 Ill. Reg. 17756, effective October 26, 2006;

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

amended at 32 Ill. Reg. 7588, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10940, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17929, effective November 10, 2008; amended at 32 Ill. Reg. 19912, effective December 12, 2008; amended at 33 Ill. Reg. 4830, effective March 23, 2009; amended at 33 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROGRAM PROVISIONS

Section 240.120 Services Provided

- a) The Community Care Program (CCP) provides necessary services designed to prevent premature and unnecessary institutionalization of individuals determined eligible to receive ~~those such~~ services.
- b) Services provided through the CCP are: homemaker, adult day care, emergency home response, information and referral, case management, individual provider (closed caseload), alternative provider and services made available through special demonstration/research projects.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 240.160 Definitions

"Adequate plan of care" means a plan of care ~~that which~~ provides the minimum services needed to protect the health, safety and welfare of a client.

"Adjusted rate" means a rate other than the established fixed rate of reimbursement.

"Administrative corrections" means allowable revisions to a proposal permitted and/or performed by the Department in cases of apparent clerical mistakes and in cases where the applicant/Department has reason to believe a mistake may have been made and verification from the applicant has been provided. ~~These such~~ actions shall be taken prior to award.

"Administrative costs" means those allowable costs related to the management and organizational maintenance of the provider.

"Adverse action" means the denial of CCP service; a reduction in dollars in the

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

monthly cost of care according to the CCP Client Agreement – Plan of Care; a change in service type ~~that~~^{which} could increase the client's incurred monthly expense for care; or the termination from CCP service.

"Allegations" means unsubstantiated accusations or statements.

"Allowable costs" means those cost categories, as delineated in Section 240.2050, which will be considered in setting a fixed rate.

"Allowable maximums" means the highest authorized allocation available for services per month based upon Determination of Need scores.

"Appellant" means the applicant/client/authorized representative initiating an appeal as a result of Department action or inaction.

"Assistance with task" means giving aid or support in the performance of a task.

"Assistive device" means crutches, walker, wheel chair, hearing aid, etc.

"Authorized representative" means an agent designated, verbally or in writing, by the applicant/client to be his/her representative, or the applicant's/client's guardian. In the event that an applicant/client is unable to physically write his/her signature, the CCU may sign for the applicant/client at the applicant's/client's verbal request.

"Authorized representative of the provider" means an owner, officer, or employee of the provider agency who has the authority to commit the agency to a financial and/or contractual responsibility.

"Authorized provider" means a provider who holds a valid contract with the Department to provide Community Care Program (CCP) services.

"Available resources" means assistance provided to an applicant/client by family/~~friend~~^{friend(s)}, church, community, etc.

"Best interest", as used in Section 240.1630, means the determined needs of the client population are being met.

"Burial merchandise" means gravesites, crypts, mausoleums, urns, caskets, vaults,

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

gravemarkers or other repositories for the remains of deceased persons, shrouds, etc.

"Calendar year" means from January 1 through December 31.

"Capable person" means a person who is qualified to perform the functions required.

"CCU in good standing" (See: Contractor in good standing)

"Close-out review" means a review performed at the close of the period of time allowed for correction of findings of non-compliance to determine if those corrections have been made and that the newly drawn review sample of client/provider files reflects on-going compliance.

"Closed caseload" means a caseload restricted to those clients already receiving service and refers only to individual providers; no new clients shall be accepted and current clients who discontinue service for any reason will not be reinstated into this caseload.

"Community-based services" means services provided in a congregate setting in a client's community (i.e., adult day care).

"Comparable human service program" means a program that offers services that are similar to CCP services (e.g., home health aide, maid service).

"Compliance" means adherence to the CCP rules, policy and procedures and the contract with the Department, and all applicable federal, state and local laws/rules/ordinances.

"Components" means specified parts of the service as defined in the applicable Section.

"Confused and disoriented" means unable to clearly and accurately differentiate as to time, person and/or place.

"Continuous eligibility" means that the client has met eligibility requirements each time a subsequent redetermination was administered.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

"Contract" means purchase of service agreement.

"Contractor in good standing" means a CCP contractor who is currently in compliance or within the permitted timeframe allotted for remedy to come into compliance with the Department's rules and contract.

"Control date" means a starting point for purposes of calculating a time frame; the count begins the next work or calendar day.

"Cost report" means a report of all categorized allowable costs to a provider ~~that~~^{which} are directly associated with services purchased by the Department for its clients in categories as defined in Section 240.2050. The provider shall use the Direct Service Worker Cost Certification and the Detailed Cost Certification forms.

"Daily Census maximum" means the total square footage of adult day care client-allotted space divided by 40 sq. ft. equals the daily maximum number of clients that may be served in the adult day care facility.

"Department" means the Illinois Department on Aging.

"Director" means the Director of the Illinois Department on Aging.

"Discontinuance" means the cessation of Community Care Program services provided to a client for non-payment of incurred expense for care.

"Documentation" means tangible documents or supporting references or records used to record client contact, determine eligibility or substantiate adherence to rules.

"Documenting" means making written entries on the Case Record Recording Sheet regarding contact with an applicant/client; and/or the viewing or receiving of a document to be placed in applicant/client/worker files to substantiate adherence to rules.

"Emergency" means a sudden unexpected occurrence demanding immediate action (e.g., client illness, illness/death of a member of the client's family, etc.).

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

"Emergency home response service" or "EHRS" means a 24-hour emergency communication link to assistance outside the client's home based on the client's health and safety needs and mobility limitations. This service is provided by a 2-way voice communication system consisting of a base unit and an activation device worn by the client that will automatically link the client to a professionally staffed support center. The support center assesses the situation and directs an appropriate response whenever this system is engaged by a client.

"Errands" means performance of services outside the home such as essential shopping, picking up medications, and essential business needs as indicated in the plan of care.

"Escort" means accompanying those clients who are dependent on personal physical assistance to enable them to reach and use community resources in order to ensure their access to local services and to allow them to maintain independent living as required by the plan of care.

"Essential" means basic, indispensable or necessary.

"Exit conference" means the meeting at the Illinois Department on Aging between representatives of the Department and the director, or his/her designee, and of the reviewed agency to resolve the agency's objection to the findings of the Compliance Review Report. ~~These~~ Such conferences shall be called when the findings indicate evidence of serious client-related concerns (e.g., Type I findings).

"Face-to-face" means direct communication while physically in the presence of another person or persons.

"Face-to-face review" means an informal review (see Section 240.425) conducted in the appeal process by the Department in the home of an appellant with the applicant/client (and appellant, if appellant is other than the applicant/client) present. (A hearing is conducted by a Hearing Officer – see Section 240.450.)

"FUTA" means the Federal Unemployment Tax Act.

"Fiscally sound agency" means a CCU or provider ~~that~~ which has on file at the Department documentation ~~that~~ which supports that the CCU or provider has adequate financial resources to perform the terms of the contract (e.g., a line of

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

credit from a financial institution).

"Fraudulent information" means purposely erroneous or untruthful information.

"Geographic area" means a physical area (e.g., county) of the State within which a contractor is authorized to provide services to Community Care Program clients.

"Historical costs" means the total allowable costs incurred for all programs the provider provided for the previous reporting year, which are presented via certified report by the provider.

"Home maintenance and repairs" means those non-routine tasks, excluding any work requiring a ladder or requiring specialized skills on the part of the worker, necessary to maintain a safe and healthful environment for the client as required by the plan of care (e.g., defrosting the refrigerator; cleaning the oven; dusting walls and woodwork; cleaning closets, cupboards and insides of windows; changing filters on and cleaning humidifiers; clearing hazards from outside steps and sidewalks if transportation and/or escort is required by the plan of care; replacing light bulbs).

"Imminent" means likely to occur (e.g., injury or institutionalization).

"Incomplete proposal" means the written offer to the Request for Proposal (e.g., attachments, appendices) ~~that~~^{which} fails to include all requirements as stated in the Request for Proposal.

"Incurred monthly expense" means the client's share of the cost of care for CCP services provided during a previous monthly period.

"Informal review" means the act of determining the facts relating to an appeal in an informal manner by the Department (see Section 240.425).

"Informality" means an irregularity ~~that~~^{which} is a matter of form or variation from the exact requirement of the Request for Proposal, the correction or waiver of which would not be prejudicial to other applicants (e.g., failure to return number of copies of signed proposals as required by the Request for Proposal).

"In-home services" means services provided in the client's residence with the client present or on behalf of the client (e.g., homemaker service).

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

"Intermediate Care Facility" ~~or "(ICF)"~~ means a facility ~~thatwhich~~ provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. ~~ICFs~~ ~~Such facilities~~ are for residents who have long term illnesses or disabilities ~~thatwhich~~ may have reached a relatively stable plateau ~~(89 Ill. Adm. Code 101.20)~~.

"Licensed Practical Nurse" ~~or "(LPN)"~~ means a nurse who has graduated from a formally approved program of practical nursing education and has been licensed by the appropriate state authority.

"Mandated time period" means the time frame required by pertinent rule.

"M.D." means medical doctor who is registered in the State of Illinois.

"Memorandum of Understanding" means a written document, executed by the applicant/client/authorized representative, CCU representative and provider representative in which all parties agree to cooperate and in which activities are specified ~~thatwhich~~ must be fulfilled by each party ~~thereto~~.

"Observing client's functioning" means watching for any change in the client's needs ~~thatwhich~~ could indicate that a redetermination of eligibility and/or a revision in the Client Agreement – Plan of Care is necessary (e.g., client is experiencing increasing difficulty in walking; client is becoming increasingly confused and disoriented; client's daughter is no longer available to prepare meals for the client; etc.).

"Occupancy costs" means the costs of depreciation, amortization of leasehold improvements, rent, property taxes, interest and other related costs.

"On-Notice" means the Department sanction imposed on a provider or CCU requiring that provider or CCU to bring specified ~~services~~ ~~service(s)~~ or requirements into compliance.

"Parent organization" means an entity to which the contractual party is a subsidiary.

"Performance of task" means to carry out an action, function or process.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

"Period of stay" means period of time during which implementation of a contract action is temporarily delayed.

"Planning and Service Area" or "(PSA)" means a designated geographic area.

"Post-screening" means screening performed after a client has entered a nursing home due to an emergency situation or oversight without prescreening.

"Potentially" means having the capability of occurring, but not yet in existence (e.g., deterioration in the client's condition).

"Program support costs" means those allowable costs not included as direct service or administrative costs.

"Proposal" means the written offer made by an applicant in response to Department Request for Proposal.

"Provider community experience" means documentation of having provided servicea service(s) within the community in which the provider has applied to provide CCP services.

"Provider in good standing" (See: Contractor in good standing):

"Providers" means those service providers with whom the Department does business through contracts on a reimbursement basis for units of service delivery to specified clients.

"Reasonable" means using and showing reason or sound judgement, sensible, not excessive.

"Reasonable and diligent effort" means perseverance on the part of the applicant/client in his/her attempt to dispose of the asset (e.g., as evidenced by copies of the advertisement for the sale of the asset).

"Registered Nurse" or "(RN)" means a nurse who has graduated from a formal program of nursing education and has been licensed by the appropriate state authority.

"Reinstatement" means the resumption of services, within an established time

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

frame, at the same level provided prior to a suspension/discontinuance of the services.

"Related parties" means any other entities having a legal or contractual relationship with the contractual party.

"Request for Proposal" or "(RFP)" means a form of invitation to bid ~~that~~ which the Department uses to obtain homemaker, adult day care services and demonstration/research projects under the Community Care Program (CCP). The RFP explains the purpose of the invitation to bid, outlines the scope of the work and solicits proposals from provider agencies for the funding of services undertaken by the Department.

"Responsible person" means a capable person who does not appear to be disoriented or confused and is presumed to be acting in the best interest of another individual.

"Rotation plan" means a Department approved plan for the equitable distribution of clients to providers (used only if client does not indicate a choice of providers).

"Routine procedures" means procedures performed in a hospital ~~that~~ which result in no perceptible change in the client's physical/mental health needs (e.g., tests, blood work-ups, x-rays, dialysis, etc.).

"Service area" means any area in which a provider has been awarded a contract to provide CCP services.

"Skilled Nursing Facility" or "(SNF)" means a group care facility licensed by the Illinois Department of Public Health ~~that~~ which provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. ~~SNFs~~ Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during reoccurrences of symptoms in long-term illness (89 Ill. Adm. Code 101.20).

"Special diet" means a dietary restriction based upon the health and safety needs of the client and prescribed by a physician (e.g., sodium free, fat, protein, diabetic, etc.); whereas a modified diet relates to a diet containing easy to chew foods. A modified diet may be part of a specialized diet.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

"State fiscal year" means from July 1 through June 30.

"Suspension" means the temporary cessation of the provision of Community Care Program services provided to a client.

"Suspension of referrals" means closed intake of new clients to a specific contractor.

"Termination" means the permanent cessation of the provision of Community Care Program services and eligibility of services.

"Threat" means the existence of circumstances that indicate the intent of an individual or group to destroy the property of or to injure or punish another individual or group. ~~These~~^{Such} circumstances might be the display of a weapon at an adult day care center.

"Too highly impaired applicant/client" means an applicant/client who needs 24 hour a day care, for whom CCP cannot develop a plan of care to protect his/her physical, mental and environmental needs and who does not have sufficient outside support from family, friends, church et. al., to provide for those needs (as determined by Part B – Unmet Need for Care – of the Community Care Program – Determination of Need). (Refer to Section 240.715.)

"Unallowable costs" means those costs ~~that~~^{which} will not be considered in determining the fixed rate or in meeting the required minimum direct service expenditure.

"Unit of service" means a measured length of service, such as an hour, a day, a visit, a one-way trip, or some other measurable service component that will enable the Department to determine the amount of service provided individually or in aggregate to or on behalf of a client.

"Validation of provider community experience" means the documentation of letters from community agencies attesting to experience with the provider within the community.

"Validity of client billing" means the accuracy of the billing and documentation thereof.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

"Work days" means Monday through Friday at a minimum, excluding provider designated holidays.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART B: SERVICE DEFINITIONS

Section 240.235 Emergency Home Response Service

- a) Service Definition
Emergency home response service (EHRS) is defined as a 24-hour emergency communication link to assistance outside the client's home based on the client's health and safety needs and mobility limitations. This service is provided by a 2-way voice communication system consisting of a base unit and an activation device worn by the client that will automatically link the client to a professionally staffed support center. The support center assesses the situation and directs an appropriate response whenever this system is engaged by a client. The purpose of providing EHRS is to improve the independence and safety of clients in their own homes in accordance with the authorized plan of care, and thereby help reduce the need for nursing home care.
- b) Specific components of EHRS shall include the following:
- 1) provide a base unit and, when necessary, adaptive activation devices, together with all connectors, parts and equipment necessary for installation, that can be used in a home by up to 2 clients with hearing, mobility and/or visual impairments.
 - A) Wireless adaptive activation devices (e.g., sip and puff, rocking lever switch, etc.) must be available when a client cannot physically activate the call button.
 - B) The system must be useable by visually and hearing impaired clients through visual and audible indications of alarm activation.
 - C) Adaptive activation devices shall be provided at no extra cost to the client;

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 2) deliver the activation device to the client and install the base unit, including connection of a seizure line jack, into a functioning telephone system in the client's home within 15 calendar days from the date of referral. This service shall not be subcontracted and shall be completed by trained employees identified by picture ID with an ID number that can be verified by the client;
- 3) train the client and his or her designated emergency responders on the proper use of the base unit and activation device at the time of installation. The training must include:
 - A) demonstration of use and maintenance of EHRS equipment;
 - B) explanation of the EHRS provider's services and response protocol;
 - C) information on the general care of the base unit and activation device;
 - D) instruction about the monthly testing of the base unit and how to transmit the test results to the support center; and
 - E) providing the client with easy to understand written instructions in the use of EHRS devices, including how to report a malfunction of the equipment. These instructions shall also be available in Braille or tape recorded to meet the client's needs;
- 4) assist the client in selecting and designating up to 3 local emergency responders, which must be updated by the EHRS provider at least every 6 months. Each responder shall receive both verbal and written instructions from the provider;
- 5) obtain client's/representative's signature to document that the EHRS unit was delivered and installed and that instructions and demonstration were given and understood. A copy of this receipt must be sent to the Case Coordination Unit;
- 6) own and operate a support center to provide live monitoring on a continuous basis, direct an appropriate response whenever the EHRS

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

system is activated, and provide necessary technical support for fault conditions, including a language line that provides interpreter service for at least 140 languages and communication facilitated by a teletypewriter (TTY) communication device for the deaf, as appropriate;

- 7) own and operate a back-up support center that provides all components specified in subsection (b)(6) and operates on a separate power grid;
- 8) maintain adequate local staffing levels of qualified personnel to service necessary administrative activities, installation, in-home training, signal monitoring, technical support and repair requests in a timely manner. A provider agency must have a written training program for personnel and be able to demonstrate staff qualifications;
- 9) in the event of a malfunction, repair or replace the base unit or activation device within 24 hours after receiving the malfunction report;
- 10) alert the client when electric power to the base unit has been interrupted (e.g., unplugged) and the unit is operating on a standby power source;
- 11) notify the Case Coordination Unit within one business day after activation of the base unit and work with the appropriate case manager to resolve service complaints from the client or emergency responder;
- 12) notify the Case Coordination Unit immediately if EHRS services cannot be initiated or must be terminated; and
- 13) maintain records in accordance with Section 240.1542 relating to client referral and service statistics, including equipment delivery; device activation; client and responder training; signal monitoring and test transmission activity; equipment malfunction, repair and replacement; power interruption alerts; and notification of the Case Coordination Units, plus billing and payment information, and personnel matters.

c) Units of Service

- 1) One unit of installation service is the one-time fee to the provider agency for the activity associated with the installation of the base unit in the client's home.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 2) One unit of monthly service is the fixed unit rate of reimbursement, per month, for the provider agency activity associated with providing EHRS to each client.

(Source: Added at 33 Ill. Reg. _____, effective _____)

SUBPART M: CASE COORDINATION UNITS AND PROVIDERS

Section 240.1399 ~~Suspension~~/Termination of a Vendor or Case Coordination Unit (CCU)

In the event conditions warrant ~~suspension or~~ termination of an Agreement or a Contract, ~~in whole or in part, such suspension or~~ termination shall be in accord with provisions in the Agreement or Contract.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART O: PROVIDERS

Section 240.1505 Administrative Requirements for Certification

- a) In order to qualify for certification as a provider of CCP services, a provider agency must, to the satisfaction of the Department, meet the following administrative requirements:
- 1) Serve an entire CCP geographic area.
 - A) Other than in Cook County, the geographic area will be the county.
 - B) In Cook County outside the City of Chicago, the geographic area will be the township.
 - C) Within the City of Chicago, the geographic area will be the following subareas, defined by Zip Code:
 - i) 60645, 60626, 60659, 60660, 60640
 - ii) 60625, 60631, 60630, 60646, 60656

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- iii) 60666, 60634, 60641, 60707, 60639, 60635
 - iv) 60613, 60614, 60618, 60647, 60657
 - v) 60601, 60602, 60603, 60604, 60605, 60661, 60606, 60607, 60610, 60611, 60622
 - vi) 60637, 60616, 60615, 60649, 60653
 - vii) 60629, 60632, 60623, 60609, 60638
 - viii) 60628, 60617, 60619, 60633, 60627, 60827
 - ix) 60620, 60652, 60636, 60643, 60621, 60655
 - x) 60608, 60612, 60624, 60644, 60651.
- 2) The Department reserves the right to adjust this geographic area requirement to assure that:
- A) no geographic area remains unserved.
 - B) the following entities are not excluded from participation as service providers in the CCP:
 - i) entities serving limited- or non-English-speaking clients;
 - ii) providers that are, or are controlled by, a unit of local government and cannot operate outside the jurisdiction of that local government; and
 - iii) regional benevolent, charitable, social or religious organizations that have as their charter providing services to a specific population or geographic area smaller than a county, township or CCP subarea.
 - C) transportation to/from adult day service facilities can be completed in a reasonable period of time.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 3) Submit a request for certification providing the information described in this Section and Sections 240.1600 and 240.1605, in the form and manner prescribed by the Department, including all required supporting compliance material or other information documenting its administrative and operational ability, and institute all necessary action based on the outcome of the Department's review.
- 4) Document the legal structure under which it is organized to do business as set forth in Section 240.1607(h).
- 5) Provide a list of the directors, officers or owners, as applicable to the legal structure of the provider agency.
- 6) Verify experience in providing service comparable to the CCP, as defined in Sections 240.210, ~~and 240.230,~~ and 240.235, for which certification is requested, and that is consistent with the requirements set forth in this Part.
 - A) Required Experience
 - i) For prospective emergency home response service provider agencies: A minimum of 5 years experience in business operations providing emergency home response service.
 - ii) For prospective adult day service provider agencies: A minimum of 2 years experience in business operations providing adult day service.
 - iii) For prospective in-home service providers: A minimum of 3 years experience in business operations providing in-home service, one of which must be in Illinois.
 - B) The Department reserves the right to:
 - i) adjust the experience requirements specified in subsection (a)(5)(A) if the provider agency submits proof of current accreditation or certification by an appropriate national organization for the service for which Department certification is being requested.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- For in-home services, the following national accreditation organizations are acceptable:

Accreditation Commission for Health Care (2005, no later amendments or editions included), 4700 Falls of Neuse Rd., Suite 280, Raleigh NC 27609;

Community Health Accreditation Program (2004, no later amendments or editions included), 1300 19th St., Suite 150, Washington DC 20036;

The Joint Commission (2009, no later amendments or editions included), One Renaissance Blvd., Oakbrook Terrace IL 60181.

- For adult day services, accreditation from the Commission on Accreditation of Rehabilitation Facilities (CARF) (2009, no later amendments or editions included), CARF-CCAC, 1730 Rhode Island Ave. NW, Suite 209, Washington DC 20036 is acceptable.
- Consideration of other accreditation organizations may be requested in writing with supporting documentation regarding the particular competency requirements for another designation. If approved by the Department, additional accreditation organizations will be added to this subsection (a)(6)(B)(i).

