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REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

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

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or preemptory 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

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
23	May 26, 2009	June 5, 2009
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
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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

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 13, 2009 to January 4th, 2010 by 4:30 pm, as January 1st is a holiday and the office will be closed.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
121.60	Amendment
121.61	Amendment
121.63	Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Sections 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 rulemaking increases the Maximum Gross and Net Monthly Income Standards, the Excess Shelter Deduction and the Standard Deduction for most Supplemental Nutrition Assistance Program (SNAP) households. But for households with 1-3 members, the amount of the Standard Deduction, which is indexed to inflation, decreased from \$144 to \$141 monthly. As a result, these households may experience a small reduction in benefits. These changes are the result of the annual review of SNAP standards required by Food and Nutrition Service regulations.
- 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? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
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
121.125	Amendment	33 Ill. Reg. 4537; March 27, 2009
121.26	Amendment	33 Ill. Reg. 4537; April 24, 2009

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NOTICE OF PROPOSED AMENDMENTS

121.3	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.7	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.8	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.41	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.55	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.57	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.60	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.61	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.73	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.74	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.76	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.130	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.140	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.57	Amendment	33 Ill. Reg. 5248; April 10, 2009
121.58	Amendment	33 Ill. Reg. 5248; April 10, 2009
121.136	New Section	33 Ill. Reg. 7283; June 5, 2009
121.8	Amendment	33 Ill. Reg. 11198; July 31, 2009
121.30	Amendment	33 Ill. Reg. 11772; August 14, 2009
121.52	Amendment	33 Ill. Reg. 11772; August 14, 2009
121.55	Amendment	33 Ill. Reg. 11772; August 14, 2009
121.140	Amendment	33 Ill. Reg. 11772; August 14, 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 these rules 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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: July 2009

The full text of the Proposed Amendments is identical to that of the Emergency for this rulemaking, and begins in this issue of the *Illinois Register* on page 14627:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Licensure of Retail Electric Agents, Brokers and Consultants
- 2) Code Citation: 83 Ill. Adm. Code 454
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
454.10	New Section
454.20	New Section
454.30	New Section
454.40	New Section
454.50	New Section
454.60	New Section
454.70	New Section
454.80	New Section
454.90	New Section
454.100	New Section
454.110	New Section
454.120	New Section
454.130	New Section
454.140	New Section
- 4) Statutory Authority: Implementing Section 16-115C of the Public Utilities Act [220 ILCS 5/16-115C] and authorized by Sections 16-115C and 10-101 of the Public Utilities Act [220 ILCS 5/16-115C and 10-101]
- 5) Effective Date of Rulemaking: November 1, 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 rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 16291; October 10, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

ILLINOIS COMMERCE COMMISSION

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Section 454.20: Replace original definition of "Attempts to procure" with

"Attempts to procure" means a third-party individual or entity which takes a substantial step to procure electric power and energy, such as but not limited to preparing solicitations, notifying potential bidders of the solicitation, or determining the results of a solicitation; except, it shall not include an individual or entity providing professional services incidental to the procurement of retail service, such as but not limited to legal, accounting or engineering services.

Section 454.20: Add the following definition:

"Attempts to sell" means a third-party individual or entity which takes a substantial step to sell electric power and energy to end user customers, such as but not limited to soliciting customers, making offers or preparing contracts; except, it shall not include an individual or entity providing professional services incidental to the sale of retail service, such as but not limited to legal, accounting or engineering services.

Section 454.20: In the definition for "procure", replace "an ARES" with "a RES".

Section 454.40(a): After "90 days" add "(or 180 days if extended by the assigned Administrative Law Judge)".

Additionally, Sections 454.30(a), (b)(1) and (2); 454.40(d)(1)-(3); and 454.130 were replaced.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Section 16-115C of the Public Utilities Act was added to the Act by PA 95-679. Section 16-115C establishes the regulation of agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties. It requires the Commission to create licensing requirements for those persons subject to that Section. The Part establishes the managerial, financial, and

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technical requirements for licensing, along with a code of conduct and reporting requirements.

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

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

217/785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 454

LICENSURE OF RETAIL ELECTRIC AGENTS, BROKERS AND CONSULTANTS

Section	
454.10	Purpose
454.20	Definitions
454.30	Applicability
454.40	Required Application Filings and Procedures
454.50	General Licensing Requirements
454.60	Managerial Licensing Requirements
454.70	Technical Licensing Requirements
454.80	Financial Licensing Requirements
454.90	Code of Conduct
454.100	Customer Records and Information
454.110	Reporting Requirements
454.120	Erroneous or Defective Reports
454.130	Complaint Procedures
454.140	Commission Oversight

AUTHORITY: Implementing Section 16-115C of the Public Utilities Act [220 ILCS 5/16-115C] and authorized by Sections 16-115C and 10-101 of the Public Utilities Act [220 ILCS 5/16-115C and 10-101].

SOURCE: Adopted at 33 Ill. Reg. 14466, effective November 1, 2009.

Section 454.10 Purpose

The purpose of this Part is to adopt licensing and code of conduct requirements pursuant to Section 16-115C of the Public Utilities Act.

Section 454.20 Definitions

"ABC" means *agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties* and has the same meaning as

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defined in Section 16-115C(b) of the Public Utilities Act [220 ILCS 5/16-115C(b)].

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

"Aggregate billing demand" means the total of the highest monthly billed demand of each of the retail customer's affiliated electric accounts during the past calendar year.

"Alternative retail electric supplier" or "ARES" has the same meaning as in Section 16-102 of the Act [220 ILCS 5/16-102].

"Applicant" means a person or entity that seeks a license from the Illinois Commerce Commission pursuant to the Section 16-115C of the Act.

"Attempts to procure" means a third-party individual or entity that takes a substantial step to Procure electric power and energy, such as but not limited to preparing solicitations, notifying potential bidders of the solicitation, or determining the results of a solicitation; except, it shall not include an individual or entity providing professional services incidental to the procurement of retail service, such as but not limited to legal, accounting or engineering services.

"Attempts to sell" means a third-party individual or entity that takes a substantial step to sell electric power and energy to end user customers, such as but not limited to soliciting customers, making offers or preparing contracts; except, it shall not include an individual or entity providing professional services incidental to the sale of retail service, such as but not limited to legal, accounting or engineering services.