- ii) adjust the experience requirement (e.g., substituting management team experience for agency experience) when it is in the best interests of the CCP. The Department will continue to assure that any adjustment of the experience requirement will occur only when the health, safety and welfare of CCP clients and the quality of services provided will not be adversely affected.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 7) Disclosure of information regarding past business practices of the provider agency and its affiliates, including the managers, directors or owners, relevant to the service applied for, involving, but not limited to, the following circumstances:
 - A) denial, suspension, revocation or termination for cause of a license or Provider Agreement, or any other enforcement action, such as civil court or criminal action;
 - B) termination of a Provider Agreement or surrender of a license before expiration or allowing a contract or a license to expire in lieu of enforcement action;
 - C) any federal or state Medicaid or Medicare sanctions or penalties relating to the operation of the agency, including, but not limited to, Medicaid abuse or fraud;
 - D) any federal or state civil or criminal felony convictions;
 - E) operation of an agency that has been decertified in any state under Medicare or Medicaid; or
 - F) citations for client abuse, neglect, injury, financial exploitation or inadequate care in any state.
- 8) Document its written policies and procedures in compliance with the applicable administrative standards imposed on provider agencies under the CCP, as set forth in Section 240.1510.
- 9) Document its ability to comply with all applicable responsibilities imposed on provider agencies under the CCP, as set forth in Section 240.1520, including proof of required insurance coverages.
- 10) Submit audited financial reports from the last complete business fiscal year.
- 11) Submit proof that it is fiscally sound, as that term is defined in Section 240.160, by verifying assets (e.g., audited financial statements with accompanying notes, bank statements, investment statements, and letters

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

of credit from financial institutions) sufficient to cover 90 days of CCP operating expenses, as defined by the agency business plan.

- 12) Provide assurance that its business operations comply with the service, staffing and training requirements imposed on provider agencies under this Part.
 - 13) Provide a minimum of five references or letters of recommendation from such entities as persons who have been served by the provider, nonprofit or business organizations or governmental bodies that have observed the operations and/or services of the provider, employees of the provider, an Area Agency on Aging, etc., attesting to the provider agency's qualifications relevant to providing CCP services. The references shall be from a diverse group of knowledgeable entities.
 - 14) Comply with all applicable federal, State and local laws, regulations, rules, service standards and policies or procedures pertaining to the provider agency in its business operations and to the services provided under the CCP.
- b) If a provider agency is not able or is unwilling to meet the administrative requirements in subsection (a), the Department shall deny its request for certification.
 - c) The Department reserves the right to accept documentation of Illinois Department of Public Health (DPH) home service licensure for applicable administrative requirements. (See 77 Ill. Adm. Code 245.Subpart B.)

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 240.1541 Minimum Equipment Specifications for Emergency Home Response Service

- a) All EHRS equipment must be tested, approved and listed to meet Underwriters Laboratories safety standards for home health care signaling equipment, UL 1637 (available from Underwriters Laboratories, 2600 N.W. Lake Rd., Camas WA 98607-8542, 877/854-3577; October 26, 1998, no later amendments or editions included), and digital alarm communicator systems units, UL 1635 (January 31, 1996, no later amendments or editions included), if applicable.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- b) All home units must be capable of signaling from both the activation device remote and the base unit.
- c) Activation Device Specifications
 - 1) The activation device must be a portable and waterproof type of wireless remote configured with:
 - A) a crystal or Surface Acoustic Wave (SAW) resonator controlled transmitter frequency for long-term reliability;
 - B) digital encoding capability for at least 10 combinations sufficient for high density situations;
 - C) a minimum transmission range of 300 feet;
 - D) an internal battery capable of operating as a power source for a minimum 5 years;
 - E) a low battery charge signal; and
 - F) components certified as appropriate by the Federal Communications Commission under 47 CFR 15 (2008).
 - 2) The activation device must be capable of conducting automatic battery testing and transmitting the results through the base unit to the support center on a regular basis.
 - 3) An adaptive version of the activation device must be available that can be used by hearing, mobility and visually-impaired clients.
- d) Base Unit Specifications
 - 1) The base unit must have:
 - A) an integrated unit that connects to either a rotary dial or touchtone telephone via a modular jack that does not interfere with the normal use of the telephone;

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- B) an Underwriters Laboratory (UL) approved plug as the connector to a standard residential electrical outlet for its power supply;
 - C) an appropriate connection for a seizure line jack so the support center can be signaled even in the event the telephone receiver is off its hook;
 - D) an easily identifiable "ready" light to verify whether the batteries on the activation device and base unit are charged;
 - E) an easily identifiable "confirmation" light that indicates when the support center has received a signal;
 - F) a battery that automatically charges whenever the base unit is powered and that maintains a charge for at least 12 hours when the electric power to the base unit is interrupted;
 - G) transmission capability to signal the support center if the base unit battery fails or has a low charge, or electric power to the base unit is interrupted;
 - H) a configuration that allows signaling service through one base unit for up to 2 clients in a home;
 - I) microphone and speaker to enable 2-way voice communication between the client's home and the support center. The support center must be able to control both the microphone sensitivity and speaker volume; and
 - J) appropriate certification by the Federal Communications Commission under 47 CFR 15 (2008) and 47 CFR 68 (2008).
- 2) The base unit must give both audible and visual confirmation of the signal status using digitized voice technology and lighting cues to help the client stay calm while waiting on his or her designated emergency responder or other appropriate response to the situation directed by the support center.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

3) The base unit must reattempt signaling on a regular basis until the support center confirms its receipt.

e) Support Center Specifications

1) The EHRS support center must have back-up monitoring capacity to take over all monitoring functions and handle all incoming emergency signals. The back-up monitoring center must be at a location different from the primary center, on a different power grid system and on a different telephone trunk line. It must have a back-up battery and electrical generating capacity, as well as telephone line monitoring abilities.

2) All EHRS support center and back-up center equipment, at a minimum, must:

A) monitor the EHRS system for the receipt of incoming signals from connected base units in clients' homes, including test transmissions and fault conditions, on a continuous basis;

B) have an audible and visual alarm for the notification of all incoming signals, including test transmissions and fault conditions;

C) direct an appropriate response within a minute of the receipt of a signal as an operational average without disrupting or terminating the connection to the base unit in the client's home, 24 hours a day, 365 days a year, including interpretation services and communication facilitated by a teletypewriter (TTY) communication device for the deaf;

D) provide technical support as required, 24 hours a day, 365 days a year;

E) identify each client and simultaneously record all communication among the client, support center and responder, as applicable, for all signals, including test transmissions and fault conditions;

F) display, print and archive the client identifier, date, time, communication and response period for each incoming signal,

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

which must be maintained for at least a 3-year period for quality control and liability purposes;

- G) have an uninterruptible power supply (UPS) back-up that will automatically take over system operation in the event electric power to the support center is interrupted, other type of malfunction occurs, or repairs are needed. The back-up power supply must be sufficient to operate the entire system for a minimum of 12 hours;
- H) have separate and independent primary and back-up receivers, computer servers, databases, and other components to provide an uninterruptible monitoring system in the event of equipment malfunction;
- I) perform self-diagnostic testing for malfunctions in equipment in client homes and at the support center, and for fault conditions in the primary and back-up operating systems and power supply at the support center, that could interfere with receiving and responding to signals, such as non-operational receivers and transmitters, signals received with no communications, telephone line outages, power loss, etc.; and
- J) maintain appropriate certification by the Federal Communications Commission under 47 CFR 15 (2008) and 47 CFR 68 (2008).

(Source: Added at 33 Ill. Reg. _____, effective _____)

Section 240.1542 Administrative Requirements for Emergency Home Response Service Providers

- a) In order to qualify for certification, a provider agency must, to the satisfaction of the Department:

 - 1) meet the administrative requirements under Section 240.1505;
 - 2) meet the certification requirements under Section 240.1600 or 240.1605;

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 3) provide assurance that its equipment and support center are in continual compliance with the technology requirements imposed on provider agencies under Section 240.1541;
 - 4) maintain adequate records for administration, audit, budgeting, evaluation, operation and planning efforts by the Department in offering EHRS as a service through the Community Care Program, including client records, which shall include, but are not limited to:
 - A) dates and times of all signaling, and the name of the emergency responder for each signaling;
 - B) dates and times of all equipment tests; and
 - C) disposition of all emergency signaling;
 - 5) comply with the following requirements:
 - A) this Part; and
 - B) Underwriters Laboratories safety standards for home health care signaling equipment, UL 1637; and
 - C) Underwriters Laboratories safety standards for digital alarm communicator systems units, UL 1635.
- b) If a provider agency is not able to meet these administrative requirements, then the Department shall deny its request for a certification of qualifications under Section 240.1600.

(Source: Added at 33 Ill. Reg. _____, effective _____)

SUBPART P: PROVIDER PROCUREMENT

Section 240.1650 Classification, Identification and Receipt of Provider Service Violations

Failure~~Failure(s)~~ to comply with the contract, proposal and Department rules shall be identified and classified by the Department.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- a) In determining the classification assigned to each provider service violation, the Department shall consider the following:
- 1) the severity of the violation;
 - 2) the danger posed by the violation to the health, safety ~~or~~and welfare of the client, based upon degree of client impairment and availability of support sources;
 - 3) the provider's efforts to correct violations;
 - 4) the volume and scope of ~~violations~~violation(s).
- b) There are ~~3~~three classifications of violations: Type I, Type II, and Type III.
- 1) Type I provider service violations are client-centered violations ~~that~~which pose an imminent risk to the health, safety ~~or~~and welfare of the Community Care Program (CCP) client, and represent situations ~~in~~ whichwhere failure to correct the violation could result in the client's potential hospitalization or nursing facility placement. Type I violations shall receive priority attention, requiring immediate (within 24 hours) correction to remove the risk environment. Permanent correction must be achieved within 60 calendar days.
 - 2) Type II provider service violations are client-centered violations ~~that~~which pose a potentially serious risk to the client. These violations are to be corrected within 60 calendar days.
 - 3) Type III provider service violations are administrative violations ~~that~~which pose a very low risk to the client. The timeframe for correction of Type III violations shall be 60 calendar days or as established in an approved work plan.
- c) Provider service violations include, but are not limited to, violation of the following Community Care Program rules:
- 1) adult day service standard requirements, as specified in Section 240.1550 of this Part;

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 2) adult day service and in-home provider staffing requirements, as specified in Sections 240.1530 and 240.1555 of this Part;
 - 3) special services, as specified in Subpart J;
 - 4) provider administrative minimum standards and responsibilities, as specified in Sections 240.1510, 240.1520, [240.1542](#) and 240.2020 of this Part;
 - 5) service components, as specified in Sections 240.210, 240.230, [240.235](#), 240.270 and 240.280 of this Part;
 - 6) adult day service and in-home provider staff qualification and responsibilities, as specified in Sections 240.1535 and 240.1560 of this Part;
 - 7) service provision requirements, as specified in Section 240.915 of this Part;
 - 8) [emergency home response equipment, as specified in Section 240.1541 of this Part.](#)
- d) The Department will be in receipt of reported contract, proposal and rule violations through the following methods:
- 1) Performance reviews of contracted provider agencies, as specified in Section 240.1660 of this Part;
 - 2) Service complaints/violations ~~that, which~~ are reported directly to the Department or to the Senior HelpLine of the Department, or are referred to the Senior HelpLine by the Department/Case Coordination Unit ~~or~~; service provider/other; and/or
 - 3) Reports from Department staff.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART S: PROVIDER RATES

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

Section 240.1955 Fixed Unit Rates of Reimbursement for Emergency Home Response Service

Emergency home response service (EHRS) providers executing a contractual agreement with the Department pursuant to Section 240.1600 shall be uniformly reimbursed for the provision of EHRS at fixed unit rates of reimbursement established by the Department. The reimbursable units of EHRS shall be as follows:

- a) Installation and Removal
The Department shall pay a one-time installation fee at a fixed unit reimbursement rate established by the Department for the installation of the base unit in the client's home. The Department shall not pay any fee for expenses incurred by the EHRS provider if service could not be provided due to either the client's absence or the client's refusal to admit the EHRS provider's employee into the home. The Department shall not pay any fee for removal of the base unit.

- b) Monthly Service
The Department shall pay a monthly service fee per client at a fixed unit reimbursement rate established by the Department for providing EHRS to clients. The Department shall not pay for the cost of maintaining telephone service for the client or any associated charges or fees.

(Source: Added at 33 Ill. Reg. _____, effective _____)

BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Program Review (Private Colleges and Universities)
- 2) Code Citation: 23 Ill. Adm. Code 1030
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1030.20	Amendment
1030.90	New
- 4) Statutory Authority: Implementing and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05], by Sections 14.5 and 14.10 of the Private College Act (P.A. 95-1046, effective March 27, 2009), and by Sections 10.5 and 10.10 of the Academic Degree Act (P.A. 95-1046, effective March 27, 2009)
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 95-1046 authorizes the Board to set fees to cover the cost of reviewing applications for (1) certificate of approval, (2) authorization to operate, and (3) authorization to grant degrees by institutions of higher education who want to begin or expand offerings to students in Illinois. The intent of the amendments is "to cover the cost of reviewing applications" since a fee has not been previously authorized. The Board's Academic Affairs committee has consulted with private institutions of higher education in the development of the fee assessment and structure of fees.
- 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? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes, Employment Cost Index, published quarterly by the U.S. Bureau of Labor Statistics.
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805/3].

BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 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:
- Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield, Illinois 62701
- 217/557-7358
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: No small businesses or small municipalities are affected. Private for-profit colleges and universities and all out-of-state colleges and universities, private and public, will be subject to fees.
- 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 the January 2009 regulatory agenda because: the need for this rulemaking was not anticipated at the time the agenda was prepared.

The full text of the Proposed Amendments is identical to that of the Emergency Amendments found in this issue of the *Illinois Register*, which begins on page 6099:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: State of Illinois Medical Care Assistance Plan
- 2) Code Citation: 80 Ill. Adm. Code 2120
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2120.30	Amendment
2120.520	Amendment
2120.525	Amendment
2120.540	Amendment
- 4) Statutory Authority: Authorized by 5 ILCS 375/5(vi)
- 5) A Complete Description of the Subjects and Issues Involved: Language referencing an EZ Reimburse[®] MasterCard[®] has been removed and replaced with language referencing and electronic reimbursement card, consistent with the Internal Revenue Code; the definition of a "Qualifying Child" has been corrected to be consistent with the Internal Revenue Code; the schedule for reimbursements has been updated to provide for payment of claims that equal or exceed \$5; and, the policy regarding the issuance of statements has been updated to reflect the differentiation between members who elect a Card and members who do not elect a Card.
- 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? Yes
- 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: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

217/785-1793

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: 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 2 most recent agendas because: the matter that is the subject of this rulemaking was not known at the time the agendas were submitted.

The full text of the Proposed Amendments is identical to the text of the Emergency Rulemaking and begins on page 6110 in this issue of the *Illinois Register*:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Indian Child Welfare Services
- 2) Code Citation: 89 Ill. Admin. Code 307
- 3) Section Number: 307.10 Proposed Action:
Amendment
- 4) Statutory Authority: 25 USC 1901; 20 ILCS 505/5
- 5) A Complete Description of the Subjects and Issues Involved: Part 307 is being amended to implement provisions of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). The legislation requires states with federally-recognized Indian tribes to negotiate in good faith with tribes, tribal organizations or consortia toward developing an agreement with the Department to administer all or part of a program under Title IV-E.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested parties 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. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station #65

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
FAX: 217/557-0692
E-Mail address: cfpolicy@idcfs.state.il.us

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of 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 2 most recent agendas because: the revisions were not anticipated at the time the regulatory agenda was completed.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 307

INDIAN CHILD WELFARE SERVICES

Section

307.10	Purpose
307.15	Definitions
307.20	Identification of Indian Children
307.25	Notification of Proceedings
307.30	Transfer of Jurisdiction
307.35	Placement of an Indian Child
307.40	Retaining Custody of an Indian Child
307.45	Terminating Parental Rights

AUTHORITY: Implementing the Indian Child Welfare Act (25 USC 1901 et seq.) and authorized by Section 4 of the Department of Children and Family Services Act [20 ILCS 505/4].

SOURCE: Adopted and codified at 5 Ill. Reg. 8645, effective August 19, 1981; old Part repealed at 31 Ill. Reg. 4328 and new Part adopted at 31 Ill. Reg. 4330, effective February 28, 2007; amended at 33 Ill. Reg. _____, effective _____.

Section 307.10 Purpose

- a) The purpose of the Indian Child Welfare Act is to promote the identity of Indian children and their connection or affiliation with their Indian tribes. The Department of Children and Family Services recognizes that Indian children are central in the maintenance of Indian tribal culture, traditions and values. Therefore, the Department shall, in conjunction with Indian communities, organizations and agencies, provide a method of early identification of Indian children and their families in order to provide services that assure all the additional protections afforded by the Indian Child Welfare Act.
- b) The Department shall negotiate in good faith with any federally recognized Indian tribe, tribal organization or tribal consortium:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) that requests to develop an agreement with the Department to administer all or a part of the program under Title IV-E the Social Security Act (42 USC 670 et seq.) on behalf of Indian children who are under authority of the tribe, organization or consortium, including foster care maintenance payments on behalf of children who are placed in Department or tribally licensed foster family homes, adoption assistance payments, and tribal access to resources for administration, training and data collection under Title IV-E (see 42 USC 671(a)(32)); and
- 2) that does not receive an allotment under the Chafee Foster Care Independence Program (CFCIP) or Education and Training Voucher (ETV) directly from the Secretary of the U.S. Department of Health and Human Services for a fiscal year and that requests to:
 - A) develop an agreement with the Department to administer, supervise or oversee the CFCIP or ETV program with respect to Indian children who are eligible for those programs and who are under the authority of the tribe, organization or consortium; and
 - B) receive from the Department an appropriate portion of the Department's allotment for the cost of administration, supervision or oversight (see 42 USC 677(b)(3)(G)).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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

<u>Section Number</u> :	<u>Proposed Action</u> :
120.310	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: Through recent lawmaking, Congress established that Iraqi and Afghan special immigrants, under Section 101(a)(27) of the Immigration and Nationality Act (INA), meet immigration requirements for Medicaid benefits for a limited time period. Those time periods are eight months for Iraqi and six months for Afghan special immigrants. If determined ineligible for Medicaid, the immigrants may receive Refugee Medical Assistance for the specified time periods. The limited eligibility period begins with either the date the person entered the U.S. as a special immigrant or the date his or her status was adjusted with the U.S. Iraqi and Afghan special immigrants are legal permanent residents and subject to the 5-year bar after the limited eligibility period.
- 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> :
120.335	Amendment	33 Ill. Reg. 5683; April 17, 2009
120.381	Amendment	33 Ill. Reg. 5683; April 17, 2009
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 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
- 14) Regulatory Agenda on which this Rulemaking was Summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the provisions of this rulemaking arise from Congressional action.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.14 Presumptive Eligibility for Children
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD –
MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings
120.64 MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Licensed Community – Integrated Living Arrangements

SUBPART D: MEDICARE PREMIUMS

Section	
120.70	Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73	Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.75	Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76	Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section	
120.90	Migrant Medical Program (Repealed)
120.91	Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.200	Elimination Of Aid To The Medically Indigent
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.215	Relationship (Repealed)
120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard – MANG(C)
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In-Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Provisions for the Prevention of Spousal Impoverishment
120.380	Assets
120.381	Exempt Assets

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 120.382 Asset Disregard
120.383 Deferral of Consideration of Assets
120.384 ~~Spenddown~~~~Spend-down~~ of Assets (AABD MANG)
120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120.386 Property Transfers Occurring On or Before August 10, 1993
120.387 Property Transfers Occurring On or After August 11, 1993
120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395 Payment Levels for MANG (Repealed)
120.399 Redetermination of Eligibility
120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

- 120.500 Health Benefits for Persons with Breast or Cervical Cancer
120.510 Health Benefits for Workers with Disabilities
120.520 SeniorCare (Repealed)
120.530 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
120.540 Illinois Healthy Women Program
120.550 Asylum Applicants and Torture Victims

120.TABLE A Value of a Life Estate and Remainder Interest
120.TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; peremptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; peremptory amendment suspended at 32 Ill. Reg. 8450, effective May 21, 2008; peremptory amendment repealed, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; peremptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; peremptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. _____, effective _____.

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section 120.310 Citizenship

To be eligible for assistance, an individual shall be either a United States (U.S.) citizen or a non-citizen within specific categories and subject to specific restrictions set forth [in subsection \(a\)](#)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

| [and \(b\).below:](#)

- a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parents.
- b) Non-citizens
 - 1) The following categories of non-citizens may receive assistance, if otherwise eligible:
 - A) A U.S. veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of ~~that~~[such a](#) person;
 - B) Refugees under ~~section~~[Section](#) 207 of the Immigration and Nationality Act (INA);
 - C) Asylees under ~~section~~[Section](#) 208 of ~~the~~-INA;
 - D) Persons for whom deportation has been withheld under ~~section~~[Section](#) 243(h) of ~~the~~-INA;
 - E) Persons granted conditional entry under ~~section~~[Section](#) 203(a)(7) of ~~the~~-INA as in effect prior to April 1, 1980;
 - F) Persons lawfully admitted for permanent residence under ~~the~~-INA;
 - G) Parolees, for at least one year, under ~~section~~[Section](#) 212(d)(5) of ~~the~~-INA;
 - H) Nationals of Cuba or Haiti;
 - I) Persons identified by the Federal Office of Refugee Resettlement (ORR) as victims of trafficking;
 - J) Amerasians from Vietnam;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- K) Members of the Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part in a military or rescue operation during the Vietnam era;
- L) American Indians born in Canada; and
- M) Persons who are a spouse, widow or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plan to live separately within one month of assistance and whose need for assistance is due, at least in part, to the abuse.

- 2) Those persons who are in the ~~category~~categories set forth in ~~subsection~~subsections (b)(1)(F) ~~and (b)(1)(G)~~ of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States, with the exception of Iraqi and Afghan special immigrants under section 101(a)(27) of INA. Iraqi and Afghan special immigrants are eligible for a limited period of time established by the federal government. The limited time period begins with either the date the person entered the United States as a special immigrant or the date his or her status was adjusted within the United States.
- 3) Those persons who are in the category set forth in subsection (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.
- 4)3) Notwithstanding the provisions of subsections (b)(1) and (2) of this Section, any non-citizen is eligible for medical assistance if the non-citizen otherwise meets the income, asset and categorical requirements of the medical assistance program and is in need of emergency services required after the sudden onset of a medical condition (including labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) that the absence of immediate medical attention could reasonably be expected to result in:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- A) placing the non-citizen's health in serious jeopardy;
- B) serious impairments to bodily functions; or
- C) serious dysfunction of any organ or part (42 USC 1396(b)(v)).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.26 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking is the result of a Food and Nutrition Service clarification that requires DHS to impose a progressive food stamp sanction on individuals who fail to comply with a food stamp work requirement, a Food Stamp Employment and Training (FSE&T) requirement, or a TANF work and training requirement. As a result of this rulemaking if an individual fails to comply with work registration requirements, FSE&T program requirements, TANF work and training requirements, or voluntarily quits a job or reduces his or her work hours, a sanction shall be imposed on that individual for 3 months for the first or second violation and six months for the third and subsequent violations.
- 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>
121.94	Amendment	33 Ill. Reg. 4062; March 13, 2009
121.96	Amendment	33 Ill. Reg. 4062; March 13, 2009
121.150	Amendment	33 Ill. Reg. 4062; March 13, 2009
121.10	Amendment	33 Ill. Reg. 4537; March 27, 2009
121.63	Amendment	33 Ill. Reg. 4537; March 27, 2009
121.120	Amendment	33 Ill. Reg. 4537; March 27, 2009

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

121.125	Amendment	33 Ill. Reg. 4537; March 27, 2009
121.63	Amendment	33 Ill. Reg. 4811; April 3, 2009
121.57	Amendment	33 Ill. Reg. 5248; April 10, 2009
121.58	Amendment	33 Ill. Reg. 5248; April 10, 2009

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/785-9772

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

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

SUBPART D: ELIGIBILITY STANDARDS

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

SUBPART E: HOUSEHOLD CONCEPT

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

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Section

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

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

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

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Section

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

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

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

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; preemptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; amended at 33 Ill. Reg. _____, effective _____.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.26 PeriodsPeriod of Sanction

- a) If an individual fails to comply with work registration requirements (Section 121.23), or fails to comply with the FSE&T program requirements (Section 121.184), or fails to comply with TANF work and training requirements (89 Ill. Adm. Code 112.72), or voluntarily quits a job or reduces work hours (Section 121.27), a ~~3-month~~ sanction shall be imposed on that individual for:-
- 1) 3 months for the first violation;
 - 2) 3 months for the second violation; and
 - 3) 6 months for the third or subsequent violations.
- b) The period of sanction may end early if:
- 1) the individual becomes exempt from the requirements; or
 - 2) the individual is no longer a household member. However, if the individual becomes part of another household, the remainder of that sanction period will still be in effect, and that individual's income will be calculated for the new household in accordance with Section 121.73.
- c) Participation may be resumed following the end of the last fiscal month of the sanction period if:
- 1) an application is filed (if the case was canceled as a result of the sanction), or a request is made to add the individual to an active case (if the case remained eligible when the individual was sanctioned); and
 - 2) the individual complies with the program requirements for which the individual was sanctioned; and
 - 3) all other eligibility requirements are met.
- d) For individuals in GA/FS households who are sanctioned for failure to cooperate

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

with comparable requirements of FSE&T, the food stamp sanction period does not have to coincide with the GA sanction period.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Security Areas
- 2) Code Citation: 11 Ill. Adm. Code 436
- 3) Section Number: 436.130 Proposed Action:
Amend
- 4) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- 5) A Complete Description of the Subjects and Issues Involved: To be consistent with 11 Ill. Adm. Code 603.70(j)(1), this proposed rulemaking updates Section 436.130 (c) by amending the detention time to state 4 hours and 15 minutes.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

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

312/814-5017

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

PART 436
SECURITY AREAS

SUBPART A: ORGANIZATION LICENSEES RESPONSIBILITIES

Section	
436.5	Security Area
436.10	Security Barn Location (Repealed)
436.20	Sanitation, Hygiene and Health
436.30	Fire and Safety Regulations (Repealed)
436.40	Fencing and Lighting (Repealed)
436.50	Security and Barn Offices (Repealed)
436.60	Penalties

SUBPART B: CONDUCT IN SECURITY AREA

Section	
436.70	Reporting for Stall Assignments
436.80	Identification Badges (Repealed)
436.90	Reporting to Security Barn Stall Assignments (Repealed)
436.100	Prohibited Equipment and Substances
436.110	Trainer's Responsibility to Guard
436.120	Access to Security Barn (Repealed)
436.130	Furosemide List Horses
436.140	Leaving the Security Barn (Repealed)

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

SOURCE: Adopted at 12 Ill. Reg. 6304, effective March 18, 1988; emergency amendment at 15 Ill. Reg. 12944, effective August 16, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4520, effective March 10, 1992; amended at 25 Ill. Reg. 15622, effective December 1, 2001; amended at 33 Ill. Reg. _____, effective _____.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

SUBPART B: CONDUCT IN SECURITY AREA

Section 436.130 Furosemide List Horses

- a) All horses on the furosemide list shall be treated with furosemide as provided in 11 Ill. Adm. Code 603.70.
- b) Following the administration of furosemide, the trainer of record or his/[her](#) designee shall immediately return the horse to its assigned stall and shall remain with the horse and provide constant surveillance in accordance with Section 436.5(c). Violations of this subsection (b) shall be penalized in accordance with Section 436.60(b).
- c) A sign designating the stall as a "Security Stall" shall be posted on the horse's stall 4 hours [and 15 minutes](#) prior to the post time of the race in which the horse has been entered to race. Violations of this subsection (c) shall be penalized in accordance with Section 436.60(c).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Horseman's Bookkeeping System Licensees
- 2) Code Citation: 11 Ill. Adm. Code 450
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
450.10	New
450.20	New
450.30	New
450.40	New
450.50	New
450.60	New
450.70	New
450.80	New
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: Horseman's bookkeeping is currently being done by the Horsemen's Guarantee Corporation of America. The HGCA provides thoroughbred and harness bookkeeping services at Arlington Park, Balmoral Park, Hawthorne Race Course and Maywood Park. Recent disputes between individual horsemen involving the transfer of funds clearly indicates the need for regulatory oversight. As a condition of licensing, the Board shall require internal control systems, mechanisms for audits, and the licensing of the companies' employees.
- 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? Yes
- 10) Are there any other proposed rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:
- Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 7-701
Chicago, Illinois 60601
- 312/314-5017
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Horsemen's bookkeeping services.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: The Board did not anticipate the need for this rulemaking at that time.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 450

HORSEMEN'S BOOKKEEPING SYSTEM LICENSEES

Section

450.10	Criteria for Eligibility
450.20	License Application
450.30	Time of Filing an Application
450.40	Application from Corporation
450.50	Grounds for Denial of an Application
450.60	Change of Officers or Directors
450.70	Audit
450.80	License Deemed Personal

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

SOURCE: Adopted at 33 Ill. Reg. _____, effective _____.

Section 450.10 Criteria for Eligibility

An applicant for an occupation license as an operator of a horseman's bookkeeping system shall:

- a) have a contract to provide a horseman's bookkeeping system with an organization licensee;
- b) either:
 - 1) have operated a horseman's bookkeeping system at a pari-mutuel race meeting in Illinois for at least 3 years prior to the effective date of this Part; or
 - 2) provide the Board evidence that the applicant has the experience and expertise to operate a horseman's bookkeeping system at the race meeting at which the applicant proposes to participate in Illinois racing;

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- c) provide the Board with a current Table of Organization, Ownership and Control in sufficient detail to identify the individuals that manage, own or control the interests and assets of the applicant; and
- d) establish, maintain, update and provide to the Board an Internal Control System that is subject to audit, with the cost of the audit borne by the occupation licensee.

Section 450.20 License Application

- a) An application for a license to operate as a horseman's bookkeeping system licensee shall be made on forms furnished by the Board.
- b) One original and one copy of the application shall be filed at the Board's central office at 100 W. Randolph St., #7-701, Chicago IL 60601.
- c) The applicant shall submit a one-year license fee of \$25.
- d) The applicant shall submit with the application all contracts with organization licensees and instruments evidencing any indebtedness between the applicant and any and all organization licensees.
- e) If circumstances change or events occur after the filing of an application, the applicant shall submit an amendment to the Board. Examples of these changes include, but are not limited to, a change of corporate officers and the signing of additional contracts with organization licensees.

Section 450.30 Time of Filing an Application

- a) Applications for an occupation license as a horseman's bookkeeping system licensee shall be filed 60 days prior to the opening of the first race meet during a calendar year at an Illinois race track at which the applicant seeks to participate in Illinois racing.
- b) The Board may, in its discretion, upon good cause shown, receive applications for an occupation license to operate as a horseman's bookkeeping system licensee at a date subsequent to the date of a horseman's bookkeeping contract fewer than 60 days prior to the opening of a meet. Good cause means a change in ownership of horseman's bookkeeping system licensee; changes in the financial position of a

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

horseman's bookkeeping system licensee, such as, but not limited to, the dissolution or bankruptcy of the licensee or the impossibility of a licensee furnishing services for an upcoming race meet.

Section 450.40 Application from Corporation

A corporation applicant for a license as a horseman's bookkeeping system licensee shall disclose the names and business addresses of its directors and officers and the owners of any legal or beneficial interest of 5% or more of the corporation. If the corporation is owned, in whole or in part, by another corporation, disclosure shall be made for the other corporation and for the owners of 25% or more of the equity of the other corporation.

Section 450.50 Grounds for Denial of an Application

The Board may deny an application for an occupation license as a horseman's bookkeeping system licensee based on 11 Ill. Adm. Code 502.60 through 502.110. An applicant whose application for a license is denied may request a hearing pursuant to 11 Ill. Adm. Code 204.

Section 450.60 Change of Officers or Directors

Within 15 days after election, appointment or resignation of an officer or director of a licensed horseman's bookkeeping system, the licensee shall notify the Board in writing of the identity of each new and resigned officer or director and shall file an amended application for each person.

Section 450.70 Audit

The Board's Executive Director may at any time inspect, review or audit the records and performance of the horseman's bookkeeping system licensee. The cost of the audit shall be borne by the licensee. The Executive Director shall establish the scope, procedures and reporting requirements of any audit.

Section 450.80 License Deemed Personal

Licenses to operate a horseman's bookkeeping system are deemed personal in nature and non-transferable, and will terminate upon a substantial change of ownership of the company unless the Board grants approval of the substantial change of ownership. The sale or transfer of 25% or more of the equity of a company shall be considered a substantial change of ownership and within 15 days after the change of ownership, the licensee must notify the Board of the identity of each substantial owner. In acting upon a request for approval of a substantial change

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

in ownership, the Board shall consider the same factors it considers in the initial grant of a horseman's bookkeeping system license.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Number: 510.200 Proposed Action:
Amend
- 4) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking reduces from 60 days to 45, the time a claimed thoroughbred horse has to remain in Illinois. In addition, this proposed rulemaking removes the language restricting claimed thoroughbreds from racing at any racetrack in Illinois within the 45 day period.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

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

312/814-5017

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

PART 510
CLAIMING RACES

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

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. 12473, effective September 1, 1996; amended at 21 Ill. Reg. 951, effective January 7, 1997; amended at 24 Ill. Reg. 7386, effective May 1, 2000; amended at 24 Ill. Reg. 12722, effective August 1, 2000; amended at 24 Ill. Reg. 17480, effective November 8, 2000; amended at 25 Ill. Reg. 6393, effective May 1, 2001; amended at 25 Ill. Reg. 8814, effective July 1, 2001; amended at 27 Ill. Reg. 533, effective January 1, 2003; amended at 31 Ill. Reg. 15094, effective November 1, 2007; amended at 32 Ill. Reg. 10161, effective July 1, 2008; amended at 33 Ill. Reg. _____, effective _____.

Section 510.200 Claimed Horse Racing Elsewhere

- a) A standardbred horse claimed out of a claiming race is not eligible to race in any state other than Illinois for a period of 60 days from the date of the claim, or until a date following which there is no standardbred race meet scheduled in Illinois.~~Horses claimed at race tracks located in the Chicagoland area shall not race at any other race track for 60 days except at another race track located in the Chicagoland area. Race tracks located within 50 miles of the City of Chicago shall be considered in the Chicagoland area. However, a claimed horse may race at another race track when a race meeting concludes and no race meeting starts in the Chicagoland area for 30 days.~~
- b) A thoroughbred horse claimed out of a claiming race is not eligible to race in any state other than Illinois for a period of 45 days from the date of the claim, or until a date following which the racing season has concluded.~~Horses claimed at race tracks located outside the Chicagoland area shall not race at any other race track until the close of the race meeting, or for 60 days, whichever is shorter.~~
- c) This Section shall not apply when claimed horses are fulfilling a stakes engagement or have the express written consent, of the race track where they were claimed, to race at another location.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Licensee Rules
- 2) Code Citation: 11 Ill. Adm. Code 1313
- 3) Section Number: 1313.70 Proposed Action:
Amend
- 4) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- 5) A Complete Description of the Subjects and Issues Involved: The subsections being repealed are impractical and outdated, resulting in confusion among racing participants. Implementation of a 12 race paddock (receiving barn) has made it impossible for a person with horses in multiple races to fulfill all required duties while being prohibited from leaving and reentering the paddock.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

312/814-5017

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

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1313
GENERAL LICENSEE RULES

Section

1313.10	Worker's Compensation (Repealed)
1313.20	Health Regulations (Repealed)
1313.30	Observe Sanitary, Safety, Humane Rules (Repealed)
1313.40	Halters
1313.48	Safety Helmets
1313.50	Equipment Change and Records
1313.60	Sulky Performance Standards
1313.70	Horses in Paddock
1313.80	Body Alcohol Testing
1313.90	Deceased and Sick Horses (Repealed)
1313.100	Firearms
1313.110	Private Practice Prohibited
1313.120	Veterinarian Reports (Repealed)
1313.130	Clean Equipment (Repealed)

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

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); passed July 11, 1972; amended April 13, 1973; amended June 11, 1973; amended October 25, 1973, filed December 17, 1973 codified at 5 Ill. Reg. 10937; amended at 11 Ill. Reg. 14816, effective August 24, 1987; amended at 11 Ill. Reg. 20205, effective December 31, 1987; amended at 18 Ill. Reg. 15442, effective September 30, 1994; emergency amendment at 28 Ill. Reg. 5713, effective March 24, 2004, for a maximum of 150 days; emergency expired August 20, 2004; amended at 28 Ill. Reg. 12119, effective August 22, 2004; amended at 29 Ill. Reg. 19688, effective December 1, 2005; amended at 31 Ill. Reg. 16519, effective December 1, 2007; amended at 33 Ill. Reg. _____, effective _____.

Section 1313.70 Horses in Paddock

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- a) All horses must be in the paddock, in their assigned stalls, between 4 hours and 6 hours before scheduled post time of the race in which the horse is entered, as determined by the Board. Horses racing in stakes races with a purse of \$20,000 or greater, and elimination races for stakes races with a purse of \$40,000 or greater, shall be in their assigned stalls in the paddock at 12:00 noon the day of the race. Failure to have a horse in the assigned stall at the designated deadline shall result in the horse being scratched, and the trainer of record shall be subject to a fine not less than \$200 and not more than \$500. The fine may be waived if the ~~Stewards~~stewards determine that a verifiable emergency (for example, inclement weather, medical emergency or trainer vehicle breakdown or accident) prevented the trainer from getting the horse to the racetrack at the designated deadline. The trainer shall submit appropriate written documentation of the emergency as determined by the ~~Stewards~~stewards (for example, emergency room report, towing or repair bill or police report). Except for warm-up scores, no horse shall leave the paddock until called to post.
- b) Persons entitled to admission to the paddock are:
- 1) Owners of horses competing on the date of the race.
 - 2) Trainers of horses competing on the date of the race.
 - 3) Drivers of horses competing on the date of the race.
 - 4) Grooms and caretakers of horses competing on the date of the race.
 - 5) Officials whose duties require their presence in the paddock or receiving barn.
- ~~e) No driver, trainer, groom, or caretaker, once admitted to the paddock or receiving barn, shall leave the same other than to warm up said horse until such race or races for which he was admitted is contested.~~
- ~~d) No person except an owner, who has another horse racing in a later race, or an official shall return to the paddock until all races of that program shall have been completed.~~
- ce) No more than ~~two~~ members of a registered stable, other than the driver, shall be entitled to admission to the paddock on any racing day.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 33 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Racing Rules
- 2) Code Citation: 11 Ill. Adm. Code 1318
- 3) Section Number: 1318.190 Proposed Action:
Amend
- 4) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking prohibits harness drivers from using the open stretch to block or impede horses without advancing on a leading horse.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

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

312/814-5017

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1318
RACING RULES

Section

1318.10	Racing Conduct
1318.20	Complaints
1318.30	Disqualification of Entries
1318.40	Penalties
1318.50	Unsatisfactory Driving
1318.60	Driver Substitution
1318.70	Failure to Finish
1318.80	Improper Conduct
1318.90	Whips and Snappers
1318.100	Goaded Devices
1318.110	Accidents
1318.120	Use of Hopples
1318.130	Breaking
1318.140	Breaking on Purpose
1318.150	Call Out Breaks
1318.160	Right of Course
1318.170	Penalties
1318.180	Harness Tracks Without a Continuous Hub Rail
1318.190	Open Stretch Racing

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

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); adopted December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10945; amended at 5 Ill. Reg. 13719, effective December 2, 1981; emergency amendment at 15 Ill. Reg. 15610, effective October 10, 1991, for a maximum of 150 days; emergency expired March 8, 1992; amended at 16 Ill. Reg. 7489, effective April 27, 1992; amended at 17 Ill. Reg. 19303, effective October 25, 1993; amended at 22 Ill. Reg. 7049, effective May 1, 1998; amended at 28 Ill. Reg. 14658, effective November 1, 2004; amended at 29 Ill. Reg. 14043,

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

effective September 1, 2005; amended at 30 Ill. Reg. 9188, effective May 1, 2006; amended at 33 Ill. Reg. _____, effective _____.

Section 1318.190 Open Stretch Racing

- a) With approval of the Board, a track may extend the width of its homestretch up to 10 feet inward in relation to the width of the rest of the racetrack. The criteria for Board approval shall include, but not be limited to, the size of the race track, the length of the homestretch, the necessity for conversion from harness to thoroughbred racing surfaces and rails, and the type of existing rail.
- b) In the event the home stretch is expanded pursuant to subsection (a), the following shall apply:
 - 1) No horse shall pass on the extended inside lane entering the stretch the first time on a ½ mile track.
 - 2) The lead horse in the homestretch shall maintain as straight a course as possible while allowing trailing horses full access to the extended inside lane.
 - 3) Horses using the open stretch must first have complete clearance of the pylons. Any horse or sulky running over the pylons and/or going to the inside of the pylons to clear shall be disqualified.
 - 4) No horse may be driven into the open stretch for the purpose of blocking or impeding a trailing horse. It shall be presumed that a horse that blocks or impedes a trailing horse in the open stretch without advancing on a leading horse is being driven for the purpose of blocking or impeding a trailing horse. Violation of this provision may result in a disqualification, and the driver may be fined.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Organizational Chart, Description, Rulemaking Procedure, and Programs
- 2) Code Citation: 2 Ill. Adm. Code 700
- 3) Section Number: 700.APPENDIX D Adopted Action: Amend
- 4) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]; Appendix D is implementing and authorized by Section 15 of the Soybean Marketing Act [505 ILCS 130/15]
- 5) Effective Date of Amendment: April 7, 2009
- 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: Pursuant to Section 5-15 of the Illinois Administrative Code [5 ILCS 100/5-15] and Section 100.810 of the Secretary of State's regulations addressing rulemaking (1 Ill. Adm. Code 100.810), First Notice proposal and Second Notice review are not necessary.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? JCAR review at 2nd Notice is not required.
- 11) Differences between proposal and final version: None, the proposal is the final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were required.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Amendment: Changes are mandated as a result of a referendum held on November 15, 2007 that increased the soybean checkoff from one cent per bushel to half a percent of the net selling price per bushel.
- 16) Information and questions regarding this Adopted Amendment shall be directed to:

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

Telephone: 217/785-5713
Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER I: DEPARTMENT OF AGRICULTURE

PART 700
ORGANIZATIONAL CHART, DESCRIPTION,
RULEMAKING PROCEDURE, AND PROGRAMS

SUBPART A: DESCRIPTION OF THE DEPARTMENT OF AGRICULTURE

Section	
700.10	Scope of the Department of Agriculture
700.20	Office of the Assistant Director
700.30	Division of Animal Industries
700.35	Division of Consumer Services
700.40	Division of Marketing and Promotion
700.50	Division of Agricultural Industry Regulation
700.60	Division of Fairs and Horse Racing
700.70	Division of Natural Resources
700.80	Statutorily Established Advisory Boards and Committees

SUBPART B: ORGANIZATIONAL CHART

Section	
700.100	Illinois Department of Agriculture Organization Chart

SUBPART C: REQUEST FOR INFORMATION

Section	
700.110	Information About Programs, Activities, Laws and Rules
700.120	Information On Employment

SUBPART D: PROGRAMS (LAWS) ADMINISTERED BY THE
DEPARTMENT OF AGRICULTURE

Section	
700.130	Code Indicating Administrative Enforcement
700.140	Statutes Administered by the Department of Agriculture

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

SUBPART E: RULES AND REGULATIONS
DEPARTMENT OF AGRICULTURE

Section
700.150 Rules and Regulations Promulgated by the Department of Agriculture

SUBPART F: PROVISIONS AND PROCEDURES GOVERNING THE
PROMULGATION OF RULES AND REGULATIONS

Section
700.160 General, Emergency, and Peremptory Rules; Internal Rules (Agency's
Organization, Description and Rule-making Procedures)
700.170 Public Participation and Comments
700.180 Consideration of Rules by Advisory Boards
700.190 Public Comment Period; Submission of Written Comments; Extending the Public
Comment Period
700.200 Public Hearing Procedure
700.210 Director's Decision
700.220 Second Review Period; Final Disposition of Rulemaking Proposal
700.230 Computing Time
700.240 Interested Person May Request Rulemaking

SUBPART G: RULEMAKING FLOW CHARTS

Section
700.300 General Rulemaking Initiated by Department
700.310 Rulemaking Requested by Advisory Board or Committee
700.320 Emergency or Peremptory Rulemaking by Department

700.APPENDIX A Marketing Program for Illinois Apples and Peaches (Repealed)
700.APPENDIX B Marketing Program for Illinois Corn and Corn Products
700.APPENDIX C Marketing Program for Illinois Eggs (Repealed)
700.APPENDIX D Marketing Program for Illinois Soybeans and Soybean Products
700.APPENDIX E Fertilizer Research and Education Program
700.APPENDIX F Procedures for Conducting Corn Marketing Program Referendums

AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]; Appendix A implementing and authorized by the Apple and Peach Marketing Act [505 ILCS 20]; Appendix B implementing and authorized by the Illinois Corn Marketing Act [505 ILCS 40]; Appendix C implementing and authorized by the Egg

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Market Development Act [505 ILCS 55]; Appendix D implementing and authorized by the Soybean Marketing Act [505 ILCS 130]; Appendix E implementing and authorized by the Illinois Fertilizer Act of 1961 [505 ILCS 80/6A].