"Commission" means the Illinois Commerce Commission.

"Licensee" means an applicant that has applied for and received a license under this Part.

"License bond" or "permit bond" means an obligation of a surety to pay the monies that the licensee owes the State of Illinois for violations of the duties and obligations imposed on it as an ABC.

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"Procure" means purchasing or entering into a contract to purchase the services of a RES on behalf of a retail electric customer.

"Qualifying surety" means a surety or insurer that is authorized by the U.S. Department of the Treasury pursuant to 31 USC 9305. A qualifying surety or insurer may not underwrite more than the amount specified by the U.S. Department of Treasury on a single bond. (Department of the Treasury's Listing of Approved Sureties (Department Circular 570; <http://www.fms.treas.gov/c570/c570.html>))

"Retail customer", as used in this Part, has the same definition as in Section 16-102 of the Act.

"Retail Electric Supplier" or "RES" means an ARES or an electric utility providing electric power and energy to retail customers outside the utility's service area pursuant to Section 16-116 of the Act.

Section 454.30 Applicability

- a) The requirements of this Section shall apply to each ABC that:
 - 1) sells or attempts to sell electric power and energy on behalf of a RES; and/or
 - 2) procures or attempts to procure electric power and energy on behalf of a retail customer.
- b) The requirements of this Section shall not apply to the following:
 - 1) Any RES offering retail electric service on its own behalf;
 - 2) Any person or entity acting exclusively on behalf of a single RES on condition that exclusivity is disclosed to the customer;
 - 3) Any person or entity representing a municipal power agency, as defined in Section 11-119.1-3 of the Illinois Municipal Code [65 ILCS 5/11-119.1-3];

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- 4) Any person or entity that attempts to procure retail electric service on behalf of, or sell retail electric service to, a third party that has an aggregate billing demand of all of its affiliated electric service accounts in Illinois of greater than 1,500 kW;
- 5) A retail customer that operates or manages, either directly or indirectly, any facilities, equipment or property used or contemplated to be used to distribute electric power or energy if that retail customer is a political subdivision or public institution of higher education of this State; or
- 6) Any corporation, company, limited liability company, association, joint-stock company or association, firm, partnership or individual, or their lessees, trusts or receivers appointed by any court whatsoever that are owned or controlled by the political subdivision, or public institution of higher education, or are operated by any of its lessees or operating agents.

Section 454.40 Required Application Filings and Procedures

- a) The Commission shall issue an order granting or denying an application filed under this Section within 90 days (or 180 days if extended by the assigned Administrative Law Judge) after the date on which a complete application has been filed. The assigned Administrative Law Judge may extend the time for considering an application filed under this Section by up to 90 days and can schedule a hearing on the application if:
 - 1) A party to the application proceeding has formally requested that the commission hold hearings in a pleading that contains a verified prima facie showing that one or more of the allegations or certifications in the application is false or misleading; or
 - 2) Other facts or circumstances exist that will necessitate additional time or evidence in order to determine whether a license should be issued.
- b) All applications for licensing under this Part shall be verified as required by Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130).
- c) The applicant shall provide the following:

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- 1) Description of the applicant's business;
 - 2) A certification that the applicant is licensed to do business in the State of Illinois and is in compliance with all other applicable laws, regulations and Commission rules and orders; and
 - 3) The name, address, telephone number, any facsimile number and any e-mail address of the agent registered with the Illinois Secretary of State. This information shall be kept current and any change regarding the licensee shall be reported within 15 days after the change occurs. The required information shall be filed with the Chief Clerk of the Commission at its Springfield office.
- d) Itemized Filing Requirements; the application for licensing under this Part shall include:
- 1) a statement in support of application, supporting documents, and schedules containing information showing that the applicant meets the requirements of Section 16-115C of the Act;
 - 2) a certification that the applicant will comply with all terms and conditions required by Section 16-115C of the Act; and
 - 3) a certification that any person who acts on behalf of the entity will comply with all Sections of this Part applicable to the function or functions to be performed.
- e) Contents of documents shall be consistent with Subpart B of the Commission's Rules of Practice (83 Ill. Adm. Code 200)

Section 454.50 General Licensing Requirements

An ABC shall remain in compliance with the provisions of the Act and this Part.

Section 454.60 Managerial Licensing Requirements

- a) An applicant shall be deemed to possess sufficient managerial capabilities to provide agency, brokering or consulting services if the applicant can demonstrate

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that it has had at least one year of management experience with a business enterprise.

- b) The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to satisfy the requirements of this Section.
- c) The applicant shall include in its application an exhibit containing a corporate organizational chart and indicating the position of persons indicated in subsection (a) of this Section.

Section 454.70 Technical Licensing Requirements

- a) An applicant shall be deemed to possess sufficient technical capabilities to provide agency, brokering or consulting services if the applicant can demonstrate that it has had experience in the electric industry of at least one year.
- b) The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to satisfy the requirements of this Section.

Section 454.80 Financial Licensing Requirements

- a) The applicant shall execute and maintain a license or permit bond issued by a qualifying surety or insurance company authorized to transact business in the State of Illinois in favor of the People of the State of Illinois. The amount of the bond shall equal \$5,000. The bond shall be conditioned upon the full and faithful performance of all duties and obligations of the applicant as an ABC and shall be valid for a period of not less than one year. The cost of the bond shall be paid by the applicant. The applicant shall file this bond as part of its application for certification.
- b) In the event that a license or permit bond is cancelled, expires or is drawn upon, the ABC shall execute and maintain an additional or replacement bond such that the cumulative value of all outstanding bonds never falls below the amount required in subsection (a) of this Section. The ABC shall file a copy of the additional or replacement bond with the Chief Clerk of the Commission and provide a copy to the Manager of the Financial Analysis Division or his or her successor at least 15 days in advance of the effective date of the bond. The filing

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shall include a cover letter that explains the purpose of the filing and shall be identified by the name of the ABC as it appears in the most recent Commission order granting the ABC certification.

- c) In the event that a license or permit bond is modified, the ABC shall file a copy of the modified bond with the Chief Clerk of the Commission and provide a copy of that bond to the Manager of the Financial Analysis Division or his or her successor at least 15 days in advance of the effective date of the modification. The filing shall include a cover letter that explains the purpose of the filing and shall be identified by the name of the ABC as it appears in the most recent Commission order granting the ABC certification.

Section 454.90 Code of Conduct

Any person or entity required to be licensed pursuant to this Part shall:

- a) Disclose in plain language in writing the nature of the services offered by the ABC;
- b) Disclose in plain language in writing to all persons it solicits the total anticipated remuneration to be paid to it by any third party over the period of the proposed underlying customer contract. Any such disclosure must be made prior to entering into the contract and signed by the customer;
- c) Not hold itself out as independent or unaffiliated with any RES, or both, or use words calculated to give that impression, unless the person or entity offering service under Section 16-115C of the Act has no contractual relationship with any RES or its affiliates regarding retail electric service in Illinois;
- d) Not utilize false, misleading, materially inaccurate, defamatory or otherwise deceptive language or materials in the soliciting or providing of its services;
- e) Maintain copies of all marketing materials disseminated to third parties for a period of not less than three years;
- f) Maintain copies of all disclosure statements required in subsections (a) and (b) for a period of not less than three years;

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- g) Not present electricity pricing information in a manner that favors one supplier over another, unless a valid pricing comparison is made utilizing all relevant costs and terms; and
- h) Comply with the requirements of Sections 2EE, 2FF, 2GG and 2HH of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE, 2FF, 2GG and 2HH].

Section 454.100 Customer Records and Information

- a) The licensee shall ensure that authorizations received from customers, and all other applicable records, are retained for a period of not less than three calendar years after the calendar year in which they were created.
- b) The licensee shall preserve the confidentiality of its customers' data.

Section 454.110 Reporting Requirements

- a) By March 31 of each year, each licensee shall submit a report identified with the name of the ABC as it appears in the most recent Commission order granting the ABC a license and shall be titled "ABC Annual (year) Recertification Report under 83 Ill. Adm. Code 454". All reports required under this Section shall be under oath and shall be filed with the Chief Clerk of the Commission with copies to the Director of the Commission's Energy Division, the Director of the Financial Analysis Division, and the Director of the Consumer Services Division.
- b) The annual report required by subsection (a) of this Section shall list each RES the licensee had any contractual relationship with during the prior calendar year, and shall contain the following information:
 - 1) The type of contractual relationship (such as subcontractor, affiliate, commission compensated);
 - 2) The number of non-residential customers to which the licensee sold retail electric supply on behalf of each RES;
 - 3) The number of residential customers to whom the licensee sold retail electric supply on behalf of each RES;

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- 4) The number of non-residential customers for which the licensee procured retail electric service on behalf of the customer; and
 - 5) The number of residential customers on whose behalf the licensee procured retail electric service.
- c) The verified report under this Section shall not contain customer identifying information.
 - d) The licensee shall file with its annual verified report a copy of its verified financial statement for the previous fiscal period.
 - e) The licensee shall file with its annual verified report a verified statement of any changes to the original licensure qualifications and notice of continuing compliance with all requirements.

Section 454.120 Erroneous or Defective Reports

When any report is erroneous or defective or appears to the Commission to be erroneous or defective, the Commission shall notify the ABC to amend the report within 30 days and correct deficiencies or errors.

Section 454.130 Complaint Procedures

Complaints shall be filed in conformance with 83 Ill. Adm. Code 200.160, 200.170 and 280.170. The complaint shall comply with the Commission's Rules of Practice (83 Ill. Adm. Code 200).

Section 454.140 Commission Oversight

- a) Upon complaint or on the Commission's own motion, the Commission may conduct an investigation of a licensee's actions under any Section of this Part. The Commission's findings of a violation of this Section after notice and hearing shall result in a progressive disciplinary scale as specified in Section 16-115C(g) of the Act.
- b) *For a first violation, the Commission shall suspend the license of the licensee so disciplined for a period of no less than one month. For a second violation within a 5-year period, the Commission shall suspend the license of the disciplined licensee for a period of not less than 6 months. For a third or subsequent*

ILLINOIS COMMERCE COMMISSION

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violation within a 5-year period, the Commission shall suspend the license of the disciplined licensee for a period of not less than 2 years. [220 ILCS 5/16-115C(g)]

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Regulations for Radon Service Providers
- 2) Code Citation: 32 Ill. Adm. Code 422
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
422.20	Amendment
422.30	Amendment
422.45	Amendment
422.50	Amendment
422.60	Amendment
422.70	Amendment
422.75	New Section
422.80	Amendment
422.85	Amendment
422.90	Amendment
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422.120	Amendment
422.130	Amendment
422.140	Amendment
422.150	Amendment
422.APPENDIX A	Amendment
422.APPENDIX B	Amendment
422.APPENDIX C	Amendment
422.APPENDIX E	New Section
- 4) Statutory Authority: Implementing and authorized by Section 20 of the Radon Industry Licensing Act [420 ILCS 44/20]
- 5) Effective Date of Amendments: October 9, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 9) Notice of Proposal Published in the Illinois Register: 33 Ill. Reg. 6786; May 22, 2009
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version: Made numerous non-substantive format and style 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 these amendments replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Agency is proposing this amendment to change the title of the Part to more accurately describe the contents and applicability of the Part; two definitions are changed to match revisions that occurred in the Radon Industry Licensing Act (RILA); ten new definitions are added; and clarification is made for the following: records must be maintained (for audit) after license expiration or termination for a specified time, licensed activities must cease at license expiration, and the licensee will be required to return a valid license to the Agency if the licensee ceased to perform such activities. Obsolete provisions of the rule (including allowance of temporary installation) and obsolete technology devices that are no longer used are deleted. Criteria for continuing education course approval are revised and a license termination process is added; provisions for disciplinary action regarding material false statement, failure to maintain records, and failure to provide access for audit are added; and a Licensed Radon Professional is required to be on-site to provide supervision of all radon activities at schools and commercial buildings. The rulemaking also added licensing provisions for measurement of multi-family buildings and indicates that mitigation licensing for homes will include multi-family buildings; added a provision for laboratories to submit measurement reports; deleted a requirement for licensees to maintain copies of USEPA publications; clarified that connections and joints for metal downspouts used as vent pipes shall be permanently sealed; and imposed a fee increase aimed at recouping the current cost of the radon program.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Louise Michels
Staff Attorney