SOURCE: Rules and Regulations Relating to the Illinois Administrative Procedure Act, filed December 30, 1977, effective January 15, 1978; amended at 5 Ill. Reg. 10257, effective September 29, 1981; codified at 2 Ill. Adm. Code 450 at 5 Ill. Reg. 10255; amended at 5 Ill. Reg. 13418, effective November 24, 1981; amended at 6 Ill. Reg. 11826, effective September 21, 1982; amended at 7 Ill. Reg. 9147, effective July 26, 1983; amended at 8 Ill. Reg. 13124, effective July 12, 1984; amended at 10 Ill. Reg. 13168, effective July 25, 1986. Rules and Regulations Relating to the Procedures for the Establishment of an Apple and Peach Marketing Program, filed and effective March 10, 1972; amended at 4 Ill. Reg. 19, p.181, effective April 28, 1980; codified as 8 Ill. Adm. Code 300 at 5 Ill. Reg. 10547; Part repealed at 6 Ill. Reg. 10908, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11154, effective August 31, 1983. Corn Marketing Program adopted at 3 Ill. Reg. 47, p. 72, effective November 9, 1979; codified as 8 Ill. Adm. Code 310 at 5 Ill. Reg. 10549; Part repealed at 6 Ill. Reg. 10909, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 3407, effective March 21, 1983. Rules and Regulations Relating to the Procedures for the Establishment of an Egg Marketing Program, filed January 3, 1973, effective January 13, 1973; codified as 8 Ill. Adm. Code 320 at 5 Ill. Reg. 10551; Part repealed at 6 Ill. Reg. 10915, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11171, effective August 31, 1983. Rules and Regulations Relating to Procedures for the Establishment of a Soybean Marketing Program, filed March 20, 1974, effective April 1, 1974; amended May 2, 1974, effective May 12, 1974; codified as 8 Ill. Adm. Code 330 at 5 Ill. Reg. 10553; Part repealed at 6 Ill. Reg. 10916, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11189, effective August 31, 1983. 2 Ill. Adm. Code 450 recodified to 2 Ill. Adm. Code 700, 8 Ill. Adm. Code 300 recodified to 2 Ill. Adm. Code 700. Appendix A, 8 Ill. Adm. Code 310 recodified to 2 Ill. Adm. Code 700. Appendix B, 8 Ill. Adm. Code 320 recodified to 2 Ill. Adm. Code 700. Appendix C, and 8 Ill. Adm. Code 330 recodified to 2 Ill. Adm. Code 700. Appendix D at 11 Ill. Reg. 15602, effective September 10, 1987; amended at 11 Ill. Reg. 18605, effective October 28, 1987; amended at 12 Ill. Reg. 6648, effective March 25, 1988; amended at 12 Ill. Reg. 22135, effective December 8, 1988; amended at 13 Ill. Reg. 5066, effective March 31, 1989; amended at 14 Ill. Reg. 584, effective December 27, 1989; amended at 14 Ill. Reg. 4093, effective March 2, 1990; amended at 14 Ill. Reg. 9009, effective May 29, 1990; amended at 14 Ill. Reg. 20586, effective December 14, 1990; amended at 15 Ill. Reg. 6105, effective April 16, 1991; amended at 16 Ill. Reg. 3893, effective February 28, 1992; amended at 17 Ill. Reg. 19895, effective November 8, 1993; amended at 20 Ill. Reg. 12773, effective September 5, 1996; amended at 24 Ill. Reg. 1564, effective January 12, 2000; amended at 29 Ill. Reg. 18407, effective January 1, 2006; amended at 32 Ill. Reg. 2558, effective February 1, 2008; expedited

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

correction at 32 Ill. Reg. 4246, effective March 10, 2008; amended at 33 Ill. Reg. 6044, effective April 7, 2009.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Section 700.APPENDIX D Marketing Program For Illinois Soybeans and Soybean Products

Agency Note: Section 15 of the "Soybean Marketing Act" [[505 ILCS 130/15](#)~~505 ILCS 130~~] requires any soybean marketing program that is approved by Illinois soybean producers through referendum to be filed by the Department of Agriculture as provided in Section 5-65 of the "Illinois Administrative Procedure Act" [[5 ILCS 100/5-65](#)~~5 ILCS 100~~]. The filing of the adopted program is exempt from the rulemaking requirements of Sections 5-35 and 5-40 of the "Illinois Administrative Procedure Act" and the program is exempt from review under Sections 5-100, 5-105, 5-110, 5-120, 5-125 and 5-130 of the "Illinois Administrative Procedure Act". In 1974, a Marketing Program For Illinois Soybeans and Soybean Products was approved through referendum. In 1988, an amendment to Article VIII of the Marketing Program was added. On March 1, 1989, Article VIII of the Marketing Program was amended.

ARTICLE I

PURPOSE:

This program is developed to enable Illinois soybean producers to coordinate more effectively the maintenance and development of markets for soybeans and soybean products; to provide for the needed production and utilization research; to develop new uses for soybeans and soybean products; and to provide for more efficient and economical production.

To accomplish this objective, it is essential to provide procedures for the development of new and larger markets for soybeans; to provide procedures to engage in research directed toward more efficient utilization and production of soybeans; to provide procedures to support worldwide market development programs and cooperate with other states, organizations, agencies, and persons in market development, market information, and research programs; and to provide procedures to elect an initial producer board and its successors to operate this program.

ARTICLE II

AUTHORITY:

This marketing program for Illinois soybeans, its procedures, and regulations, is established pursuant to the Soybean Marketing Act, 505 ILCS 130/1 et. seq.

ARTICLE III

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

PROGRAM EXTENT:

All producers of soybeans in Illinois are qualified to participate and all soybeans sold to a first purchaser are subject to the program.

ARTICLE IV

DEFINITIONS:

Terms used in this marketing program shall be defined in the Act and as follows unless context clearly requires otherwise:

- (a) "Act" means the Soybean Marketing Act, 505 ILCS 130/1 et. seq.
- (b) "Soybean" means and includes all kinds of varieties of soybeans grown in this State and marketed and sold as soybeans by the producer.
- (c) "Person" means any natural person, partnership, corporation, society, association, representative or other fiduciary.
- (d) "Producer" means any person engaged in this State in the business of producing and marketing soybeans and who is affected by this program by virtue of having the first right of ownership in any soybeans for which payment is received at the first point of sale.
- (e) "First Purchaser" means any person who resells soybeans purchased from a producer or offers for sale any product produced from such soybeans for any purpose.
- (f) "Market Development" means to engage in research and educational programs directed toward better and more efficient utilization of soybeans; to provide methods and means for the maintenance of present markets; for the development of new and larger domestic and foreign markets.
- (g) "Marketing Program" means any program established under this Act which prescribes rules, regulations and procedures for the development of markets for soybeans and soybean products.
- (h) "Program Operating Board" means the board established by any marketing

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

program to administer such programs. Also referred to as "Board".

- (i) "Director" means the Director of the Department of Agriculture of the State of Illinois.
- (j) "Department" means the Department of Agriculture of the State of Illinois.
- (k) "Bushel" means 60 pounds of soybeans by weight.
- (l) "District" means the geographical divisions of the State established pursuant to this marketing program.
- (m) "Sale" or "Sold" means a transaction wherein the property in or to soybeans is transferred from the producer to a first purchaser for consideration.
- (n) "Eligible Voter" means one who is defined both as a person and as a producer in this program.
- (o) "Affected Producers" means any person defined as a producer in this program who is subject to the assessment.

ARTICLE V

PROGRAM OPERATING BOARD:

Section 1. Establishment and Membership.

A program operating board is hereby established with powers and duties as authorized pursuant to the Act and this program. The Program Operating Board shall consist of one member elected from each of the representative districts as established by Section 2 of this Article and 6 at-large members elected without respect to representative district. One individual may not serve as a representative of a district and as an at-large member at the same time.

Section 2. Representative Districts.

For the purpose of nomination and election of members to the Board, the territory of the State of Illinois shall be divided into 18 representative districts as follows:

District 1: Jo Daviess, Stephenson, Winnebago, Boone, Carroll, Ogle, DeKalb, and

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Lee Counties.

District 2: McHenry, Lake, Kane, Cook, DuPage, Will, and Kankakee Counties.

District 3: Whiteside, Rock Island, Henry, Mercer, Henderson, Stark, and Warren Counties.

District 4: Bureau, LaSalle, Grundy, and Kendall Counties.

District 5: Knox, Peoria, Marshall, Putnam, Fulton and Tazewell Counties.

District 6: Woodford, Livingston and McLean Counties.

District 7: Ford, Iroquois, and Vermilion Counties.

District 8: Hancock, McDonough, Adams, Brown, and Schuyler Counties.

District 9: Mason, Logan, Cass, Menard, Morgan, and Sangamon Counties.

District 10: DeWitt, Macon, Christian, Moultrie, and Shelby Counties.

District 11: Piatt, Champaign, Douglas, Edgar, and Coles Counties.

District 12: Pike, Scott, Calhoun, Greene, Macoupin, and Jersey Counties.

District 13: Montgomery, Bond, Fayette, and Marion Counties.

District 14: Cumberland, Clark, Effingham, Jasper, and Crawford Counties.

District 15: Madison, Monroe, St. Clair, and Clinton Counties.

District 16: Clay, Richland, Lawrence, Wayne, Edwards, White, and Wabash Counties.

District 17: Randolph, Washington, Jefferson, Perry, and Jackson Counties.

District 18: Franklin, Hamilton, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Section 3. Board Membership Qualifications.

Board members shall be residents of the State of Illinois, of legal voting age, and be subject to the program. Board members shall be affected producers of soybeans in this State subject to the assessment in the district in and for which they are nominated and elected. The qualification of members as set forth herein must continue during their term of office or their office shall be declared vacant.

Section 4. Term of Office.

The term of office of a board member shall be three years or until his successor is elected and qualified, except as provided in Section 5 of this Article.

A term of office shall terminate on July 31st of the year in which the board member's office expires.

No producer shall serve as board member for more than two consecutive three-year terms of office.

Section 5. Program Operating Board.

When the term of office expires, an election shall be held as provided in this program and the Act to fill the vacancy. A special election shall be held for the initial term of at-large board members on January 31, 2006, with those elected at-large board members serving until July 31, 2006. Thereafter, the term of office for the at-large board members taking office on August 1, 2006, shall be as follows: two terms shall expire July 31, 2007; two terms shall expire July 31, 2008; and two terms shall expire July 31, 2009, such terms to be determined by lot drawn at the annual meeting of the Board in July 2006. When the term of office of an at-large board member expires, a successor at-large member shall be nominated without respect to residence district by a majority of the elected Board sitting in quorum as provided in Section 6.C of this Article.

Section 6. Nominations.

A. Procedure for Nominating Candidates to the Board for Representative Districts:

Each district having a vacancy on the board by an expiring term shall hold an election to fill such vacancy. The election shall be held during July of the year in which the vacancy exists. Any affected producer may become a candidate from his district and have his name placed on the ballot for which a vacancy exists if he

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

files a petition with the Director containing the signatures of 250 or 5 per cent, whichever less, of affected producers from his district. Petitions to become a candidate for board member must be filed with the Director by May 15th of the year in which the election is to be held in that district. Notification to all affected producers in the district where a vacancy exists shall be published in the official state newspaper and made available to newspapers of general circulation in that district and to all other news media in that district. Notification shall be given no earlier than April 1st nor later than April 15th in the district where vacancy on the board will occur. Petition for becoming a candidate shall be available at each principal county office of the Cooperative Extension Service in the district where a vacancy exists and upon request from the Director. Position of the candidates' names on the ballot shall be determined by lot by a drawing by the Director. Candidates shall be notified of the time and place where such drawing shall occur. Voting shall be held at geographically located polling places throughout the district.

B. Nomination and Election Procedures for Interim At-Large Directors:

The initial six at-large directors will be nominated by a majority of the Board sitting in a quorum and thereafter elected by a majority of producers in attendance at the meeting of the Board to be held on January 31, 2006. Notification to all affected producers shall be published in the official state newspaper and made available to newspapers of general circulation and all other news media. Notification shall be given no earlier than December 1 and no later than December 15. Any interested producer must notify the Board of their desire to become a candidate for an at-large position by sending the Board a letter of interest by certified mail (return receipt requested) to the Board's office. The letter must be deposited in the U.S. mail with postage prepaid and postmarked by no later than January 6, 2006.

The Executive Committee will serve as the Nominating Committee and will review the applications for eligibility, interview the candidates (if necessary), and make its recommendation of not more than three candidates per open position to the Board. The Board must nominate not more than three candidates for each at-large vacancy from the pool of candidates by a majority vote of the Board sitting in quorum.

The names of all candidates will be placed on the ballot and voting will take place until one individual receives a majority of the votes cast. If any individual does

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

not receive a majority of the votes cast, the person receiving the lowest number of votes will be dropped from the ballot. After an individual has been duly elected to an at-large position, voting will begin again with the names of all the remaining candidates placed back on the ballot. Voting will be held as previously described for each at-large position.

The position of the nominees' names on the ballot shall be determined by a drawing by the Board sitting in quorum at the January 31, 2006, Board Meeting just prior to the election.

The six individuals elected on January 31, 2006, will serve an interim term of January 31, 2006, through July 31, 2006. If any of these individuals desire to continue to serve as an at-large Director beyond July 31, 2006, they must re-apply for such position. They must submit a letter of interest by certified mail (return receipt requested) to the Board's office. The letter must be deposited in the U.S. mail with postage prepaid and postmarked by no later than March 15, 2006.

C. Nomination and Election Procedures for At-Large Directors:

Any interested producer not a candidate under A above in the same year may become a candidate for nomination as an at-large director. The six at-large directors will be nominated by a majority of the Board sitting in a quorum and thereafter elected by a majority of producers in attendance at the annual meeting of the Board to be held on July 31. Notification to all affected producers shall be published in the official state newspaper and made available to newspapers of general circulation and all other news media. Notification shall be given no earlier than February 1 and no later than February 15. Any interested producer must notify the Board of their desire to become a candidate for an at-large position by sending the Board a letter of interest by certified mail (return receipt requested) to the Board's office. The letter must be deposited in the U.S. mail with postage prepaid and postmarked by no later than March 15th of the year in which the election is to be held for an expiring at-large director term.

The Executive Committee will serve as the Nominating Committee and will review the applications for eligibility, interview the candidates (if necessary), and make its recommendation of not more than three candidates per open position to the Board. The Board must nominate not more than three candidates for each at-large vacancy from the pool of candidates by a majority vote of the Board sitting in quorum.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

The names of all candidates will be placed on the ballot and voting will take place until one individual receives a majority of the votes cast. If any individual does not receive a majority of the votes cast, the person receiving the lowest number of votes will be dropped from the ballot. After an individual has been duly elected to an at-large position, voting will begin again with the names of all the remaining candidates placed back on the ballot. Voting will be held as previously described for each vacant at-large position.

The position of the nominees' names on the ballot shall be determined by a drawing by the Board sitting in quorum at the March Board Meeting. All nominees will be notified of the time and place of the drawing.

Section 7.

A. Election of Initial At Large Members of Board.

The election of the initial At-Large Members of Board shall be conducted by the Program Operating Board. Nominations shall be as set forth in Section 6(B) of this Article. The elected board member shall take office immediately after the election results are available. Each eligible voter shall be entitled to one vote for each at-large position on the program operating board.

The candidate from each at-large position receiving the greatest number of votes in the election shall be that position's at-large representative on the board. In case of a tie, the winner will be determined by drawing. The elected board member will take office immediately upon approval of the program.

B. Election of Board in Subsequent Years.

The election of board members in districts where a vacancy occurs due to an expiring term shall be conducted by the program operating board. Nominations shall be as set forth in Section 6(A) and 6(C) of the program. The elected board member shall take office on August 1st of the year in which such board member is elected, except as outlined in Section 5.

Section 8. Powers and Duties of the Board.

The board shall have the following powers and duties:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- (a) to administer, enforce, direct, and control provisions of this program as its administrative board pursuant to the authority contained in the Act;
- (b) to annually establish priorities and to prepare and approve a budget consistent with estimated resources and scope of the marketing program;
- (c) to formulate and execute assessment procedures, rates, methods of collection;
- (d) to procure and evaluate data and information necessary for the proper administration and operation of marketing program;
- (e) to employ personnel and contract for services which are necessary for the proper operation of the marketing program;
- (f) to authorize the expenditure of funds and the contracting of expenditure to conduct proper activities of the program;
- (g) to provide for an independent audit to be made and be available to all program participants;
- (h) to publish annually, upon completion of and at the same time of the audit, an Activities and Financial Report and make available to all affected producers;
- (i) to elect a chairman, vice chairman, secretary and treasurer and other such officers as it deems necessary;
- (j) to take steps to insure that adequate bonds are maintained and to insure adequate protection of funds;
- (k) to confer and cooperate with legally constituted authorities of other states and the United States;
- (l) to accept donations, gifts, and other properties to be used for program purposes;
- (m) to receive and investigate or cause to be investigated complaints and violations of this program and the Act and to take such action as is necessary within its authority;

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- (n) to establish accounts in adequately protected financial institution to receive, hold and disperse program monies;
- (o) to approve and recommend desirable amendments to the program;
- (p) to establish procedure to refund to a producer any assessment paid by such a producer if he requests such a refund; and
- (q) to perform such other duties which may be necessary to proper operation of the board.

Section 9. Limitation of Liability of Board Members and Employees.

Obligations incurred by the board and any other liabilities or claims against the board shall be enforced only against the assets of the board in the same manner as if it were a corporation and no liability for the debts or actions of the board shall exist against either the State of Illinois or any subdivision or instrumentality thereof or against any board established pursuant to the Act or the assets thereof or against any member, officer, employee, or agent of the board in his individual capacity. The members of the board, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, person, or employee except for their own individual acts which result in a violation of any law. No such person or employee shall be held responsible individually for the act or omission of any member of the board. The liability of the members of the board shall be several and not joint and no members shall be liable for the default of any other member.

Section 10. Board Vacancies.

Procedure for Filling:

Vacancies occurring on the board during an unexpired term of office shall be filled by the board with an appointee who is a qualified producer from the district affected by the vacancy, or in the case of an at-large director without respect to representative district, as determined by a majority vote of the board sitting in quorum. The appointee shall serve as the district or at-large representative on the board for the unexpired term.

Section 11. Board Compensation.

"All voting members of the program operating board are entitled to actual and necessary travel

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

and incidental expenses while attending meetings of the board or while engaged in the performance of official responsibilities as determined by the board."¹

¹Quote from Section 12 of "An Act in relation to Soybean Marketing Program", being Public Act No. 78-739, approved September 11, 1973.

ARTICLE VI

REFERENDUMS AND ELECTIONS:

Section 1.

The Director shall hold referendums as they pertain to this program as provided for in such Sections as 8, 10 and 13 of the Act.

All referendums shall be by a ballot cast at the local Cooperative Extension Service office serving the area in which such eligible voter resides, except as otherwise provided in this Article.

The initial program adoption referendum shall provide for the question of adoption of the program with a place to vote "yes" or "no" and shall also provide for the election of the initial members of the program operating board. The referendum ballot used in each district will contain only the name(s) of the candidate(s) for its district with space provided for a write-in candidate.

Write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the Director not later than 5:00 p.m. on the Tuesday immediately preceding the election.

Forms for the declaration of intent to be a write-in candidate shall be supplied by the Director. Such declaration shall specify the office for which the person seeks election as a write-in candidate.

A program or an amendment to a program is approved when a majority of the statewide total of those voting in the referendum vote in favor of such program or amendment to a program.

Section 2. Qualification to Vote.

Any person who is defined as a producer in this program shall be entitled to one vote. Such eligible voter shall be required to sign an affidavit for ballot declaring that such person is eligible

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

to participate in the program. Such eligible voter shall be entitled to vote only at the principal office of the Cooperative Extension Service which serves the county in which such eligible voter resides.

Eligible voters who reside outside the State of Illinois or eligible voters within the State who cannot be physically present at the polls on the day of any referendum held under this Article may request an absentee ballot.

Section 3. Absentee Ballot.

The Director shall provide to any eligible voter an absentee ballot upon request beginning thirty (30) days prior to the referendum for approval of the initial program or any subsequent election of directors where a vacancy exists. Any eligible voter requesting an absentee ballot shall be required to file with the Director an affidavit swearing that such eligible voter is eligible to vote on the initial referendum or in the election of board members. Such affidavit shall be available upon request from the Director. All absentee ballots and affidavits shall be returned to the Director at least two (2) working days prior to any referendum or election.

Section 4. Election Judges.

The Director shall appoint a three-man committee to serve as election judges and to count ballots and determine the results of the referendum at the principal county office of the Cooperative Extension Service.

Section 5. Teller Committee.

The Director shall appoint a teller committee to count absentee ballots, canvass and certify results of referendums and elections of district candidates.

ARTICLE VII

PROGRAM:

Section 1. Market Development, Promotion, and Public Relation Programs.

The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any market development and promotion activities, education and public relations programs or market information services which will result in the opening of new markets for soybeans and soybean products, or which

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

will result in the expansion of existing markets. These activities may include, but not be necessarily limited to the following:

- (1) Preparation and dissemination of marketing information to include supply information, demand information, quality characteristics, and other facts concerning soybeans and soybean products.
- (2) Provide information to foreign feed manufacturers and soy oil refiners for the purpose of expanding their use of soybeans and soybean products.
- (3) Work with U.S. agricultural attaches in removing restrictive foreign regulations which limit markets for soybeans and soybean products.
- (4) Participate in trade fairs, exhibitions, food shows, and other such activities for the purpose of developing markets.

Section 2. Research.

The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any needed production, utilization, distribution or handling research or survey studies related to soybeans and their products which will result in improved efficiency and aid soybean producers in maintaining present and any new and larger markets.