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

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

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 422

~~REGULATIONS FOR RADON SERVICE PROVIDERS LICENSING OF RADON
DETECTION AND MITIGATION SERVICES~~

Section

422.10	Purpose and Scope
422.15	Incorporations by Reference
422.20	Definitions
422.30	Exemptions from Requirements for a License
422.40	Categories of Licenses
422.45	Form, Location and Retention of Records
422.50	Application for Licenses
422.60	Requirements for Issuance or Renewal of Licenses
422.70	Conditions of Licenses
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422.80	Continuing Education Requirements
422.85	Agency Approval of Radon Courses
422.90	Renewal and Termination of Licenses
422.100	Fees
422.110	Reports to the Agency
422.120	Disciplinary Action by the Agency
422.130	Measurement Protocol
422.140	Device Protocol
422.150	Mitigation Standard
422.APPENDIX A	Recommended Testing Strategy for Home Environment Measurements (Buildings Not Involved in a Real Estate Transaction)
422.APPENDIX B	Recommended Testing Strategy for Measurements in Buildings Involved in Real Estate Transactions
422.APPENDIX C	Radon and Radon Decay Product Measurement Method Categories
422.APPENDIX D	Sample Notice
422.APPENDIX E	Diagram of Room Worksheet for Radon Measurements

AUTHORITY: Implementing and authorized by Section 20 of the Radon Industry Licensing Act [420 ILCS 44/20].

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SOURCE: Emergency rule adopted at 21 Ill. Reg. 1568, effective January 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 10499, effective June 1, 1998; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 3212, effective February 22, 2005; amended at 33 Ill. Reg. 14479, effective October 9, 2009.

Section 422.20 Definitions

As used in this Part:

"Act" means the Radon Industry Licensing Act [420 ILCS 44].

"Active Soil Depressurization" or "ASD" means a family of radon mitigation systems involving mechanically driven soil depressurization, including sub-slab depressurization (SSD), drain tile depressurization (DTD), block wall depressurization (BWD), and sub-membrane depressurization (SMD).

"Agency" means the Illinois Emergency Management Agency (IEMA).

"Altering" means to change or modify a building or building design, or to revise, rather than repair, a mitigation system or mitigation system design.

"As Low As Is Reasonably Achievable" or "ALARA" means making every reasonable effort to maintain exposures to radiation as far below the dose limits in 32 Ill. Adm. Code: Chapter II, Subchapters b and d as is practical consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

"Backdrafting" means a condition where the normal movement of combustion products up a flue, resulting from the buoyant forces on the hot gases, is reversed, so that the combustion products can enter the house. Backdrafting of combustion appliances (such as fireplaces and furnaces) can occur when depressurization in the house overwhelms the buoyant force on the hot gases. Backdrafting can also be caused by high air pressures or blockage at the chimney or flue termination.

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"Backer Rod" means a semi-rigid foam material resembling a rope of various diameters used to fill around pipes, etc., and to assist in making a sealed penetration. For example, where a pipe is inserted through a concrete slab, a length of backer rod is jammed into the opening around the pipe. Caulking is then applied to the space above the backer rod and between the outside of the pipe and the slab opening. The purpose of the backer rod is to hold the semi-fluid caulk in place until it sets or hardens. It is most important that a sealant only adhere to the 2 sides of the joint and not the base of the joint (third side). Adhesion to all 3 sides will prevent the sealant from elongating properly and will cause sealant failure.

"Block Wall Depressurization" means a radon mitigation technique that depressurizes the void network within a block wall foundation by drawing air from inside the wall and venting it to the outside.

~~"Category I CE Credits" means those continuing education credits received for documented successful completion of Agency approved CE courses or for instructing an approved CE course.~~

~~"Category II CE Credits" means those continuing education credits received for documented participation in approved professional meetings, seminars and conferences.~~

"Client" means any person who contracts for measurement or mitigation services.

"Combination Foundations" means buildings constructed with more than one foundation type, e.g., basement/crawlspace or basement/slab-on-grade.

"Commercial Building" means a type of building that is designed for commercial use, including but not limited to office buildings, warehouses, retail facilities, schools, recreational facilities, assisted living facilities and buildings that combine these uses.

"Communication Test" means a diagnostic test designed to qualitatively measure the ability of a suction field and air flow to extend through the material beneath a concrete slab floor and thus evaluate the potential effectiveness of a sub-slab depressurization system. This qualitative test is commonly conducted by applying suction on a centrally located hole drilled through the concrete slab and simultaneously observing the movement of smoke downward into small holes

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drilled in the slab at locations separated from the central suction hole. (See also Pressure Field Extension.)

"Continuing Education Credits" or "CE Credits" means those continuing education credits received for documented successful completion of Agency-approved CE courses or for instructing an approved CE course.

"Crawlspace Depressurization" means a radon control technique designed to achieve lower air pressure in the crawlspace relative to indoor air pressure by use of a fan-powered vent drawing air from within the crawlspace. (See also Mechanically Ventilated Crawlspace System.)

"Diagnostic Tests" means procedures used to identify or characterize conditions within buildings that may contribute to radon entry or elevated radon levels or may provide information regarding the performance of a mitigation system.

"Drain Tile Depressurization" or "DTD" means a type of active soil depressurization system where the suction point piping attaches to a drain tile or is located in the gas-permeable material near the drain tile. The drain tile may be inside or outside the footings of the building.

"Drain Tile Loop" means a continuous length of drain tile or perforated pipe extending around all or part of the internal or external perimeter of a basement or crawlspace footing.

"Dwelling" means a single family home or a single unit within a multiple family complex.

"Eave" means the border of a roof that overhangs any wall.

"Electret Ion Chamber" or "Electret" means an electrostatically charged piece – usually a disk – of Teflon, called an electret, located inside an electrically conducting plastic chamber of a known air volume. The electret serves as a source of high voltage needed for the chamber to operate as an ion chamber. It also serves as a sensor for the measurement of ionization in air. The ions produced inside the sensitive volume of the chamber are collected by the electret causing a depleted charge. The measurement of the depleted charge during the exposure period is a measure of integrated ionization during the measurement period. The electret charge is read before and after the exposure using a specially

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built non-contact electret voltage reader.

"Footprint" means each foundation type in direct contact with soil or other material.

"Foundation Type" means basement, crawlspace, slab-on-grade or any other construction technique approved by local building code.

"Government Entity" means the State, a State agency, a political subdivision, or any entity of local government.

"HVAC" means heating, ventilation and air conditioning.

"Home Environment Measurement" means a short term or long term measurement of radon in a single family home, duplex or condominium.

"Individual" means any human being.

"Interfere" means *to adversely or potentially adversely impact the successful completion of an indoor radon measurement by changing the radon or radon progeny concentrations or altering the performance of measurement equipment or an indoor radon mitigation system installation or operation.* [420 ILCS 44/15]

"Laboratory" means any organization that analyzes or calibrates radon or radon progeny measurement devices or detectors.

"Laboratory Analysis" means *the act of analyzing the determining radon or radon progeny concentrations within air, water, soil, or passive radon testing devices, or the act of calibrating radon or radon progeny measurement devices, or the act of exposing radon or radon progeny devices to known concentrations of radon or radon progeny as a compensated service.* [420 ILCS 44/15]

"Living Area" means any area in a building that is, or could be, adapted for human habitation whether the area is located in a basement, over a crawlspace, or situated on a slab-on-grade.

"Long Term Measurement" means measurements lasting 91 days or more; closed building conditions are not required, but are recommended. Long term measurements are not time-sensitive and, therefore, real estate testing options do

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not apply.

"Measurement" means any radon or radon progeny tests, laboratory analysis, or exposure in a known radon or radon progeny environment, as in a radon chamber.

"Mechanically Ventilated Crawlspace System" means a radon control technique designed to increase ventilation within a crawlspace, achieve higher air pressure in the crawlspace relative to air pressure in the soil beneath the crawlspace, or achieve lower air pressure in the crawlspace relative to air pressure in the living spaces, by use of a fan. (See also Crawlspace Depressurization.)

"Mitigation" means *the act of repairing or altering a building or building design for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere.* [420 ILCS 44/15]

"Mitigation System" means any system or steps designed to reduce radon concentrations in the indoor air of a building.

"Multi-Family Building" means a building, 3 stories or less, designed to house more than 4 families in separate units that do not have a common HVAC system for multiple units.

"NIST" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (formerly National Bureau of Standards).

"Passive New Construction System" means a system installed in new construction that relies solely on the convective flow of air upward in the vent pipe for sub-slab depressurization and consists of a vertical vent pipe routed through conditioned space from the suction pit to at least 12 inches above the roof.

"Passive Monitor" means a measurement tool that does not require external power or batteries to operate, such as charcoal detectors or alpha track detectors.

"Perimeter Channel Drain" means a system for collecting water in a basement by means of a large gap or channel between the concrete floor and the wall. Collected water may flow to aggregate beneath the slot ("French Drain") or to a sump where it can be drained or pumped away.

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"Person" means an entity including, but not limited to, *an individual, company, corporation, firm, group, association, partnership, joint venture, trust, or government agency or subdivision.* [420 ILCS 44/15]

"Picrocurie Per Liter" or "pCi/L" means 2.2 disintegrations per minute of radioactive material per liter of air.

"Pressure Field Extension" means the distance that a pressure change is induced in the sub-slab area, measured from a single or multiple suction points. (See also Communication Test.)

"QAP" means Quality Assurance Program.

"Radon" means a *gaseous radioactive decay product of uranium or thorium.* [420 ILCS 44/15]

"Radon Chamber" means a facility in which radon measurement devices or detectors are exposed to known radon concentrations.

"Radon Contractor" or "Contractor" means a *person licensed to perform radon or radon progeny mitigation or to perform measurements of radon or radon progeny in an indoor atmosphere.* [420 ILCS 44/15]

"Radon Progeny" means any *combination of the radioactive decay products of radon.* [420 ILCS 44/15]

"Radon Resistant New Construction" or "RRNC" means construction techniques that have been demonstrated to limit the amount of radon gas that enters from surrounding soil into the indoor environment. These techniques include passive and skeletal new construction systems.

"Radon Service Provider" means a radon contractor, laboratory, or person who performs laboratory analysis.

"Real Estate Testing" means short-term measurements that may be requested by a party not residing in the dwelling and that are performed in, or as a result of, or in expectation of, a real estate transaction and are time-limited due to this transaction.

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"Re-Entrainment" means the unintended re-entry into a building of radon that is being exhausted from the vent of a radon mitigation system.

"Renewal" means issuance of a license that is expiring, has expired or has been previously terminated.

"Research" means Agency-approved scientific investigation by testing and/or mitigating for radon or radon progeny.

"Residential Real Estate Measurement" means a measurement of radon in a single family home, duplex or condominium involved in a real estate transaction. Based on the time sensitive nature of real estate transactions, only short term measurements are appropriate and specific protocols are required.

"Sealing and Caulking" means to plug and make tight to reduce the passage of gas. Sealing and caulking enhances radon reduction techniques; however, sealing and caulking alone has not been shown to lower radon levels significantly or consistently.

"Short Term Measurement" means measurements conducted for at least 48 hours and up to 90 days; closed building conditions are required for measurements lasting seven days or less and recommended throughout.

"Skeletal New Construction System" means a system installed in new construction that is designed for the installation of a vent fan and may consist of multiple vent pipes, including vertical and angled runs not necessarily routed through conditioned space, that may be joined to a single termination above the roof or may terminate separately above the roof.

"Soil Gas" means the gas mixture present in soil ~~that~~^{which} may contain radon.

"Soil Gas Retarder" means a continuous membrane or other comparable material used to retard the flow of soil gases into a building.

"Stack Effect" means the overall upward movement of air inside a building that results from heated air rising and escaping through openings in the building envelope, thus causing indoor air pressure in the lower portions of a building to be lower than the pressure in the soil beneath or surrounding the building foundation.

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"Sub-Membrane Depressurization" or "SMD" means a radon control technique designed to achieve lower air pressure in the space under a soil gas retarder membrane laid on the crawlspace floor and sealed, relative to air pressure in the crawlspace, by use of a fan-powered vent drawing air from beneath the membrane.

"Sub-Slab Depressurization (Active)" or "SSD (Active)" means a radon control technique designed to achieve lower sub-slab pressure relative to indoor air pressure by use of a fan-powered vent drawing air from beneath the concrete slab.