Such research and survey studies may include, but shall not be necessarily limited to the following:

- (1) Production research on such things as cultural practices, pest and insect control, weed and disease control, soil and fertility management, genetic research, plant pathology, micro biology, plant physiology, collection of new germ plasma, etc.
- (2) Improving techniques and methods for planting and harvesting.
- (3) Improving storage, handling, and drying techniques.
- (4) Investigating transportation problems involving movement of soybeans to market.
- (5) Utilization research such as developing new uses of soybeans and soybean products for human food and nutrition, determine chemical levels to protect

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

soybean meal from rumen degradation in livestock feed, and research on industrial oil products, etc.

Section 3. Educational Program.

The board is authorized to contract with or make grants to any qualified organizations, agencies, or individuals for any educational materials and educational programs pertaining to soybeans and their products.

The educational program established pursuant to authority shall emphasize the results of research, market development, and other programs sponsored, supported, or otherwise implemented by or for the board.

ARTICLE VIII

ASSESSMENTS:

Section 1. Assessment Levied.

- A. All assessments made and levied pursuant to the provisions of the Act and the program shall be paid by the respective affected producers who shall be liable therefore as provided by Sections 16, 16.1 and 20 of the Act. Assessments shall be made and levied on all soybeans grown outside Illinois but sold to a first purchaser in Illinois.
- B. Such assessments shall be ½ of 1% of the net market price of soybeans produced and sold by the producer~~not exceed ¼¢ per bushel of soybeans produced and sold by such affected producer during the first year of operation of the program and shall not exceed 1¢ per bushel of soybeans produced and sold by such affected producer effective April 1, 1989, and in all subsequent years of operation of the program.~~
- C. Such assessment shall be collected from the affected producers by the first purchaser of soybeans and such first purchaser shall deduct the full amount of assessment from total monies due to the producer and shall account for, report on, and remit to the board all monies collected. Such monies collected shall be remitted quarterly and shall be made by the 15th of the month following the end of each quarter. Such quarters shall end March 31, June 30, September 30, and December 31 of the year in which assessment is due. If remittance of assessment

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

by first purchaser is made by the 15th of the month following the end of the quarter, such first purchaser making remittance shall be entitled to retain two per cent (2 per cent) of such remittance due.

- D. Any producer who shall sell, ship or otherwise dispose of soybeans to a first purchaser or other person outside the jurisdiction of this marketing program shall forthwith remit to the board the full amount of the assessment due.
- E. The board shall establish regulations and procedures to insure the collection of such assessments as shall be due and payable under this marketing program.
- F. The board shall give reasonable notice to all producers, processors, and handlers of all changes in regulations and procedures and any amendments thereto for the collection of the assessment.

ARTICLE IX

RIGHT OF REFUND:

Section 1.

- A. Any affected producer may request that each assessment paid by him be refunded.
- B. A refund shall be payable upon request. Such request shall be made to the board not more than sixty (60) days after the deduction has been made or not more than sixty (60) days after the remittance has been made by the first purchaser.
- C. The board shall establish regulations and procedures to insure the refund of such assessment as are requested.

ARTICLE X

FUNDS:

Section 1.

The board shall deposit all monies collected pursuant to this program in an account as established in Article V of this program. Expenses and disbursements incurred and made pursuant to the Act and this program shall be made by voucher, draft or check bearing the

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

signature of the treasurer and one other person designated by majority vote of the board, which person shall be either a member or an employee of the board.

Section 2.

Monies collected by the board pursuant to the Act and this program as assessments shall be used by the board only for the purpose of paying for the costs or expenses arising in connection with carrying out the purpose and provisions of the Act and this program.

ARTICLE XI

INFORMATION REPORTS:

All persons subject to this program and the Act shall make and render such reports and furnish such information to the Director and the board as may be necessary or required to effectuate the purposes thereof. Information obtained by any person pursuant to this Article shall be confidential and shall not be disclosed to any other person, save a person with the right to obtain the same or any attorney employed by the board to give legal advice thereon or by court order.

ARTICLE XII

RULES AND REGULATIONS:

Section 1.

A public hearing must be held on all rules and regulations before they are adopted by the board or the Department. Public notice of such hearings shall be in accordance with The Open Meetings Act, 5 ILCS 120/1 et.seq.

Section 2.

All rules and regulations adopted by the board pursuant to the program shall be presented to the Director for approval. Rules and regulations adopted by the board and approved by the Director and any rule and regulation promulgated by the Director shall be filed in accordance with the Illinois Administrative Procedure Act, 5 ILCS 100/1 et.seq.

Section 3.

All rules and regulations promulgated pursuant to the Act shall be made available to those

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

persons affected by this program and the Act.

ARTICLE XIII

APPEALS:

Section 1.

Any person subject to this program may appeal to the board to review any administrative decision. Any such appeal must be filed in writing setting forth the facts upon which it is based.

Section 2.

Pending the disposition of any appeal set forth in Section 1 of this Article, the party shall abide by the decision unless the board shall rule otherwise. The board shall, if the facts stated show reasonable grounds, revise any order or decision upon which an appeal is taken.

ARTICLE XIV

A DEROGATION:

Nothing contained herein is or shall be construed to be in derogation or in modification of the rights of the Director or of the State to exercise any powers granted by the Act or otherwise, and in accordance with such powers to act in the premises whenever such action is deemed advisable.

ARTICLE XV

COOPERATION WITH OTHER AGENCIES:

The board, with the assistance of the Director and subject to the provisions of the Act, is authorized to cooperate with agencies of the United States government, the State of Illinois, and other states as deemed by the board and the Director to be desirable and useful in effectuating the purposes of this program and Act.

- (1) Coordination and cooperation in promotion, advertising, educational programs, informational programs, disease control and research, marketing and transportation research, and any of the several areas of authority authorized by the program and the Act.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- (2) Coordination of purposes with other boards, commissions, or any other marketing group in the State or other states, areas, or foreign countries so long as such cooperation is in the best interest of the soybean producers of Illinois.

ARTICLE XVI

EFFECTIVE TIME:

This marketing program and any amendments thereto shall become effective immediately upon their being approved by referendum and shall continue in effect for five (5) years and shall automatically be extended from year to year unless a referendum for continued approval is requested by written petition of no less than 2 per cent of soybean producers affected by the program as published in the Illinois Agricultural Statistics Annual Farm Census being published by the Illinois Cooperative Reporting Service. Such referendum is to be held in accordance with Section 10 of the Act.

ARTICLE XVII

SEVERABILITY:

If any provision of the marketing program or the Act shall be declared invalid, or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this marketing program or the Act or the applicability thereof to any person, circumstance or thing shall not be affected.

ARTICLE XVIII

Section 1.

"All assessments on soybeans marketed are due and payable to the board. Any due and payable assessment required under the provisions of any program created under this Act constitutes a personal debt of every person so assessed or who otherwise owes such assessment. Such assessment is due and payable to the board when payment is stipulated in the program and called for by the board. In the event any person fails to remit the full amount of such due assessment or such other sum within 30 days after the due date, the person owing such assessment shall be given an opportunity to present his case as provided for in Section 22 of the Act. When established that the assessment is correct, the board may add to the unpaid assessment or sum a penalty amount not exceeding 10 per cent of the amount due to defray the cost of enforcing the collection of the assessment or sum due. In the event of failure of a person to remit any properly

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

due assessment or sum, the board may bring civil action against such person in the Circuit Court of any county for collection thereof, together with the above additional specified 10 per cent penalty assessment and court costs. Such action shall be tried and judgment rendered as in any other cause of action for debts due and payable."²

Section 2.

"No person shall knowingly fail or refuse to comply with any requirement of this Act where obligated to comply by a duly approved marketing program. The board may institute any action which is necessary to enforce compliance with this Act, any rule or regulation thereunder or any program adopted pursuant to this Act. In addition to any other remedy provided by law the board may petition for injunctive relief without being required to allege or prove the absence of any other adequate remedy at law. Such action shall be brought in the Circuit Court of any county.

Before the board may institute any proceedings under this Act, the alleged violator shall first be given an opportunity to present his views to the board as to why such proceedings should not be instituted."³

²Quote from Section 20 of "An Act in relation to Soybean Marketing Program", being Public Act No. 78-739, approved September 11, 1973.

³Quote from Section 22 of "An Act in relation to Soybean Marketing Program", being Public Act No. 78-739, approved September 11, 1973.

(Source: Amended at 33 Ill. Reg. 6044, effective April 7, 2009)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 170
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
170.421	Amendment
170.530	Amendment
170.540	Amendment
170.541	Amendment
- 4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2]
- 5) Effective Date of Amendments: April 24, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, Illinois, and is available for public inspection at that location.
- 9) Notice of Proposed Amendments published in the Illinois Register: September 19, 2008; 32 Ill. Reg. 14924
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Changes made between the proposed and adopted versions:
 1. In subsection 170.530(j), clarified that the performance standards to be used include "40 CFR 280 (2008); this Part; the List of Leak Detection Evaluations for Storage Tank Systems (incorporated in Section 170.410); and Standard Test Procedures for Evaluating Various Leak Detection Methods (EPA-530/UST-90/004 through 010 (March 1990), found at www.epa.gov/oust.".
 2. In Section 170.540, clarified that owners have a choice of following subsections (a) and (b) or (a) and (d) for pressurized lines.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

3. Subsection 170.541(a)(11) includes examples of minor amendments to permits and the following text: "Examples of minor amendments include very minor changes in the location of piping necessitated by field conditions learned during excavation, or, with regard to equipment, changes in the make and model number of alternative equipment to be installed that is equivalent, third-party listed and suitable for the permitted use.".
4. The rulemaking includes other non-substantive changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No. The companion emergency rules expired on February 4, 2009.
- 14) Are there any amendments pending to this Part? Yes. The amendment below concerns the removal of the European Suction exemption for under-dispenser containment requirements.

Section Number:
170.420

Proposed Action:
Amendment

Illinois Register Citation:
32 Ill. Reg. 17019; October 31, 2008

- 15) Summary and Purpose of Amendments: These amendments implement a federal requirement that automatic line leak detectors be installed at all existing, as well as new, underground storage tank ("UST") facilities using pressurized piping. These amendments also require that owners of existing USTs with interstitial monitoring systems already in place be required to maintain, instead of remove, such systems. The rulemaking also requires that where interstitial monitoring systems are in place but not functional, they must be repaired or replaced as necessary to make them fully operational. The listed permit fee is also increased from \$100 to \$200 to reflect the current OSFM fee schedule for obtaining a permit.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Shelly Bradley, Manager
Division of Petroleum and Chemical Safety
Office of the State Fire Marshal
1035 Stevenson Dr.

Telephone: 217/557-3131
Facsimile: 217/524-9284

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

Springfield, IL 62703-4259

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 170

STORAGE, TRANSPORTATION, SALE AND USE OF PETROLEUM
AND OTHER REGULATED SUBSTANCES

SUBPART A: MISCELLANEOUS

Section

170.10	Definitions
170.11	Incorporation of National Standards
170.15	Bulk Sales Prohibited
170.20	Storage Underground and Limited (Repealed)
170.30	Setting of Tanks (Repealed)
170.40	Clearance Required for Underground Tanks (Repealed)
170.41	Location (Repealed)
170.50	Material and Construction of Tanks (Repealed)
170.60	Venting of Tanks (Repealed)
170.65	Underground Tank Installations (Repealed)
170.70	Fill Pipes (Repealed)
170.71	Registration of Underground Storage Tanks and Payment of Annual Fee (Repealed)
170.72	Late Registration Fee (Repealed)
170.75	Abandonment of Underground Storage Tanks (Renumbered)
170.76	Leaking Underground Tanks (Repealed)
170.80	Unloading Operations
170.90	Pumps (Repealed)
170.91	Labeling of Containers and Pumps
170.100	Piping (Repealed)
170.105	Approval of Plans (Repealed)
170.106	Installer, Repairer or Remover of Underground Storage Tanks (Repealed)
170.107	Tester of Underground Storage Tanks and Cathodic Protection (Repealed)
170.108	Pressure Testing (Repealed)
170.110	Building
170.115	Safe Heat Required
170.120	No Flammable or Combustible Liquids Within Building – Exception
170.130	Greasing Pits
170.140	Wash and Greasing Rooms

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 170.145 Fire Extinguishers
- 170.150 Self-Service – No Self-Service Without Permit; Procedures and Regulations
- 170.160 Care and Attendance
- 170.170 Fire Extinguishers (Repealed)
- 170.180 Sale of Fireworks
- 170.190 Approval of Plans (Repealed)
- 170.200 Defective Equipment
- 170.210 Deliveries from Portable Tanks Restricted
- 170.211 Dispensing or Delivery of Flammable or Combustible Motor Fuels from Tank Vehicles
- 170.212 Requirements for Permit to Fuel Motor Vehicles from Portable Tank Trucks and Tank Wagons
- 170.310 Unattended Self-Service Other Than Fleet Operations

SUBPART B: UNDERGROUND STORAGE TANKS – TECHNICAL REQUIREMENTS

- Section
- 170.400 Definitions
- 170.410 Incorporations by Reference
- 170.411 USTs Out of Service
- 170.412 Delegation of Authority to Enforce UST Rules and Regulations
- 170.420 Design, Construction, Installation, Upgrade Procedures and Notification of UST Systems
- 170.421 Piping
- 170.422 Clearance Required for Underground Storage Tanks
- 170.423 Pressure Testing of Existing Tanks or Lines
- 170.424 Venting of Tanks
- 170.425 Fill Pipes
- 170.426 Pumps
- 170.427 Defective or Non-Compliant Equipment
- 170.428 General Requirements for UST Fuel Dispensing Systems
- 170.429 Unloading Operations
- 170.430 Interior Lining and Lining Inspection of UST Systems
- 170.431 Limitation on Interior Lining of USTs (Repealed)
- 170.440 Notification Requirements for Purposes of UST Registration
- 170.441 Payment of 1988 Annual UST Fee
- 170.442 UST Registration Fees
- 170.450 Owner/Operator Spill and Overfill Release Control Responsibilities
- 170.460 Corrosion Protection

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

170.470	UST Compatibility with Product Stored
170.480	Repairs Allowed
170.481	Emergency Repairs
170.490	Reporting and Recordkeeping
170.500	General Release Detection Requirements for All UST Systems
170.510	Release Detection Requirements for Petroleum UST Systems (Repealed)
170.520	Release Detection Requirements for Hazardous Substance UST Systems
170.530	Methods and Requirements of Release Detection for Tanks
170.540	Methods and Requirements of Release Detection for Piping
170.541	Installer, Repairer, Liner or Remover of USTs and Obtaining Permits
170.542	Site Plans
170.543	Notification and Establishment of Time Certain and Date Certain for Underground Storage Tank Activity
170.544	Tester of Underground Storage Tanks, Cathodic Protection and UST Equipment
170.545	USTs Inside or Under Buildings
170.546	UST Restrictions at Service Stations
170.550	Release Detection and Cathodic Protection Recordkeeping
170.560	Reporting of Suspected Releases
170.570	Investigation Due to Off-Site Impacts (Repealed)
170.580	Release Investigation Reporting, Site Assessment, Initial Response
170.590	Reporting and Cleanup of Spills and Overfills
170.600	Initial Response for UST Systems Containing Petroleum or Hazardous Substances (Repealed)
170.610	Initial Abatement Measures and Site Assessment
170.620	Temporary Out-of-Service Status for UST Systems (Repealed)
170.630	Change-in-Service of UST Systems
170.640	Assessing the Site at Removal of, Previously Removed, or Change-in-Service of, UST Systems
170.650	Applicability to Previously Removed UST Systems (Repealed)
170.660	Removal or Change-in-Service Records
170.670	Removal or Abandonment-in-Place of Underground Storage Tanks
170.672	Pre-'74 and Heating Oil USTs

SUBPART C: UNDERGROUND STORAGE TANKS –
FINANCIAL RESPONSIBILITY REQUIREMENTS

Section	
170.700	Definitions
170.705	Incorporation by Reference

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

170.710	Applicability
170.720	Amount
170.730	Mechanisms of Financial Responsibility
170.740	Proof of Financial Responsibility
170.750	Substitution of Financial Responsibility Mechanisms by an Owner or Operator
170.760	Cancellation or Non-Renewal by a Provider of Financial Assurance
170.770	Reporting by Owner or Operator
170.780	Recordkeeping
170.790	Release from the Requirements
170.795	Bankruptcy or Other Incapacity of Owner or Operator, or Provider of Financial Assurance

SUBPART D: UNDERGROUND STORAGE TANKS –
ADMINISTRATIVE PROCEDURE RULES FOR ORDERS ISSUED BY
THE DIVISION OF PETROLEUM AND CHEMICAL SAFETY

Section	
170.800	Definitions
170.810	Grounds and Time for Appeal
170.820	Notice of Hearing
170.830	Appearances
170.840	Official Notice
170.850	Authority of Hearing Officer
170.860	Evidence to be Presented by the Owner to Object to the Denial or Revocation of the Registration of an Underground Storage Tank (UST) (Repealed)
170.870	Briefs
170.880	Transcripts
170.890	Order of the State Fire Marshal
170.900	Authority to Enforce Administrative Orders and Assess Fines
170.910	Suspension or Revocation of the License of a Contractor and Assessment of Fines Against a Contractor or Employee of a Contractor for Violations of Subpart B or E
170.920	Assessment of Fines Against Non-Contractors for Violations of Subpart B
170.930	Assessment of Fines Against an Owner, Operator or Provider for Violations of Subpart C
170.940	Hearing Officer Guidelines for Suspension, Revocation or Assessment of Fines

SUBPART E: LICENSING, CERTIFICATION AND IDENTIFICATION CARDS

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

Section

170.1000	Definitions
170.1100	Contractor Licensing
170.1200	Contractor and Employee Certification
170.1300	Possession of OSHA Identification Cards by Certified Individual Contractors and Certified Employees of Contractors
170.APPENDIX A	Checklist for Underground Storage Tank Installation (Repealed)
170.APPENDIX B	Checklist for Underground Storage Tank Reline (Repealed)
170.APPENDIX C	Checklist for Underground Storage Tank Removals (Repealed)
170.APPENDIX D	Checklist for Abandonment-in-Place of Underground Storage Tanks (Repealed)
170.APPENDIX E	Guidelines for Marinas
170.APPENDIX F	Required Job Schedule for Cathodic Protection Upgrade (Repealed)
170.APPENDIX G	Required Job Schedule for Underground Piping Upgrade (Repealed)
170.APPENDIX H	Required Job Schedule for Underground Storage Tank Installation (Repealed)
170.APPENDIX I	Required Checklist for Underground Storage Tank System Upgrade (Repealed)
170.TABLE A	Schedule for Phase-In of Release Detection
170.TABLE B	Manual Tank Gauging: Weekly and Monthly Standards

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Rules and Regulations Relating to Service Stations filed July 10, 1958; amended March 6, 1963 and April 4, 1977; codified at 5 Ill. Reg. 10692; emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a maximum of 150 days; emergency expired June 25, 1983; emergency amendment at 8 Ill. Reg. 10058, effective June 29, 1984, for a maximum of 150 days; emergency expired November 26, 1984; amended at 9 Ill. Reg. 9514, effective October 1, 1985; emergency amendment at 10 Ill. Reg. 345, effective January 1, 1986, for a maximum of 150 days; emergency expired June 1, 1986; emergency amendment at 10 Ill. Reg. 12324, effective July 2, 1986, for a maximum of 150 days; emergency expired November 29, 1986; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 5669, effective April 21, 1989; amended at 13 Ill. Reg. 7744, effective May 9, 1989; amended at 13 Ill. Reg. 8515, effective May 23, 1989; amended at 13 Ill. Reg. 8875, effective May 24, 1989; amended at 13 Ill. Reg. 14992, effective September 11, 1989; amended at 14 Ill. Reg. 5781,

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

effective April 10, 1990; amended at 15 Ill. Reg. 7042, effective April 29, 1991; amended at 16 Ill. Reg. 4845, effective March 12, 1992; emergency amendment at 17 Ill. Reg. 1186, effective January 12, 1993, for a maximum of 150 days; emergency expired June 11, 1993; amended at 19 Ill. Reg. 5467, effective April 1, 1995; amended at 20 Ill. Reg. 4698, effective March 11, 1996; amended at 21 Ill. Reg. 8945, effective July 15, 1997; amended at 22 Ill. Reg. 21339, effective December 1, 1998; amended at 24 Ill. Reg. 12462, effective August 1, 2000; amended at 25 Ill. Reg. 9015, effective July 5, 2001; amended at 27 Ill. Reg. 8164, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 8311, effective May 2, 2003, for a maximum of 150 days; emergency expired September 28, 2003; amended at 32 Ill. Reg. 1428, effective February 1, 2008; emergency amendment at 32 Ill. Reg. 15100, effective September 8, 2008, for a maximum of 150 days; emergency expired February 4, 2009; amended at 33 Ill. Reg. 6069, effective April 24, 2009.

SUBPART B: UNDERGROUND STORAGE TANKS – TECHNICAL REQUIREMENTS

Section 170.421 Piping

- a) Underground piping installed or replaced shall be of double-wall construction and equipped with interstitial monitoring that meets the applicable requirements of Section 170.530(g) and 40 CFR 280.43(g) for all permits issued February 1, 2008 and after. Any replaced piping that exceeds 20 feet or 50% of the total piping run shall require the entire pipe run to be replaced with double-wall, monitored piping. Where the site has multiple distinct pipe runs, only that piping run being replaced shall be required to be double-wall construction. [Pressurized piping systems \(including existing systems\) shall also be equipped with automatic line leak detectors pursuant to Section 170.540\(a\).](#)
- b) Piping, valves and fittings for flammable liquids shall be designed for the working pressures and structural stresses to which they may be subjected and approved for their intended use. The application of any material shall not interfere with the normal operation of the shear valves, fusible links or any equipment installed under the dispensers or submersibles. They shall be of steel or other materials suitable for use with the liquid being handled. Pipe-wall thicknesses being determined in accordance with ANSI B31, incorporated by reference in Section 170.410, shall be deemed to comply with this Section, except that carbon steel pipe shall not be thinner than standard wall thickness listed in ANSI B36, incorporated by reference in Section 170.410.
- c) Non-metallic piping systems conforming to the requirements of ANSI B31,

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

incorporated by reference in Section 170.410, for use with flammable and combustible liquids are permitted underground.