"Sub-Slab Depressurization (Passive)" or "SSD (Passive)" means a radon control technique designed to achieve lower sub-slab air pressure relative to indoor air pressure by use of a vent pipe (without a fan) routed through the conditioned space of a building and connecting the sub-slab area to the outdoor air. This system relies primarily on the convective flow of warmed air upward in the vent to draw air from beneath the concrete slab.

"Suitable for Occupancy" means a structural area in a home currently lived in or an area not currently used for occupancy, such as a basement, that an occupant or homeowner could use for living space without renovations. This includes an unfinished basement that could be used regularly as, for example, a recreation room, playroom, exercise room or workshop.

"USEPA" means the United States Environmental Protection Agency.

"Working Level" or "WL" means any combination of short-lived radon progeny in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon progeny for radon-222 are: polonium-218, lead-214, bismuth-214 and polonium-214.

"Working Level Month" or "WLM" means a unit of exposure used to express the accumulated human exposure to radon decay products. It is calculated by multiplying the average working level to which a person has been exposed by the number of hours exposed and dividing the product by 170.

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

Section 422.30 Exemptions from Requirements for a License

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The Agency shall, upon application therefor, grant such exemptions or exceptions from the requirements of this Part as it determines are authorized by law and will not result in a hazard to public health and safety. The following persons are exempt from the licensing requirements of this Part:

- a) A person performing radon measurements or mitigation on a dwelling in which the person resides.
- b) A person temporarily practicing in Illinois who possesses a license granted by another state's regulatory authority ~~that~~^{which} is recognized by this State under principles of mutual reciprocity.
- c) Retail stores that only sell or distribute radon sampling devices but are not engaged in a relationship with the client for other services such as home inspection or representation as in a real estate transaction and that do not perform laboratory analysis, measurement or mitigation services.
- d) Persons who do not perform radon measurements or mitigation, but who are employed for the purpose of disseminating beneficial information to the public for agencies that the USEPA considers to be partners in providing accurate radon information to the public, such as educational institutions, the American Lung Association, the National Safety Council, and the National Association of City and County Governments and State and local public health officials who ~~disseminated~~^{disseminate} radon measurement devices to the public.
- e) A person performing diagnostic tests for the purpose of assessing site decontamination in accordance with a radioactive materials license granted by the Agency. Diagnostic tests shall not be used as a basis for a decision to, or not to, mitigate the radon level within a building.
- f) Employees of the Agency performing measurements or mitigations as part of their official duties.

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

Section 422.45 Form, Location and Retention of Records

- a) Each record required by this Part and other applicable Parts of Title 32 shall be

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legible throughout the specific retention period. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of reproducing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate and complete records during the required retention period. Records such as letters, drawings and specifications shall include all pertinent information, stamps, initials and signatures. ~~Adequate~~~~The licensee shall maintain adequate~~ safeguards against tampering with and loss of records shall be maintained throughout the retention period, even if the license expires or is terminated.

- b) ~~Copies~~~~Each licensee shall maintain copies~~ of records required by this Part and other applicable Parts of Title 32 shall be maintained at the ~~locations~~location(s) specified in Section 422.50(i) ~~or an alternate location approved by the Agency that shall be in Illinois or within 50 miles of the Illinois border of this Part.~~
- c) Records required by this Part or other Parts of Title 32, including but not limited to records of radon measurements, mitigations, Quality Assurance Programs, calibration measurements, equipment repairs and worker protection plans, shall be retained by the licensee for at least 5 years or the length of time of any warranty or guarantees, whichever is longer.

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

Section 422.50 Application for Licenses

- a) Any person applying to the Agency for a new license or a renewal of a license to perform radon-related measurement, mitigation or laboratory analysis services shall:
- 1) Submit a complete and legible application form;
 - 2) Pay the appropriate non-refundable fee prescribed in Section 422.100 ~~of this Part~~; and
 - 3) Meet the licensing requirements, as applicable, and as set forth in Section 422.60 ~~of this Part~~.
- b) Any person who anticipates conducting radon-related measurement, mitigation, or

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laboratory analysis services shall receive the license prior to providing such services in Illinois.

- c) The Agency may at any time after the filing of the original application, and before the expiration or termination of the license, require further statements in order to enable the Agency to determine whether the application should be granted or denied or whether an existing license should be modified or revoked.
- d) An application for renewal of a license shall be submitted at least 30 days prior to the expiration date of the license. An application shall be deemed filed on the date that it is received by the Agency. A radon service provider shall not provide radon services after the expiration date of a license.
- e) The application for renewal shall demonstrate successful completion of continuing education requirements as specified in Section 422.80 ~~of this Part~~, as applicable, satisfactory inspection or audit results, submittal of a complete and accurate application form for renewal and the payment of the appropriate fee as specified in Section 422.100 ~~of this Part~~.
- f) The Agency shall deny a license to any person if the Agency has evidence that the applicant has engaged in any of the acts listed in Section 422.120 ~~of this Part~~ unless the condition listed in Section 422.120 ~~of this Part~~ no longer exists and the applicant submits documentation that the applicant satisfies the requirements of Section 422.120 ~~of this Part~~.
- g) *The Agency shall deny an original or renewal license to a person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission. However, the Agency may issue an original or renewal license if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistant Commission. [420 ILCS 44/45]*
- h) The Agency shall refuse to issue or renew a license to any individual if the Agency has received evidence from the Department of Public Aid that the applicant is delinquent in the payment of child support orders, pursuant to the provisions and procedures set forth in 5 ILCS 100/10-65(c).
- i) The person applying for a license or renewal of a license shall specify, for Agency approval, a location where records required by this Part and other applicable Parts of Title 32 Ill. Adm. Code shall be maintained for inspection by the Agency. This

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location shall be in Illinois or within 50 miles of the Illinois border and at the location where the licensed professional who ensures the Quality Assurance Program is implemented is located.

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

Section 422.60 Requirements for Issuance or Renewal of Licenses

- a) The Agency shall issue a Radon Measurement Professional license to any individual who fulfills the following requirements:
 - 1) Is at least 18 years of age.
 - 2) Provides evidence of relevant work experience and education that meets any one of the following criteria:
 - A) Documented work history approved by the Agency demonstrating completion of 50 radon measurements; or
 - B) No experience. A new license performance audit will be performed by the Agency.
 - 3) Provides proof of successful completion of the USEPA Radon Measurement Operators Course, or an equivalent indoor radon and radon progeny measurement course approved by the Agency.
 - 4) Has successfully completed a USEPA Radon Measurement Examination, or an equivalent examination approved by the Agency.
 - 5) Submits a complete and accurate application form prescribed by the Agency that includes:
 - A) A description of all types of indoor radon measurements performed and any other related services offered;
 - B) A description of all measurement devices the applicant or licensee plans to use;
 - C) A worker protection program description acceptable to the Agency

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that includes, but is not limited to, methods to reduce or minimize the radon or radon progeny exposures in the work area; and

- D) A Quality Assurance Program description acceptable to the Agency that includes, but is not limited to:
- i) A policy statement committing to provide quality work;
 - ii) A description of management and structure of the organization;
 - iii) A listing of personnel, their qualifications and training;
 - iv) Procedures for procurement of items and services;
 - v) Procedures for maintaining documents and records;
 - vi) A description of relevant computer hardware and software;
 - vii) A planning process for radon and radon progeny services;
 - viii) Procedures for calibration and testing of instruments;
 - ix) A corrective action program; and
 - x) Standard operating procedures.

~~6)~~ 6) ~~Submits~~ **AGENCY NOTE: Professional licensees shall submit** standard operating procedures for the performance of radon or radon progeny measurements in each of the following categories for which they offer services: home, multi-family building, or school ~~School~~ and commercial building measurements ~~Commercial Measurements unless the business will be limited to homes.~~

~~7)6)~~ 7)6) An individual requesting renewal shall submit evidence of meeting the continuing education requirements in Section 422.80 ~~of this Part.~~

- b) The Agency shall issue a Radon Measurement Technician license to any individual authorizing work under the general supervision of a Radon

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Measurement Professional licensee, if the applicant meets the following requirements:

- 1) Is at least 18 years of age.
 - 2) Provides proof of successful completion of the USEPA Radon Measurement Operators Course, or an equivalent indoor radon and radon progeny measurement course approved by the Agency.
 - 3) Has successfully completed a USEPA Radon Measurement Examination, or an equivalent examination approved by the Agency.
 - 4) An individual requesting renewal shall submit evidence of meeting the continuing education requirements in Section 422.80 ~~of this Part~~.
- c) The Agency shall issue a Radon Mitigation Professional license to any individual who fulfills the following requirements:
- 1) Is at least 18 years of age.
 - 2) Provides evidence of relevant work experience and education that meets any of the following criteria:
 - A) At least 4 years of design and construction of buildings, or associated heating, ventilation and air conditioning (HVAC), or closely related activities approved by the Agency;
 - B) Documented work history approved by the Agency demonstrating completion of 50 radon mitigation installations; or
 - C) No experience. A new license performance audit will be performed by the Agency.
 - 3) Provides proof of successful completion of the USEPA Radon Mitigation Course, or an equivalent indoor radon and radon progeny mitigation course approved by the Agency.
 - 4) Has successfully completed a USEPA Radon Mitigation Examination, or an equivalent mitigation examination approved by the Agency.

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- 5) Submits a complete and accurate application form prescribed by the Agency that includes:
- A) A description of all diagnostic tests that may be performed to determine the mitigation strategy and any other radon related services offered;
 - B) A description of all mitigation system designs or strategies offered. Materials and design controls shall be included in the professional licensees' Quality Assurance Program description;
 - C) A worker protection program description acceptable to the Agency, to be followed when performing mitigation installations, that includes, but is not limited to, methods to reduce or minimize the radon or radon progeny concentrations in the work area.
 - D) A Quality Assurance Program description acceptable to the Agency that includes, but is not limited to:
 - i) A policy statement committing to provide quality work;
 - ii) A description of management and structure of the organization;
 - iii) A listing ~~of personnel of personnel~~, their ~~qualifications and qualifications and~~ training;
 - iv) Procedures for procurement of items and services;
 - v) Procedures for maintaining documents and records;
 - vi) A description of relevant computer hardware and software;
 - vii) A planning process for radon and radon progeny services;
 - viii) Procedures for calibration and testing of instruments;
 - ix) A corrective action program; and

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- x) Standard operating procedures.
- 6) Provides proof of insurance as specified in Section 422.70(q).
- 7) Submits~~AGENCY NOTE: Professional licensees shall submit~~ standard operating procedures for the performance of mitigations in each of the following categories for which they offer services: home, multi-family building, or school~~School~~ and commercial building~~Commercial Mitigations unless the business will be limited to homes.~~
- 8)~~6)~~ An individual requesting renewal shall submit evidence of meeting the continuing education requirements in Section 422.80 ~~of this Part.~~
- d) The Agency shall issue a Radon Mitigation Technician license to any individual authorizing work under the general supervision of a Radon Mitigation Professional licensee, if the applicant meets the following requirements:
- 1) Is at least 18 years of age.
 - 2) Provides proof of successful completion of the USEPA Radon Mitigation Operators Course, or an equivalent indoor radon and radon progeny mitigation course approved by the Agency.
 - 3) Has successfully completed a USEPA Radon Mitigation Examination, or an equivalent examination approved by the Agency.
 - 4) An individual requesting renewal shall submit evidence of meeting the continuing education requirements in Section 422.80 ~~of this Part.~~
- e) The Agency shall issue a Laboratory Analysis license to any person who submits a complete and accurate application form prescribed by the Agency that includes:
- 1) The name of one individual who is responsible for the laboratory radon analytical activities;
 - 2) A description of all measurement devices used and services offered; and

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- 3) Documentation of a Quality Assurance Program that meets one of the following:
 - A) A quality assurance program description consistent with ISO/IEC 17025, General Requirements for the Competence of Testing and Calibration Laboratories Compliance published December 15, 1999, exclusive of subsequent amendments or editions; or
 - B) Is successfully enrolled in an independent third party accreditation/certification program consistent with national laboratory accreditation and certification standards, or an equivalent program approved by the Agency, for the devices listed in subsection (e)(2) of this Section.