- d) After installation, pressurized piping shall be tested for 30 minutes at 1.5 times the working pressure or 50 PSI, whichever is higher. Suction and vent piping shall be tested at a minimum positive pressure of 7 psi or in accordance with the manufacturer's recommended procedures.
- e) Piping that routinely contains regulated substances and is in contact with the ground, backfill or water shall be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, as specified in this subsection, and all steel risers, vents, and fills in contact with the ground, backfill or water shall be dielectrically wrapped or coated:
 - 1) The piping is constructed of fiberglass-reinforced plastic (the following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection (e)(1): UL 567; UL Canada Subject C107C; or UL Canada Standard CAN4-S633);
 - 2) The piping is constructed of steel and cathodically protected in the following manner:
 - A) The piping is coated with a suitable dielectric material;
 - B) Field-installed cathodic protection systems are designed by a corrosion expert;
 - C) New impressed current systems are designed to allow determination of system operating status by means of permanently installed lights, amp, volts and hour gauges as required in Section 170.460 and existing impressed current systems must meet these requirements on or before November 1, 2003;
 - D) Cathodic protection systems are operated and maintained in accordance with Section 170.460 (the following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection (e)(2): NFPA 30; API Recommended Practice 1615; API Recommended Practice 1632;

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

or NACE RPO285); or

- E) The piping construction and corrosion protection are determined by the Office of the State Fire Marshal to be designed to prevent the release or threatened release of any stored regulated substance, in a manner that is no less protective of human health and the environment than the requirements in subsections (c)(1) and (2). Before the installation of any such piping, its construction and corrosion protection shall be submitted to the Office in writing, and the Office shall issue written approval.
- f) UST wiring procedures. All wiring at UST locations shall be in accordance with NFPA 70, incorporated by reference in Section 170.410. Wiring within 20 feet of tanks, within 20 feet of dispenser pumps or run in the product line trenches shall be installed in rigid metallic conduit or threaded steel conduit (or any petroleum or product resistant conduit approved for that use). Electrical conduit shall maintain at least six inches of separation from product piping to avoid damage from abrasion or stray electrical current and shall be routed away from product piping. Minimum cover is required in accordance with Table 300-5 of NFPA 70, incorporated by reference in Section 170.410. Intrinsically safe wiring shall be in conduit when installed within Class I locations, as specified in NFPA 70, incorporated by reference in Section 170.410. Caution should be taken when grounding since it impairs cathodic protection of metallic tanks or piping. When locating electrical wiring in the same trench as the product lines, the conduit shall be positioned on either side of the product piping but not above or below the product piping. This electrical conduit shall cross over the top of any product piping whenever a cross-over is necessary. A six-inch separation shall be maintained at all times, even during a cross-over. All cross-overs shall be kept to a minimum. All electrical power shall be shut off at the immediate location where installations, repairs or upgrades are in progress. All electrical seal-offs are to be properly filled whether being used or for future use.
- g) All related wiring shall be inspected during UST final inspection.
- h) A positive shut off valve shall be installed on the product line at the submersible or at the tank for all suction systems on all new installations and when piping is replaced at existing sites and made accessible at grade. Extractor valve will be accepted on European suction instead of positive shut off valve.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- i) Vent lines will be tested from the tank to grade level at the time of installation. This test will be done at 7 psi minimum or at the pressure recommended by the manufacturer. This test will be performed at the time of the line PAI test.
- j) The application of any material shall not interfere with the normal operation of the shear valves or fusible links, or any equipment installed under dispensers or submersibles.
- k) Any time product piping is broken for repairs, a precision line tightness test must be conducted before the piping is put back into service.

(Source: Amended at 33 Ill. Reg. 6069, effective April 24, 2009)

Section 170.530 Methods and Requirements of Release Detection for Tanks

Owners and operators of petroleum UST systems shall provide release detection on tanks. These tanks must be monitored at least every 30 days for releases using one or more of the methods listed below:

- a) Monthly inventory control.
 - 1) Product inventory control (or another test of equivalent performance) shall be conducted monthly to detect a release of at least 1.0 percent of the flow-through plus 130 gallons on a monthly basis in the following manner:
 - A) Inventory volume measurements for regulated substance inputs, withdrawals and the amount still remaining in the tank are recorded each operating day;
 - B) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;
 - C) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;
 - D) Deliveries are made through a drop tube that extends to within 6

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

inches of the tank bottom;

- E) Product dispensing is metered and recorded pursuant to Section 8 of the Weights and Measures Act [225 ILCS 470/8];
 - F) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month (practices described in API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this subsection (a));
 - G) To the extent the above measurements or recordkeeping are the responsibility of the UST owner, the owner or whoever performs those activities on the owner's behalf, shall be knowledgeable in such performance;
 - H) Monthly inventory control records for the previous 3 years must be kept on site;
 - I) This method can only be used for a period of 10 years from the date cathodic protection was installed on the tank. A precision tank test must be performed at 5 years and 10 years and these records kept on site for 10 years. At 10 years, another form of leak detection is required;
 - J) Inventory control will only be allowed on sites currently using this method until the 10-year time allowance expires. No new sites will be allowed to use this method after May 1, 2003;
 - K) Inventory control may not be used on systems with blending pumps or siphon tanks.
- 2) Monthly inventory control cannot be used as a method of release detection for any tank that, after passing only a noninvasive tank integrity assessment, was upgraded using the cathodic protection method.
- b) Manual tank gauging. Only tanks of 600 gallons or less nominal capacity may use the method described in this subsection as the sole method of release

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

detection. For tanks of 601 to 2,000 gallons, this method may be used for a period of 10 years from the date cathodic protection was installed on the tank. For tanks over 2,000 gallons, this method shall not be used. Tanks 601 to 2,000 gallons must receive a precision tank test once every year. The monthly records required for manual tank gauging and the yearly tank tests must be kept for 3 years on site. At the end of 10 years, another form of tank leak detection is required for tanks 601 gallons to 2,000 gallons.

- 1) Manual tank gauging shall meet the following requirements:
 - A) Tank liquid level measurements are taken at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank;
 - B) Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period;
 - C) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;
 - D) A leak is suspected and subject to the requirements of Sections 170.560 through 170.610, if the variation between beginning and ending measurements exceeds the weekly or monthly standards in Table B;
 - E) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month (practices described in API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this subsection (b)); and
 - F) To the extent the above measurements or recordkeeping are the responsibility of the UST owner, the owner or whoever performs those activities on the owner's behalf, shall be knowledgeable in such performance.
- 2) Manual tank gauging cannot be used as a method of release detection for

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

any tank that, after passing only a noninvasive tank integrity assessment, was upgraded using the cathodic protection method.

- 3) This method will not be allowed for tanks 601 to 2,000 gallons after May 1, 2003, except that, for those tanks for which this method was being used on May 1, 2003, the method may be used until the 10-year allowance expires.
- c) Precision tank tightness testing, as approved by the Office of the State Fire Marshal.
- 1) Tank tightness testing (or another test of equivalent performance) shall be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table. There are four types of precision testing:
 - A) 100 percent volumetric overfill;
 - B) Volumetric underfill with an approved ullage test of negative pressure or inert gas as approved by the Office of the State Fire Marshal;
 - C) A negative pressure; or
 - D) Other approved methods, in accordance with subsection (i).
 - 2) In the case of a suspected release, tracer elements and ATGs are not an approved method of precision tank testing.
- d) Automatic tank gauging (ATG). Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control shall meet the following requirements:
- 1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product.
 - 2) The ATG must be third party evaluated by and listed in the NWGLDE

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

publication "List of Leak Detection Evaluations for Underground Storage Tank Systems". The ATG must be installed, calibrated and in compliance with the protocol of the third party evaluation.

- 3) All new or replacement ATG monitors shall be mounted no more than 6 feet from the floor and must remain unobstructed and accessible.
 - 4) All new ATG systems must be equipped with printers. Existing ATG systems must be equipped with printers by May 1, 2004. If a system has to be retrofitted, a permit will be required. Systems with remote printers will be accepted.
- e) Vapor monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone shall meet the following requirements:
- 1) The materials used as a backfill are sufficiently porous (e.g., gravel, sand or crushed rock) to readily allow diffusion of vapor from releases into the excavation area;
 - 2) The stored regulated substance or a tracer compound placed in the tank system is sufficiently volatile (e.g., gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;
 - 3) The measurement of vapors by the monitoring device is not rendered inoperative by groundwater, rainfall, soil moisture or other known interferences so that a release could go undetected for more than 30 days;
 - 4) The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank;
 - 5) The vapor monitors are designed and operated to detect any significant increase in concentration above the background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system; vapor monitor sensors must be permanently installed in the vapor monitor wells; a monthly inspection of the vapor monitoring system must be made and a log maintained showing the date of inspection, results, and initials of the party doing the inspection;

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 6) In the UST excavation zone, the site is assessed to ensure compliance with the requirements in subsections (e)(1) through (4) of this Section and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product;
 - 7) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering;
 - 8) Vapor monitoring wells shall be of sufficient design to allow vapors to be detected from any portion of the tank being monitored and shall be a minimum of four inches in diameter or as approved by the Office of the State Fire Marshal on the applicable permit; and
 - 9) An adequate number of vapor monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of such wells is subject to approval of the Office of the State Fire Marshal on the applicable permit.
- f) Groundwater monitoring. Testing or monitoring for liquids on the groundwater shall meet the following requirements:
- 1) The regulated substance stored is immiscible in water and has a specific gravity of less than one;
 - 2) Groundwater is never more than 20 feet from the ground surface, the hydraulic conductivity of the soil between the UST system and the monitoring wells or devices is not less than 0.01 cm/sec (e.g., the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials), and groundwater shall be present in the groundwater monitoring wells at all times;
 - 3) The slotted or perforated portion of the monitoring well casing shall be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low groundwater conditions;
 - 4) Groundwater monitoring wells shall be sealed from the ground surface to

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

the top of the filter pack;

- 5) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible;
- 6) The continuous monitoring devices or manual methods used can detect the presence of at least $\frac{1}{8}$ of an inch of free product on top of the groundwater in the monitoring wells.
 - A) The continuous monitoring devices must be fixed sensors mounted permanently inside the well or samples must be taken by a mechanical bailer capable of detecting the presence of at least $\frac{1}{8}$ -inch of free product on top of the groundwater in the monitoring wells.
 - B) Groundwater monitoring must be done monthly and a log of the inspection made showing the date of the inspection, initials of the person conducting the inspection, and results of the well sampling. This log must be done every 30 days and kept on-site, or available within 30 minutes, for 3 years.
- 7) Within and immediately below the UST system excavation zone, the site is assessed to ensure compliance with the requirements in subsections (f)(1) through (5) of this Section and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains product;
- 8) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering;
- 9) The minimum diameter of groundwater monitoring wells shall be 8 inches or as approved by the Office of the State Fire Marshal on the applicable permit; and
- 10) An adequate number of groundwater monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of such wells is subject to approval of the Office of the State Fire Marshal on the applicable permit. On new installations, there shall be two 8-inch diameter monitoring wells for the first tanks and 1 additional

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

well for each additional tank installed. The wells will be of manufactured slotted or perforated type. They shall be at opposite ends and corners, one foot below the invert elevations of the lowest UST.

- g) Interstitial monitoring. Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it, or interstitial monitoring meeting the requirements of this Section as required by Sections 170.420(a) and 170.421(a), may be used but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product. Existing interstitial monitoring systems and sensors shall be maintained and may not be removed irrespective of whether such leak detection is secondary or redundant to other forms of leak detection. If the interstitial monitoring is not functional or not operating properly, it shall promptly be repaired or replaced, and any necessary measures to prevent false positive and false negative readings shall be implemented. The monitoring must also meet ~~and, also, meets~~ one of the following requirements:
- 1) For double-wall UST systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product; the provisions specified in STI, "Standard for Dual Wall Underground Storage Tank", incorporated by reference in Section 170.410, may be used as guidance for aspects of the design and construction of underground steel double-wall tanks.
 - 2) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST system and the secondary barrier.
 - A) The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (not in excess of 0.000001 cm/sec for the regulated substance stored) to direct a release to the monitoring point and permit its detection;
 - B) The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected;
 - C) For cathodically protected tanks, the secondary barrier shall be

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

installed so that it does not interfere with the proper operation of the cathodic protection system;

- D) The groundwater, soil moisture or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days;
 - E) The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain unless the barrier and monitoring designs are for use under such conditions;
 - F) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering; and
 - G) An adequate number of monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of the number of such wells is subject to the approval of the Office of the State Fire Marshal.
- 3) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.
 - 4) The interstitial monitoring system must be tested every 3 years to verify its operation and records from the previous test must be kept on-site, or available within 30 minutes. Testing of the system sensors shall be done in such a way as to verify their function but not damage the sensors.
 - 5) Recordkeeping requirements for interstitial monitoring of tanks and lines requires an inspection once every 30 days and records for the previous 3 years must be kept on-site or available within 30 minutes. The records can be from an ATG system showing the interstitial monitors' status (pass/normal/other/) on a print out tape or by maintaining a log showing date of inspection, initials of inspector, status of system (pass/normal/other).
- h) Statistical Inventory Reconciliation (SIR).
 - 1) The company that uses this method shall provide the Office of the State

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

Fire Marshal a written affirmation that their data collection staff is trained in the data gathering procedures and that only trained staff will be utilized for data collection. Each tank monitored by SIR shall be identified to the Office in writing within 30 days of the commencement of such monitoring, specifying tank size, product stored, facility location and any other pertinent identification information necessary.

- 2) SIR methods may only be used in conjunction with precision tank tightness testing conducted yearly.
 - 3) A precision tank tightness test, as approved by the Office of the State Fire Marshal, shall be mandatory, if any data analysis indicates a possible release or is inconclusive or indeterminate, or for any test result other than a pass.
 - 4) The measurement of any water level in the bottom of the tank is made to the nearest 1/8-inch at least once a month (practices described in API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this subsection (h)).
 - 5) SIR test records for the previous 3 years must be kept on-site (a lag time of 60 days will be allowed for on-site records) or available within 30 minutes.
 - 6) New requests to use SIR after May 1, 2003 will no longer be accepted. If SIR is discontinued at a site, it will not be allowed again.
 - 7) After January 1, 2006, SIR may not be used on systems with blending pumps or siphon tanks.
- i) Other methods. Any other type of release detection method or combination of methods, approved by the Office of the State Fire Marshal, may be used if the owner or operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (c) through (h) of this Section. Demonstration of any such method shall be in writing submitted to the Office of the State Fire Marshal. In comparing methods, the Office shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner or operator

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

shall comply with any conditions imposed by the Office on its use to ensure the protection of human health or the environment. Before the utilization of the method, the Office shall issue written approval.

- j) One copy of each independent third-party evaluation and its protocol, for the release detection methods in subsections (c), (d), (e), (g), (h) and (i), shall be submitted to the Office of the State Fire Marshal as part of the permit application process. Any deviation from the third-party evaluation shall be included with the permit application submitted to OSFM~~resubmitted~~ for approval, along with an evaluation by a registered professional engineer finding that the release detection system as installed meets all required performance standards. These performance standards are 40 CFR 280 (2008); this Part; the List of Leak Detection Evaluations for Storage Tank Systems (incorporated in Section 170.410); and Standard Test Procedures for Evaluating Various Leak Detection Methods (EPA-530/UST-90/004 through 010 (March 1990), found at www.epa.gov/oust.
- k) Only one approved method of primary release detection is required for each tank, although multiple methods are acceptable.
- l) No method of release detection shall be used unless that method has been approved by the Office of the State Fire Marshal.

(Source: Amended at 33 Ill. Reg. 6069, effective April 24, 2009)

Section 170.540 Methods and Requirements of Release Detection for Piping

Owners and operators of petroleum UST systems shall provide release detection, for piping that was designed to contain regulated substances, by the following methods: for pressurized lines – subsections (a) and (b) or subsections (a) and (d); for suction lines – subsection (c).

- a) Line leak detectors for pressurized systems. Both existing and new pressurized piping installations shall be equipped with automatic line leak detectors. Mechanical and electronic line leak detectors which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of three gallons per hour at 10 pounds per square inch line pressure within one hour. All line leak detectors must have a functionality~~an operational~~ test performed annually. One copy of an independent third-party evaluation and its protocol for each piping release detection method shall be submitted to the

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

Office of the State Fire Marshal as part of the permit application process. Any deviation from the third-party evaluation shall be included with the permit application submitted to OSFM ~~resubmitted~~ for approval, along with an evaluation by a registered professional engineer finding that the release detection system as installed meets all required performance standards (see Section 170.530(j)).

- b) Line tightness testing requirements may be met by one of the following methods:
- 1) Pressurized lines must have an annual precision test that is capable of detecting a 0.1 gallon per hour leak rate at 1½ times the operating pressure for 30 minutes.
 - 2) Use of an inert gas to pressurize piping as approved by the OSFM is also acceptable.
 - 3) The use of electronic line leak detection that performs a 0.1 gallon per hour test annually is acceptable as the annual test if records can be supplied that confirm a test pass at the 0.1 rate. These records must be kept on site for 3 years, or available within 30 minutes.
 - 4) A method meeting the requirements of the NWGLDE publication "List of Leak Detection Evaluations for Underground Storage Tank Systems".
- c) Suction lines.
- 1) American suction shall be tested annually using any of the following methods in the NWGLDE publication "List of Leak Detection Evaluations for Underground Storage Tank Systems":
 - A) If using positive pressure, use at least 7 psi for 30 minutes.
 - B) The use of a monthly monitoring method.
 - 2) European suction does not require a test if it is designed and constructed to meet the following:
 - A) The below grade piping operates at less than atmospheric pressure;
 - B) The below grade piping is sloped so that the contents of the pipe

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

will drain back into the storage tank if the suction is released;

- C) Only one check valve is included in each suction line;
 - D) The check valve is located directly below and as close as practical to the suction pump; and
 - E) A method is provided that allows compliance with subsections (c)(2)(B), (D) and (E) of this Section to be readily determined.
- d) Applicable tank methods. Any of the methods in Section [170.530\(e\) through \(g\) and \(i\)](#)~~170.530(a) through (i)~~ may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances, as approved by the Office of the State Fire Marshal. SIR is not acceptable as a form of line leak detection. [Precision testing is not a stand-alone method for line leak detection or precision test.](#) Interstitial piping leak detection systems that are third party approved and have an audible alarm or shut down the product flow can be used in place of annual [precision line](#) testing [so long as used](#) in conjunction with a mechanical line leak detector.
- e) [Existing interstitial monitoring systems and sensors shall be maintained and may not be removed irrespective of whether the leak detection is secondary or redundant to other forms of leak detection. If the interstitial monitoring is not functional or not operating properly, it shall promptly be repaired or replaced, and any necessary measures to prevent false positive and false negative readings shall be implemented.](#)

(Source: Amended at 33 Ill. Reg. 6069, effective April 24, 2009)

Section 170.541 Installer, Repairer, Liner or Remover of USTs and Obtaining Permits

Any person who is an installer, repairer, liner or remover of underground storage tanks is a contractor. However, in order for a contractor to do lining inspections, lining touch up or cathodic protection, or install, repair, line, upgrade, abandon or remove any UST, the contractor is required to be licensed and obtain a permit for that activity, in compliance with the following:

- a) Pay ~~\$200~~[\\$100](#) per [permitted activitysite](#) to the Office of the State Fire Marshal for a permit to install, repair, or line, or perform lining touch up, lining inspections, cathodic protection, or abandonment, upgrade or removal of underground storage

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

tanks.

- 1) A separate fee is required for each type of activity.
- 2) This fee is to be paid by check or money order made payable to "Office of the State Fire Marshal" and is to be from the installer, repairer, liner or remover.
- 3) Only contractors licensed and certified in accordance with Subpart E (or their respective employees, who do not have to be licensed and certified), and not barred pursuant to Subpart D, may obtain permits. Contractors are required to be licensed and certified in the UST activity for which they are applying.
- 4) Only contractors, their employees or subcontractors may perform the permitted UST activity in accordance with Subpart E.
- 5) Only the most current permit application for the activity is to be submitted.
- 6) Insufficient information submitted with the permit application or an illegible permit application submission is cause for return or denial.
- 7) Permits expire 6 months from the date they are issued. The applicant may apply for additional 6 month extensions. Permit extensions that circumvent newly adopted technical requirements will not be allowed. Each extension request must be submitted in writing before the permit lapses and must will be accompanied by a \$200\$100 fee. ~~Contractors may apply for one extension at the time of the original application. A new permit application and fee must be submitted if the permit lapses.~~
- 8) Permit applications denied or rejected the second time will require a new application submission fee.
- 9) Permit applications and issued permits are not transferable.
- 10) Permit applications and issued permits may only be submitted and amended by contractors licensed and certified in the area of UST activity for which they are applying.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 11) Amended permits. OSFM may approve minor amendments to granted ~~Granted~~ permits ~~may be amended~~ only once in the office or in the field without a new application fee. Examples of minor amendments include very minor changes in the location of piping necessitated by field conditions learned during excavation, or, with regard to equipment, changes in the make and model number of alternative equipment to be installed that is equivalent, third-party listed and suitable for the permitted use. Additional amendments may be allowed with an additional permit application and \$200\$100 fee. For all permit amendments~~except~~, each change that requires a new contractor, a new site plan or another engineering review to determine acceptability will require a new permit application submission and \$200\$100 fee. "As-built" drawings reflecting any amendment to the site plan shall be submitted to OSFM within 10 days after OSFM approval of the amendment. Permit amendments that circumvent newly adopted technical requirements will not be allowed.
- 12) A person who is the owner of a UST for which a permit is obtained shall be listed on the permit application as the owner.
- 13) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to 430 ILCS 15/2, subject to the terms of such an agreement, the City has the authority to modify this subsection (a) to issue the permits and collect the fees for its own use, regarding UST activities within the jurisdiction of the City.
- 14) A permit is closed:
- A) When the work under the permit is completed and the required notification forms have been submitted to the OSFM; or
 - B) When the permit has lapsed, expired or been revoked.
- b) No permit may be issued when a current owner is listed on a permit application who owes fees pursuant to Section 170.441 or 170.442 until any such fee is paid in full.
- c) No UST activity requiring a permit may proceed without a granted permit in the possession of the contractor or representative of the contractor at the UST site,

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

except pursuant to Section 170.481, and the permit shall be available upon request of an Office of the State Fire Marshal representative. Performance by a contractor of a UST activity in violation of this Section may result in the suspension or revocation of the license of that contractor to perform any UST activity. This does not preclude suspension or revocation for a violation of any other applicable Section.

- d) No UST owners or operators may perform any UST activity on their UST, unless the owner complies with the licensing and certification requirements of Subpart E.
- e) UST activity performed that is not in compliance with the conditions of a permit issued to a contractor is cause for permit revocation, or suspension or revocation of the license of that contractor to perform any UST activity. This does not preclude suspension or revocation for a violation of any other applicable Section.
- f) For purposes of this Section, the term "installer" includes "replacer" and "install" includes "replace"; the term "repairer" includes a person who upgrades and "repair" includes "upgrade"; and the term "remover" includes a person who "abandons-in-place" and "remove" includes "abandon-in-place" a UST.
- g) Actions requiring a permit.
 - 1) A permit is required to do any of the following to USTs:
 - A) remove;
 - B) abandon-in-place;
 - C) upgrade;
 - D) repair;
 - E) line;
 - F) inspect linings;
 - G) lining touch ups;
 - H) emergency repairs;

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- I) repair or install cathodic protection;
 - J) install manways (except in cases associated with a lining permit or lining inspection permit) with manholes bolted to the tank top, only when in conjunction with an inspection and in a manner that does not damage the existing lining;
 - K) install a UST and piping; or
 - L) any time a tank is entered.
- 2) Primary leak detection systems, corrosion protection, spill containment, overfill prevention, dispenser activity under Section 170.420(d)(19), and new dispenser islands also require permits.
- h) Actions not requiring a permit.
- 1) No permit is required to do routine maintenance on, or like-for-like replacements for, the following:
 - A) submersible pumps;
 - B) spill containment devices;
 - C) drop tube valves;
 - D) ball floats;
 - E) ATG probes;
 - F) mechanical line leak detectors;
 - G) electronic line leak detectors;
 - H) wireless electronic line leak detectors; or
 - I) rectifiers.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 2) The exceptions listed in subsection (h)(1) are the only exceptions from the permit requirement. If the equipment is not present or another type of equipment is to be used, a permit shall be required. Any pipe or flex connector work requires a permit.
- 3) In the event that equipment is not installed like-for-like and/or equipment is installed without a permit, the owner/operator will be required to do the following:
 - A) Hire an OSFM recognized contractor other than the contractor who did the unauthorized/non-permitted work.
 - B) OSFM Engineering Department will determine if the equipment is approved for this application.
 - C) Contractor will submit a Date and Time Certain job schedule to review the installation and determine that the equipment has been installed as per manufacturer's specifications.
 - D) Contractor will schedule a Date and Time Certain final inspection. The contractor will have a representative at the final inspection that is knowledgeable and able to work with this equipment. An amended notification form for this installation shall be available for the STSS. The representative will review the equipment with the STSS.
- 4) Replacing of any of the above equipment must be reported in writing, within 24 hours after the activity, to the OSFM, on an OSFM approved form, listing the make, model, and manufacturer of the equipment, indicating where the equipment is being installed.
- 5) When replacing an electronic line leak detector that is capable of detecting a release within 0.1gph with a mechanical line leak detector, notification must be made by the contractor to the OSFM in writing, within 8 working hours after replacement, on an approved OSFM form. An original replacement must be completed within 10 working days and notification of completion shall be submitted to the OSFM within 8 working hours after the replacement.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 6) A valid permit does not remedy a violation until the work is completed and does not allow for any extensions of time for compliance.

(Source: Amended at 33 Ill. Reg. 6069, effective April 24, 2009)

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Program Review (Private Colleges and Universities)
- 2) Code Citation: 23 Ill. Adm. Code 1030
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1030.20	Amendment
1030.90	New
- 4) Statutory Authority: Implementing and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05], by Sections 14.5 and 14.10 of the Private College Act (P.A. 95-1046, effective March 27, 2009), and by Sections 10.5 and 10.10 of the Academic Degree Act (P.A. 95-1046, effective March 27, 2009)
- 5) Effective Date of Amendments: April 9, 2009
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Upon adoption of the identical proposed rules filed concurrently with these emergency rules.
- 7) Date Filed with the Index Department: April 9, 2009
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Board's principal office and is available for public inspection.
- 9) Reason for Emergency: P.A. 95-1046, effective March 27, 2009, includes amendments to the Private College Act [110 ILCS 1005] and the Academic Degree Act [110 ILCS 1010] to authorize the Board to assess fees to help cover the costs of reviewing the increasing number of applications from proprietary and out-of-state institutions. Emergency amendments are necessary to prepare for the applications that will now be submitted under the new Public Act. Identical proposed amendments are being submitted simultaneously for publication in the *Illinois Register*.
- 10) A Complete Description of the Subjects and Issues Involved: P.A. 95-1046 authorizes the Board to set fees to cover the cost of reviewing applications for (1) certificate of approval, (2) authorization to operate, and (3) authorization to grant degrees by institutions of higher education who want to begin or expand offerings to students in Illinois. The intent of the amendments is "to cover the cost of reviewing applications" since a fee has not been previously authorized. The Board's Academic Affairs committee

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

has consulted with private institutions of higher education in the development of the fee assessment and structure of fees.

- 11) Are there any proposed rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objective: The emergency amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805/3].
- 13) Information and questions regarding these emergency amendments shall be directed to:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield, Illinois 62701

217/557-7358

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

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1030

PROGRAM REVIEW (PRIVATE COLLEGES AND UNIVERSITIES)

Section

1030.10 Institutions Required to Receive Approval

1030.20 Definitions

EMERGENCY

1030.30 Institutional Approval

1030.40 Institutional Approval under the 1945 Act Only

1030.50 Institutional Authorization under the 1961 Act Only

1030.60 Degree Authorization under the 1961 Act

1030.70 Maintenance of Approval under the 1945 Act

1030.80 Maintenance of Authorization to Operate and/or Grant Degrees under the 1961 Act

1030.90 Academic Application Processing FeesEMERGENCY

1030.ILLUSTRATION A Map of Regions

AUTHORITY: Implementing and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05], Sections 14.5 and 14.10 of the Private College Act [110 ILCS 1005/14.5 and 14.10] and Sections 10.5 and 10.10 of the Academic Degree Act [110 ILCS 1010/10.5 and 10.10].

SOURCE: Amended and effective August 9, 1977; emergency rules adopted at 3 Ill. Reg. 26, p. 297, effective June 13, 1979, for a maximum of 150 days; adopted at 3 Ill. Reg. 38, p. 222, effective September 22, 1979; amended at 4 Ill. Reg. 48, p. 200, effective November 19, 1980; codified at 8 Ill. Reg. 1454; amended at 33 Ill. Reg. 49, effective December 23, 2008; emergency amendment at 33 Ill. Reg. 6099, effective April 9, 2009, for a maximum of 150 days.

Section 1030.20 DefinitionsEMERGENCY

Unless otherwise stated, all definitions apply to all terms used in this Part in conjunction with both the 1945 Act and the 1961 Act.

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

"The 1945 Act" means the Private College Act [110 ILCS 1005].

"The 1961 Act" means the Academic Degree Act [110 ILCS 1010].

"Asynchronous" means instruction in which the teacher and students do not meet at the same time. On-line instruction is more likely to be asynchronous, allowing students to access and participate in the course when they choose to do so.

"Authorization to Grant Degrees" means the letter from the Board giving an institution authorization to grant specific degrees under the 1961 Act.

"Authorization to Operate" means the letter from the Board authorizing an institution to operate under the 1961 Act.

"Board" means the Board of Higher Education. In those cases in which the term is used to refer to prior approval or lack of prior approval for either an institution or a degree program, the term "Board" shall mean either the Board of Higher Education or one of the two previous administrative agencies that administered higher education in Illinois (the Board of Education or the Superintendent of Public Instruction), as appropriate.

"Certificate of Approval" means the letter from the Board giving an institution approval to operate under the 1945 Act.

"Change Request" means a written proposal to modify an approved degree program. This includes degree title, prerequisites, course titles, program content, credit hours, classification of instructional programs code (CIP code), degrees offered, program admission requirements, and program elimination.

"Degree" means any designation, appellation, series of letters or words, or other symbol that signifies or purports to signify that the recipient has satisfactorily completed an organized academic program of study beyond the secondary school level. For the purposes of this Part, an "organized academic program of study beyond the secondary school level" shall be defined as:

Any academic program, regardless of duration, that offers any designation, appellation, series of letters or words or other symbol known as or labeled as an associate degree, a bachelor's degree, a master's degree, a doctor's degree, a professional degree or a certificate of advanced study; or

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

Any academic program of more than 12 months in duration, except for a program that is devoted entirely to religion or theology, or a program offered by any institution operating under the authority of the Private Business and Vocational Schools Act [105 ILCS 425].

"Degree program" means the standard required course of study, or its equivalent, leading to a degree.

"Home campus" is also known as "in-region". Both "home campus" and "in-region" are defined as the approval region within which an institution's original operating authority was granted.

"Illinois Proprietary Institution" means an institution described in Section 1030.10(a) and (b) that is not otherwise exempted in Section 1030.10(c) and meets the following criteria:

Private corporation, limited liability company, or other entity that is initially incorporated or organized in this State, if required by law; and

Maintains a place of business within the State; and

Holds a current certificate of good standing from the Secretary of State, if required by law to file with the State; and

Is investor-owned and/or organized for profit.

Illinois proprietary institutions do not include public institutions authorized under the domestic laws of this State, private not-for-profit institutions permitted to be exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code (26 USC 501(c)(3)), or religious institutions that have not applied for recognition of tax-exempt status but have filed as a not-for-profit entity with the Illinois Secretary of State.

"Institution Size" is determined by the total number of full-time equivalent (FTE) enrollments during the fall term as reported to the Integrated Postsecondary Education Data System, which is the U.S. Department of Education postsecondary data collection program.

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

"Letter of Intent" means the Notice of Intent form provided by the Board and completed by the institution that is seeking operating authority, as provided in Section 1030.30(b).

"New degree program" means one or more of the following:

A degree program offered at a different educational level from a degree program already approved at a given institution.

A degree program in a different six-digit CIP (Classification of Instructional Programs taxonomy developed by the National Center for Educational Statistics and used in the Integrated Postsecondary Education Data System) code from that already authorized.

A new professional or specialist degree or certificate.

"New geographic location" is also known as "out-of-region". Both "new geographic location" and "out-of-region" are those sites located outside of the region within which an institution's original operating authority was granted.

"Notice of Intent" means the form provided by the Board and completed by the institution that is seeking authority to award one or more degrees as provided in Section 1030.60(b).

"Out of State Institution" means an institution described in Section 1030.10(a) or (b) that is not otherwise exempted in Section 1030.10(c) and meets one of the following:

Public institution authorized under domestic laws other than the laws of this State; or

Private corporation, limited liability company, or other entity that is initially incorporated or organized under domestic laws other than the laws of this State, if required, and initially operated outside the State; or

Not-for-profit corporation, limited liability company, or other entity that maintains its primary place of business or home office outside this State.

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

"Region" refers to a geographical area within which an institution may operate a unit of instruction and is not limited to the site within the region where the institution initially applied. A region consists of one or more coterminous community college districts. The community college districts are also property taxing districts established as provided in 110 ILCS 805/Art. III. The ten regions, described by community college district and community college district numbers, are as follows (see also Illustration A):

"North Suburban Region (1)" consists of the Lake County (532), Oakton (535), and William R. Harper (512) community college districts;

"Fox Valley Region (2)" consists of the Elgin (509), Kishwaukee (523), McHenry (528), Rock Valley (511), and Waubensee (516) community college districts;

"West Suburban Region (3)" consists of the DuPage (502), Morton (527), and Triton (504) community college districts;

"Western Region (4)" consists of the Black Hawk (503), Carl Sandburg (518), Highland (519), John Wood (539), Sauk Valley (506), and Spoon River (534) community college districts;

"Central Region (5)" consists of the Heartland (540), Illinois Central District (514), Illinois Valley (513), and Lincoln Land (526) community college districts;

"South Metro Region (6)" consists of the Joliet (525), Kankakee (520), Moraine Valley (524), Prairie State (515), and South Suburban (510) community college districts;

"Prairie Region (7)" consists of the Danville (507), Lake Land (517), Parkland (505), and Richland (537) community college districts;

"Southwestern Region (8)" consists of the Illinois Eastern (529), Kaskaskia (501), Lewis and Clark (536), and Southwestern Illinois (522) community college districts;

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

"Southern Region (9)" consists of the John A. Logan (530), Rend Lake (521), Shawnee (531), and Southeastern (533) community college districts; and

"Chicago Region (10)" consists of the City Colleges of Chicago (508) community college district.

"Synchronous" means instruction in which the teacher and students are required to meet at the same time or the students are required to meet at the same time. In face to face instruction, this means that everyone is in the same room at the same time. In on-line instruction, synchronous instruction occurs through the use of technologies such as chat, two-way video conferencing or audio conferencing.

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 6099, effective April 9, 2009, for a maximum of 150 days)

Section 1030.90 Academic Application Processing Fees
EMERGENCY

- a) Fees
Fees are assessed in connection with applications for certificates of approval under the 1945 Act and applications for authorization to operate and authorization to grant degrees under the 1961 Act, including filing letters of intent and notices of intent and submitting change requests. These fees apply beginning on April 9, 2009.
- 1) Application Fees
- A) Certificate of approval or authorization to operate, \$5,000. Only one fee of \$5,000 shall be charged if both are sought in the same application. This is a one-time fee that does not apply to entities that have been previously approved or authorized by the Board.
- B) Letter of Intent or Notice of Intent, \$250. One fee shall be submitted with each filing.
- C) Authorization to grant degrees

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

i) The fee is based on the type of institution, institution size, and degree level as outlined in subsection (a)(2).

ii) This fee applies to each request for authorization to grant a new degree or an additional degree in a region.

D) Change request, \$250. The fee shall be charged for each request within a region. One submission with 10 requests shall be assessed for 10 change requests (\$2,500).

2) Schedule of Fees

A) Illinois Proprietary Institutions

	<u>Institution Size</u>		
	<u>< 200 Students</u>	<u>200-500 Students</u>	<u>> 500 Students</u>
<u>Certificate of Approval or Authorization to Operate</u>	<u>\$ 5,000</u>	<u>\$ 5,000</u>	<u>\$ 5,000</u>
<u>Associate Degree per Region</u>	<u>750</u>	<u>950</u>	<u>1,250</u>
<u>Bachelor Degree per Region</u>	<u>1,450</u>	<u>1,650</u>	<u>1,950</u>
<u>Masters Degree per Region</u>	<u>2,250</u>	<u>2,550</u>	<u>2,950</u>
<u>Doctoral/First Professional per Region</u>	<u>3,500</u>	<u>3,750</u>	<u>4,000</u>
<u>Letter or Notice of Intent</u>	<u>250</u>	<u>250</u>	<u>250</u>
<u>Change Request per Region</u>	<u>250</u>	<u>250</u>	<u>250</u>

B) Out-of-State Institutions

	<u>Institution Size</u>		
	<u>< 200 Students</u>	<u>200-500 Students</u>	<u>> 500 Students</u>
<u>Certificate of Approval or Authorization to Operate</u>	<u>\$ 5,000</u>	<u>\$ 5,000</u>	<u>\$ 5,000</u>

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

<u>Associate Degree per Region</u>	<u>1,750</u>	<u>1,950</u>	<u>2,250</u>
<u>Bachelor Degree per Region</u>	<u>2,450</u>	<u>2,650</u>	<u>2,950</u>
<u>Masters Degree per Region</u>	<u>3,250</u>	<u>3,550</u>	<u>3,950</u>
<u>Doctoral/First Professional per Region</u>	<u>4,500</u>	<u>4,750</u>	<u>5,000</u>
<u>Letter or Notice of Intent</u>	<u>250</u>	<u>250</u>	<u>250</u>
<u>Change Request per Region</u>	<u>250</u>	<u>250</u>	<u>250</u>

3) Fee changes will follow changes in the Employment Cost Index, published quarterly by the U.S. Bureau of Labor Statistics. The Board will conduct the first review of changes on October 31, 2011, with reviews in each odd-numbered year thereafter. Fee changes will not be effective until published on the Board's website at www.ibhe.org.

4) The fee schedule will be provided on the Board's website at www.ibhe.org, by email at info@ibhe.org, or by writing to:

Illinois Board of Higher Education
Academic Affairs Fee Schedule
431 East Adams, Second Floor
Springfield, Illinois 62701-1404

b) Remittance

1) Fees shall be submitted as check, certified check, cashier's check, or money order payable to the Illinois Board of Higher Education.

2) The Board shall return fees if, after further investigation, the Board determines that the institution's request does not require Board approval or authorization, minus a fee of \$250 for processing.

3) Fees shall be submitted to:

Illinois Board of Higher Education
Academic Affairs Fee Remittance
431 East Adams, Second Floor
Springfield, Illinois 62701-1404

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

c) Processing

- 1) Applications, notices, and change requests submitted to the Board with insufficient fees shall be considered incomplete. The Board will notify the institution of the amount due. No further action shall be taken by the Board until the full amount due is submitted.
- 2) The Board will not accept applications from institutions that have not provided the information necessary for the Board to process a previously submitted application.

(Source: Added by emergency rulemaking at 33 Ill. Reg. 6099, effective April 9, 2009, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: State of Illinois Medical Care Assistance Plan
- 2) Code Citation: 80 Ill. Adm. Code 2120
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
2120.30	Amendment
2120.520	Amendment
2120.525	Amendment
2120.540	Amendment
- 4) Statutory Authority: Authorized by 5 ILCS 375/5(vi)
- 5) Effective Date of Amendments: April 13, 2009
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking has no earlier effective date specified.
- 7) Date Filed with the Index Department: April 10, 2009
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Fringe Benefit Management Company, the vendor responsible for the administration of the State's Medical Care Assistance Plan, advised the Department of Central Management Services on March 17, 2009, of its intent to discontinue use of the EZ Reimburse[®] MasterCard[®] effective with the start of Fiscal Year 2010. These updates are necessary to ensure the continuation of the Medical Care Assistance Program into Fiscal Year 2010.
- 10) A Complete Description of the Subjects and Issues Involved: Language referencing an EZ Reimburse[®] MasterCard[®] has been removed and replaced with language referencing an electronic reimbursement card, consistent with the Internal Revenue Code; the definition of a "Qualifying Child" has been corrected to be consistent with the Internal Revenue Code; the schedule for reimbursements has been updated to provide for payment of claims that equal or exceed \$5; and, the policy regarding the issuance of statements has been updated to reflect the differentiation between members who elect a Card and members who do not elect a Card.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking will not create a State mandate for units of local government.
- 13) Information and questions regarding this emergency rulemaking shall be directed to:

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

217/785-1793

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE F: EMPLOYEE BENEFITS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2120

STATE OF ILLINOIS MEDICAL CARE ASSISTANCE PLAN

SUBPART A: INTRODUCTION AND DEFINITIONS

Section

- 2120.10 Summary and Purpose of Plan
- 2120.20 Plan Number
- 2120.30 Definitions

[EMERGENCY](#)

SUBPART B: ADMINISTRATION

Section

- 2120.110 Role of the Department/Plan Administrator
- 2120.120 Expenses of Administration

SUBPART C: PARTICIPATION

Section

- 2120.210 Date of Participation
- 2120.220 Insufficient Salary
- 2120.230 Errors

SUBPART D: ELECTION TO RECEIVE MEDICAL CARE ASSISTANCE

Section

- 2120.310 Election Procedure
- 2120.320 Irrevocability of Election
- 2120.330 Maximum Medical Care Assistance
- 2120.340 Minimum Medical Care Assistance

SUBPART E: MEDICAL CARE ASSISTANCE ACCOUNTS

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

2120.410	Establishment of Accounts
2120.420	Crediting of Accounts
2120.430	Debiting of Accounts
2120.440	Forfeiture of Accounts

SUBPART F: PAYMENT OF MEDICAL CARE ASSISTANCE ACCOUNTS

Section

2120.510	Claims for Reimbursement
2120.520	Reimbursement of Participant

EMERGENCY

2120.525	<u>Electronic Card Reimbursement Program</u> EZ Reimburse[®] MasterCard[®]
----------	---

EMERGENCY

2120.530	Exclusions
2120.540	Statements

EMERGENCY

SUBPART G: TERMINATION OF PARTICIPATION

Section

2120.610	Termination or Death of Participant
2120.620	Fraud

SUBPART H: MISCELLANEOUS

Section

2120.710	Non-discrimination
2120.720	Illegality of a Particular Provision
2120.730	Applicable Law
2120.740	Effect on Pension
2120.750	Effect on Social Security
2120.760	Benefits Solely From General Assets
2120.770	Nonassignability of Rights
2120.780	Tax Consequences
2120.790	Indemnification of State by Participants
2120.800	Right to Amend and Terminate Reserved

AUTHORITY: Implementing sections 105(h), 125, and 213(d) of the Internal Revenue Code (26 USC 105(h), 125, and 213(d)), Section 405-110 of the Civil Administrative Code of Illinois

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

[20 ILCS 405/405-110], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/3 and 9] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 11810, effective July 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 17296, effective October 17, 1988; amended at 14 Ill. Reg. 18998, effective November 14, 1990; amended at 16 Ill. Reg. 13811, effective August 28, 1992; amended at 19 Ill. Reg. 8595, effective June 14, 1995; amended at 21 Ill. Reg. 2955, effective February 21, 1997; amended at 30 Ill. Reg. 15119, effective September 6, 2006; emergency amendment at 33 Ill. Reg. 6110, effective April 13, 2009, for a maximum of 150 days.

SUBPART A: INTRODUCTION AND DEFINITIONS

Section 2120.30 Definitions**EMERGENCY**

- a) Wherever used in the Plan, the following terms have the following meanings and when the defined meaning is intended, the term is capitalized:

"Anticipated Payroll" means those payrolls in which the Participant is issued a paycheck during the pay period that the deduction is taken.

"Card" means the [stored value cardEZ Reimburse[®] MasterCard[®]](#) provided by the Plan Administrator [that deducts funds electronically from a Participant's medical care assistance account to pay for eligible expenses.](#)

"Change in Family Status" means marriage, divorce, death of spouse or dependent, birth or adoption of child, commencement or termination of employment of spouse, significant change in cost or benefits coverage of the Participant or spouse due to the spouse's employment, switch from full-time to part-time status of spouse, or from part-time to full-time, or unpaid leave of absence of Participant or spouse, or any other events that the Department determines constitute a change in family status.

"Code" means the Internal Revenue Code of 1954 (26 USC 1 et seq.) and applicable regulations, or any successor statute.

"Compensation" for purposes of this Plan is defined under Code section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

414. It means wages, salaries and other employee compensation received by a Participant as reported on the Participant's W-2 from this employer. For purposes of discrimination testing, it may include or exclude all amounts not currently includible in the Participant's gross income.

"Delayed Payroll" means those payrolls in which the Participant is issued a paycheck following the pay period that the deduction is taken.

"Department" means the Illinois Department of Central Management Services.

"Dependent" means a Participant's spouse, qualifying child or qualifying relative as defined in Internal Revenue Code sections 152 and 213(d)(5).

"Discriminatory Excess" is the excess of any "Highly Compensated Participant" over the highest permitted benefit.

"Eligible Employee" means any employee working full time or not less than half-time who is eligible to participate in the Health Plan authorized by the State Employees Group Insurance Act of 1971. It includes those employees who have lost eligibility to participate in the Health Plan because of a reduction in hours worked but chosen continuation coverage through payroll deduction as authorized by the Consolidated Omnibus Budget Reconciliation Act (COBRA) (P.L. 99-272) as long as there is no break in coverage or payroll deductions. It also includes those employees who retire, terminate employment or go on an unpaid leave of absence, but choose to continue to make contributions to their MCAP for the balance of the Plan Year. An eligible employee of the employer excludes independent contractors, temporary employees, and retirees who return to work for not longer than 75 days per year after they retire.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

administrative units and corporate outgrowths of the above as may be created by executive order of the Governor.

"Enrollment Form" means the form provided by the Department for the purpose of filing an election and compensation reduction agreement and for making changes authorized by the Plan.

"Grace Period" means the period following the close of the Plan Year in which the Participant can incur a medical care expense eligible for reimbursement from his or her medical care assistance account from the just completed Plan Year. The grace period goes from July 1 until September 15 of each calendar year.

"Health Plan" means health, dental and vision coverage offered by the Department to eligible persons.

"Highly Compensated Participant" means any Participant who was in either of the following categories at any time during the current Plan Year:

an employee of the State or its administrative units or corporate outgrowths who has annual total compensation greater than \$75,000 or any other amount established by the Internal Revenue Service; or

an employee of the State who receives compensation in excess of \$50,000 or any other amount established by the Internal Revenue Service and is in the top 20% of all State employee salaries.

"Medical Care Expense" means any expense incurred by a Participant or dependent of the Participant that was paid for as a medical service expense eligible under Internal Revenue Code section 213(d). Expenses that result in a double deduction for tax purposes are not eligible. For example:

Premiums for health insurance coverage carried by the eligible employee, spouse or dependent; and

Premiums for other health coverage carried by the Participant.

"Participant" means each eligible employee who participates in the Plan in

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

accordance with Section 2120.210 of this Part.

"Pay Period" means a regular accounting period established by the State of Illinois for measuring and paying compensation earned by employees. A pay period may be monthly, semi-monthly or biweekly.

"Plan" means the State of Illinois Medical Care Assistance Plan as set forth in this Part, and as may be amended from time to time in compliance with the Illinois Administrative Procedure Act [5 ILCS 100].

"Plan Administrator" means an organization, company or other entity designated by the Director to perform certain duties related to the administration of a specific plan in accordance with the terms of the contract between the organization and the Department.

"Plan Year" means the 12-consecutive-month period beginning July 1 comprising the State fiscal year.

"Qualifying Child" means an individual 18 years old or younger (~~2322~~ years old or younger if a full-time student) who has a specified family-type relationship to the Participant, lives in the Participant's household for more than half of the taxable year and has not provided more than one-half of his or her own support during the taxable year (and receives more than one-half of his or her support from the Participant during the taxable year if a full-time student ages 19 through ~~2322~~ at the end of the taxable year). There is no age requirement if the individual is physically and/or mentally incapable of self care.

"Qualifying Relative" means an individual who has a specified family-type relationship with the Participant, is not someone else's qualifying child and receives more than one-half of his or her support from the Participant during the taxable year or, if no specified family-type relationship to the Participant exists, is a member of and lives in the Participant's household (without violating local law) for the entire taxable year and receives more than one-half of his or her support from the Participant during the taxable year.

"Reimbursement" means to pay a Participant in this Plan for medical care expenses from his or her medical care assistance account.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

"Spouse" means the person to whom the Participant is married. Spouse does not include a person separated from the Participant under a decree of divorce.

"Termination" means the permanent severance of the Participant's employment relationship with the employer as provided by the appropriate rules of the employer.

"Unsubstantiated Expenses" are expenses for medical care paid for with the Card for which the Plan Administrator requires additional documentation to substantiate the expense.

- b) A pronoun or adjective in the masculine gender includes the feminine gender and the singular includes the plural, unless the context clearly indicates otherwise.

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 6110, effective April 13, 2009, for a maximum of 150 days)

SUBPART F: PAYMENT OF MEDICAL CARE ASSISTANCE ACCOUNTS

Section 2120.520 Reimbursement of Participant**EMERGENCY**

- a) The Plan Administrator shall reimburse the Participant from the Participant's medical care assistance account for medical care expenses incurred during the Plan Year through September 15 of the following Plan Year for which the Participant submits documentation in accordance with Sections 2120.510 and 2120.525.
- b) The reimbursement schedule will be established by the Plan Administrator in a manner that allows the Participant to receive reimbursement no less than once a month.
- c) The Plan Administrator will reimburse Participants who have filed claims in the prescribed manner:
- 1) at least once a month if the claim equals or exceeds \$~~520~~, and if there is eligibility for reimbursement remaining in the account; and

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 2) at least once the twelfth month (or the final month of participation) regardless of the amount.
- d) If a claim for reimbursement under this Section exceeds the balance of the Participant's medical care assistance account, the Participant will be paid the amount of the claim as long as the claim is no greater than the annual election amount less any reimbursements paid to date.
- e) Claims for expenses incurred between July 1 and September 15 will be paid, first, from any funds remaining from the previous Plan Year and, then, from funds available under the current Plan Year.

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 6110, effective April 13, 2009, for a maximum of 150 days)

**Section 2120.525 Electronic Card Reimbursement Program ~~EZ Reimburse[®] MasterCard[®]~~
EMERGENCY**

- a) A Participant may elect to pay medical care expenses through the use of an electronic reimbursement card ~~EZ Reimburse[®] MasterCard[®]~~ (Card) provided by the Plan Administrator. The Card deducts funds directly from the Participant's medical care assistance account and avoids any up-front, out-of-pocket expenses for the Participant.
- b) In order to be eligible for the Card, the Participant must agree to abide by the terms and conditions associated with the Card as established by the Plan Administrator and provided to the participant prior to enrollment, including the payment of a \$20 annual fee for the Card, limitations as to Card usage and the Plan Administrator's right to withhold and offset payment for unsubstantiated expenses. The Participant must further certify that the Card will be used only for eligible medical care expenses.
- c) Use of this Card is limited to payments for Medical Care Expenses to individuals who are health care providers.
- d) The maximum reimbursable amount under the Card is the full amount of the Participant's contribution to the medical care assistance account for the Plan Year, less any previously submitted reimbursements.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- e) The Participant must obtain a receipt or third party statement (i.e., explanation of benefits form or invoice) ~~from the health care provider~~ each time the Card is used. The receipt must be retained for 1 year following the end of the Plan Year in which the expense was incurred and must be available for presentation to the Plan Administrator upon request. At a minimum, the receipt must contain the following information:
- 1) the type of service provided (i.e., office visit; prescription; over-the-counter purchase);
 - 2) the date the medical care was provided (i.e., when the expense was incurred);
 - 3) the amount of the expense;
 - 4) the provider's or vendor's name; and
 - 5) the patient's name.
- f) If the Participant fails to provide the requested documentation to the Plan Administrator within the requested time frame, the expenses will be deemed unsubstantiated and the Participant will be required to repay the unsubstantiated expenses. Repayments may be made by either:
- 1) submitting payment to reimburse the Plan for the cost of the unsubstantiated expense. Payment must be in the form of a check payable to the State of Illinois, submitted to the Plan Administrator; or
 - 2) submitting other paper claims for the fiscal year with third-party receipts in amounts equal to, or greater than, the unsubstantiated expenses. These paper claims will automatically be substituted to offset the outstanding Card transactions.
- g) Failure to submit requested documentation or provide payment for unsubstantiated expenses will result in suspension of the Card and termination of future use of the Card. Participants may be subject to involuntary withholding for the unsubstantiated expenses or outstanding ~~Outstanding~~ transactions ~~may~~will be

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

reported to the IRS as income and the Participant's W-2 form ~~will be~~ adjusted accordingly.

- h) Participants may elect the Card at any time during the Plan Year. Cards are automatically suspended upon termination or cancellation of participation in the Plan.

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 6110, effective April 13, 2009, for a maximum of 150 days)

Section 2120.540 Statements**EMERGENCY**

- a) On or before January 31 of each year, the Department shall furnish to each Participant who was enrolled in the Plan during the prior calendar year a written statement showing the amount of contributions into his or her account during that year with respect to the Participant.
- b) The Plan Administrator shall ~~also~~ notify each Participant electing a Card in writing via a monthly statement of the unused balance in his or her account. Any unsubstantiated expenses will be clearly delineated on the monthly statement.
- c) The Plan Administrator shall notify each Participant not electing a Card in writing via a quarterly statement of the unused balance in his or her account.

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 6110, effective April 13, 2009, for a maximum of 150 days)

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 April 7, 2009 through April 13, 2009 and have been scheduled for review by the Committee at its May 19, 2009 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>
5/21/09	<u>Department of Healthcare and Family Services,</u> Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)	1/23/09 33 Ill. Reg. 1413	5/19/09
5/22/09	<u>Department of Healthcare and Family Services,</u> Medical Payment (89 Ill. Adm. Code 140)	8/22/08 32 Ill. Reg. 13761	5/19/09
5/23/09	<u>Illinois Emergency Management Agency,</u> Compensation of Local Governments for Emergency Planning and Participation in Nuclear Emergency Response Exercises (32 Ill. Adm. Code 501)	1/2/09 33 Ill. Reg. 1	5/19/09
5/23/09	<u>Pollution Control Board,</u> Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)	10/10/08 32 Ill. Reg. 16303	5/19/09

Executive Order 09-10**EXECUTIVE ORDER PROTECTING THE INTEGRITY OF
STATE BOARDS AND COMMISSIONS**

WHEREAS, Illinois has hundreds of Boards and Commissions which serve a variety of regulatory, licensing, public safety, education, and finance purposes, and which are comprised of members who serve with and without compensation; and

WHEREAS, the Governor and State Officers under his direction have the authority to appoint members to these various Boards, Commissions, Councils, and other similar bodies (collectively "Boards and Commissions"); and

WHEREAS, an appointment process for Boards and Commissions that is accessible, transparent, and accountable increases the opportunity for any qualified individual, regardless of social status, economic standing, or relationship, to apply for membership on a Board or Commission; and

WHEREAS, this Administration is committed to enhancing the opportunities for citizens to serve on Boards and Commissions by increasing the amount of available information regarding vacancies, and streamlining and standardizing the application process; and

WHEREAS, it is critically important that members of Boards and Commissions discharge their duties in a manner that best serves the health, safety, and welfare of the people of Illinois, and that they do so in a manner unencumbered by any conflict of interest or appearance of any conflict of interest; and

WHEREAS, this Administration is committed to ensuring the integrity of the decision-making processes of Boards and Commissions by enhancing the transparency of Board and Commission proceedings, and creating revolving-door prohibitions on former members of Boards and Commissions once they conclude their service;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, hereby order the following:

I. Requirements Applicable to All Board and Commission Appointments

- A. The Office of Executive Appointments within the Office of the Governor shall create and maintain a centralized online repository for the posting of information relating to Boards and Commissions, including Board and Commission members, their terms, expired terms, and current vacancies. In addition, the repository shall describe the duties and responsibilities of membership on Boards and Commissions, and shall provide instructions on how to apply for such membership.

Executive Order 09-10**EXECUTIVE ORDER PROTECTING THE INTEGRITY OF
STATE BOARDS AND COMMISSIONS**

- B. The Office of Executive Appointments shall ensure that applications for all Board and Commission appointments by the Governor are uniform and available online to any individual interested in applying for a vacancy on a Board or Commission.

II. Requirements Applicable to Certain Board and Commission Appointments

- A. This Section II shall apply to individuals seeking appointment or reappointment by the Governor to any Board or Commission comprised of members whose appointment or reappointment to office is subject to confirmation by the Illinois Senate and who:
- 1) Are regularly compensated for their services; or
 - 2) Have authority under State law to regulate the business or activities of individuals, private entities or public bodies¹; or
 - 3) Have authority under State law to issue or approve professional licenses; or
 - 4) Have authority under State law to conduct any arbitration, adjudication, or administrative or quasi-judicial proceeding, or to review the decisions of such proceedings; or
 - 5) Have authority under State law to award grants.
- B. This Section II shall also apply to individuals seeking appointment or reappointment by the Governor to Boards or Commissions that have responsibility over State retirement funds, including, but not limited to, the State Employees' Retirement System of Illinois, the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, the Illinois State Board of Investments, the Governing Boards of State Universities, and the Board of Higher Education.
- C. Following the effective date of this Executive Order, any individual seeking gubernatorial appointment or reappointment to a Board or Commission subject to this Section II shall agree in writing and in a form prescribed by the Office of Executive Appointments that he or she will not, for a period of one year after termination of his or her service on the Board or Commission, accept employment with, or perform any compensated services for, a person or entity (or any of its affiliates) as to which the individual participated,

¹ This provision does not apply to Boards or Commissions that serve as purely advisory bodies and that, as such, have no authority to issue binding decisions with respect to any third-parties.

Executive Order 09-10**EXECUTIVE ORDER PROTECTING THE INTEGRITY OF
STATE BOARDS AND COMMISSIONS**

during a period of one year prior to his or her termination, in a Board or Commission (i) award of a contract over \$25,000; or (ii) regulatory, adjudicatory, quasi-adjudicatory, investment, or licensing decision. The requirements of this section may be waived by the Executive Ethics Commission. The waiver may be granted upon a showing that the prospective employment or relationship did not affect the decisions referred to in this section.

- D. Following the effective date of this Executive Order, any individual seeking gubernatorial appointment or reappointment to a Board or Commission subject to this Section II shall agree in writing and in a form prescribed by the Office of Executive Appointments that he or she will not lobby or represent any person or entity (or any of its affiliates) before that Board or Commission for a period of one year after termination of service thereon.
- E. Following the effective date of this Executive Order, any individual seeking gubernatorial appointment or reappointment to a Board or Commission subject to this Section II shall submit to the Illinois Secretary of State's Office a fully executed Statement of Economic Interest and a Disclosure of Appointee Interest in State Contracts form. Such forms completed by members of Boards and Commission are public records subject to disclosure under the Freedom of Information Act.

III. Transparency in Board and Commission Proceedings

- A. Any Board or Commission that, on or after the effective date of this Executive Order, maintains a website and a full-time information technology staff shall make any available audio or video recordings of each regular or special open meeting available on its website for public viewing for a period of at least two years after the date of such meeting.
- B. Any Board or Commission that, on or after the effective date of this Executive Order, maintains a website shall make any available minutes of each regular or special open meeting available on its website for a period of at least two years after the date of such meeting.
- C. Any Board or Commission that, on or after the effective date of this Executive Order, maintains a website shall regularly update its webpage to include upcoming meeting dates and agendas.

IV. Savings Clause

Executive Order 09-10

**EXECUTIVE ORDER PROTECTING THE INTEGRITY OF
STATE BOARDS AND COMMISSIONS**

Nothing in this Executive Order shall be construed to contravene any state or federal law.

V. Severability

If any provision of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

VI. Effective Date

This Executive Order shall become effective April 9, 2009.

PAT QUINN
Governor

Issued by Governor: April 9, 2009
Filed with Secretary of State: April 9, 2009

PROCLAMATIONS

2009-126**Dandy-Walker and Hydrocephalus Awareness Month**

- WHEREAS, Dandy-Walker Syndrome is a congenital brain malformation involving the cerebellum and the fluid filled space around it. Dandy-Walker is the most common congenital malformation of the cerebellum, yet its causes remain largely unknown; and
- WHEREAS, between 10,000 and 40,000 people are affected by Dandy-Walker Syndrome in the United States; and
- WHEREAS, the incidence of Dandy-Walker Syndrome is at least 1 case per every 25,000 to 35,000 live births, however this is likely an underestimate because of difficulties diagnosing the syndrome, and it may in fact affect as many as 1 in 5,000 live-born infants; and
- WHEREAS, patients with Dandy-Walker Syndrome present with developmental delay, enlarged head circumference, or signs and symptoms of hydrocephalus; and
- WHEREAS, hydrocephalus is a condition, also characterized by fluid retention of the brain that has no cure and is treated surgically - often requiring repeated brain surgeries. Left untreated, it can prove to be fatal, but even with treatment, hydrocephalus can result in cognitive and physical delays as well as other medical issues such as headaches and seizures; and
- WHEREAS, estimates of the incidence rate of hydrocephalus vary as well, but some estimate that it may affect as many as 1 in every 500 children; and
- WHEREAS, the Dandy-Walker Alliance, which maintains a chapter in Illinois, is the only national organization dedicated to supporting education, informational activities, and non-partisan research that increases public awareness of the congenital birth defect Dandy-Walker Syndrome; and
- WHEREAS, during the month of May, the Dandy-Walker Alliance and its supporters and friends will sponsor events across the country designed to increase public awareness of the syndrome:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2009 as **DANDY-WALKER AND HYDROCEPHALUS AWARENESS MONTH** in Illinois, and urge all citizens to learn about Dandy-Walker syndrome and hydrocephalus and to recognize the achievements of all Americans with disabilities.

PROCLAMATIONS

Issued by the Governor April 2, 2009

Filed by the Secretary of State April 10, 2009

2009-127

Lyme Disease Awareness Month

WHEREAS, ticks carrying the bacteria *Borrelia burgdorferi* that causes Lyme Borreliosis, commonly known as Lyme Disease, continue to spread across Illinois; and

WHEREAS, the number of reported cases of Lyme Disease among residents of Illinois has steadily increased, yet the Centers for Disease Control estimates that on average there are 10 missed cases for every case reported; and

WHEREAS, Lyme Disease is difficult to diagnose because it imitates other conditions and no reliable laboratory test can prove who is infected or bacteria-free, which often leads to misdiagnosis; and

WHEREAS, early indicators of infection include flu-like symptoms characterized by chills, headache, fatigue, muscle and joint aches and swollen lymph nodes; and

WHEREAS, weeks or months later, patients with untreated or under-treated Lyme Disease can suffer from serious, permanent and sometimes life-threatening damage to the brain, joints, heart, eyes, liver, spleen, blood vessels and kidneys. For this reason it is imperative that all who develop this disease receive immediate treatment; and

WHEREAS, the best solution to the threat of Lyme Disease is to educate people about the seriousness of the illness and the need to practice personal prevention techniques when engaging in outdoor activities, such as frequent tick checks, use of tick repellents and proper tick removal; and

WHEREAS, in an effort to raise awareness about Lyme Disease, Illinois is honored to take part in the annual observance of Lyme Disease Awareness Month this May:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2009 as **LYME DISEASE AWARENESS MONTH** in Illinois, to draw attention to this disease and the importance of early detection and treatment.

Issued by the Governor April 9, 2009

Filed by the Secretary of State April 10, 2009

PROCLAMATIONS

2009-128**Illinois Equal Pay Day**

WHEREAS, more than 40 years after the passage of the Equal Pay Act and Title VII of the Civil Rights Act, women and minorities continue to suffer the consequences of inequitable pay differentials; and

WHEREAS, according to statistics released by the U.S. Bureau of Labor Statistics, in 2007, Illinois women earned 78 percent for every dollar earned by Illinois men based on median weekly earnings of full-time and salary workers, indicating little change or progress in pay equity; and

WHEREAS, over a 40-year period, the gender wage gap costs a full-time female worker \$434,000 in lost wages, impacting Social Security benefits and pensions; and

WHEREAS, on January 29, 2009, President Barack Obama signed his first bill into law known as the Lilly Ledbetter Fair Pay Act, which fights pay discrimination and fosters equal pay; and

WHEREAS, equal pay for equal work strengthens the security of families today and eases future retirement costs, while enhancing Illinois' economy; and

WHEREAS, in 2003, the Illinois Equal Pay Act became law, which prohibits employers in this state with four or more employees from paying unequal wages to men and women for doing the same or substantially similar work. This new law allowed an additional 333,000 Illinois workers to enjoy protections from gender-based discrimination in pay; and

WHEREAS, Tuesday, April 28 symbolizes the time in the new year in which wages paid to American women catch up to wages paid to men from the previous year:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 28, 2009 as **ILLINOIS EQUAL PAY DAY**, in recognition of the value of women's skills and contributions to the labor force, and I call on all employers to provide equal pay for equal work, both as a matter of fairness and as a matter of good business.

Issued by the Governor April 9, 2009

Filed by the Secretary of State April 10, 2009.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 33, Issue 17 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

89 - 240	.....	5948
23 - 1030	.....	5986
80 - 2120	.....	5988
89 - 307	.....	5990
89 - 120	.....	5994
89 - 121	.....	6009
11 - 436	.....	6021
11 - 450	.....	6025
11 - 510	.....	6031
11 - 1313	.....	6035
11 - 1318	.....	6040

ADOPTED RULES

2 - 700	4/7/2009	6044
41 - 170	4/24/2009	6069

EMERGENCY RULES

23 - 1030	4/9/2009	6099
80 - 2120	4/13/2009	6110

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

09 - 10	4/9/2009	6123
09 - 126	4/2/2009	6127
09 - 127	4/9/2009	6128
09 - 128	4/9/2009	6129

ORDER FORM

<input type="checkbox"/> Subscription to the Illinois Register (52 Issues) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (Current Year Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2003 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 1990 - 2005 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER \$ _____	

Check Make Checks Payable To: **Secretary of State**

VISA Master Card Discover (There is a \$2.00 processing fee for credit card purchases.)

Card #: _____ Expiration Date: _____

Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 524-0308

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com