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

Section 422.70 Conditions of Licenses

- a) Any person licensed by the Agency to perform radon measurement shall perform in accordance with the measurement protocol provided in Section 422.130 ~~of this Part~~ as applicable to the measurement type performed and the ~~devices~~ device(s) used.
- b) Any person licensed by the Agency to perform radon measurements shall use devices approved by USEPA, prior to the retirement of the USEPA Radon Proficiency Program, or the Agency to measure radon and radon progeny.
- c) No unlicensed individual shall perform radon measurement or mitigation activities without the direct on-site supervision of a licensed individual.
- d) Within 45 days after providing radon measurements, the individual providing the service shall report the results in picocuries per liter (pCi/L) to the occupant, the owner of the building, his/her representatives or the client.
- e) Licensees shall comply with 32 Ill. Adm. Code 340. This means that the radiation exposure shall not exceed 30 pCi/L or 0.3 WL, based on continuous workplace exposure for 40 hr/week, 52 weeks per year and shall not exceed 4 working level months (WLM) over a 12 month period, using an equilibrium ratio of 50 percent to convert radon exposure to WLM.

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- f) Records of radon measurements, mitigations, Quality Assurance Programs, calibration measurements, equipment repairs and worker protection plans shall be retained by the licensee for a least 5 years or the length of time of any warranty or guarantees, whichever is longer.
- g) No person shall interfere with, or cause another to interfere with, the successful completion of a radon measurement or the installation or operation of a radon mitigation.
- h) The radon laboratory licensee shall notify the Agency in writing within 5 working days when it loses or replaces the individual named pursuant to Section 422.60(e)(1) ~~of this Part~~.
- i) A licensee shall return the original license document to the Agency within 15 days after ceasing to provide licensed services, unless the license has expired.
- ii) Mitigators who are also licensed to perform measurements shall not perform radon measurements before or after the installation of a mitigation system at the same address as the mitigation installation, unless a measurement has been made by another independent person in accordance with this Part.
- kj) Licensees shall inform the Agency of changes in biographical information, such as addresses and telephone numbers, within 10 days after the change is effective.
- lk) Substantive changes to license application representations require an amendment to the license and Agency approval. Licensees shall request amendments to documents at least 30 days prior to the effective date of the desired revision.
- m) The licensee shall comply with all the applicable provisions of this Part.
- nl) The licensee shall comply with the Agency-approved Quality Assurance Program.
- om) Professional licensees shall be located in Illinois or within 50 miles of the Illinois border. Professional licensees shall provide general supervision of technician licensees working under their Quality Assurance Program.
- pn) Contractors installing research or innovative radon techniques or otherwise deviating from the standards in this Part shall notify the Agency in writing.

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Approval from the Agency in writing must be received prior to the commencement of work. ~~7 working days prior to the commencement of work.~~

When such research is conducted, a performance standard shall be applied, for example, post-mitigation radon levels shall be below USEPA's action level (4.0 pCi/L). Written notification to the Agency shall include:

- 1) Written acknowledgement signed by the client stating that the client understands the reasons the contractor plans to deviate from the standards of this Part;
- 2) The technical bases for the measurement or mitigation technique and description of the functional accomplishments that will be achieved; and
- 3) The identity of the client and the address of the building, including the zip code.

q) A Radon Mitigation Professional engaged in the business of radon mitigation shall obtain and maintain in full force and effect during the operation of the business public liability and property damage insurance that meets the requirements of the Home Repair and Remodeling Act [815 ILCS 513]. The licensee or applicant for a license shall provide proof of this insurance to the Agency.

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

Section 422.75 State Radon License Exam

- a) Any person applying to the Agency to take the measurement or mitigation Radon License Exam shall:
 - 1) Submit a complete and legible application form;
 - 2) Provide proof of successful completion of the USEPA Radon Measurement Operators Course, or an equivalent indoor radon and radon progeny measurement course approved by the Agency.
- b) No person shall take the Radon License Exam more than once in any 28 day period.

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- c) Persons who have a physical or mental disability that requires reasonable accommodation in accordance with the Americans With Disabilities Act (42 USC 101 et seq.) shall, in addition to subsection (a):
- 1) Submit a complete and legible application form 30 days prior to the exam date;
 - 2) Provide a physician's statement of the disability that includes a list of accommodations that are needed to take the exam.

(Source: Added at 33 Ill. Reg. 14479, effective October 9, 2009)

Section 422.80 Continuing Education Requirements

All applicants for renewal of individual licenses shall provide evidence of having participated in an Agency-approved program of continuing education as indicated in this Section:

- a) ~~The Effective July 1, 2005, the~~ required continuing education per year for categories of licenses issued pursuant to this Part is as follows:

1)	Radon Measurement Professional	6 credits
2)	Radon Measurement Technician	6 credits
3)	Radon Mitigation Professional	6 credits
4)	Radon Mitigation Technician	6 credits

AGENCY NOTE: ~~An Effective July 1, 2005, the~~ individual who is licensed for both Measurement and Mitigation needs 6 credits per year for each license (i.e., 12 credits per year).

- b) ~~Until July 1, 2005, the individual may choose to meet the continuing education criteria that becomes effective July 1, 2005 or the required continuing education per year period for the category of license issued pursuant to the following:~~

1)	Radon Measurement Professional	16 credits (8 Category II)
2)	Radon Measurement Technician	8 credits

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- 3) ~~Radon Mitigation Professional~~ 16 credits (8 Category II)
- 4) ~~Radon Mitigation Technician~~ 8 credits

~~AGENCY NOTE: All applicants for individual licenses shall provide evidence of participating in an approved program of continuing education as indicated in subsections (a) and (b) of this Section. All credits are Category I, unless otherwise noted. Category I can be substituted for Category II.~~

- ~~be) Continuing~~ Effective July 1, 2005, continuing education (CE) credits may be obtained via participation in courses or teaching approved courses. ~~Until July 1, 2005, the individual may choose to meet the criteria that becomes effective July 1, 2005 or continuing education credits may be obtained via participation in courses, teaching approved courses, and by documented attendance at seminars or meetings of professional organizations. To obtain credit for attendance at seminars and meetings, licensees shall submit a copy of the agenda and the sign-in sheet or other similar proof of attendance.~~
- ~~cd) Licensed~~ Effective July 1, 2005, licensed individuals shall receive CE continuing education credits (CECs) for an approved radon course only once during a 5 year interval. ~~Until July 1, 2005, the individual may choose to meet the criteria that becomes effective July 1, 2005, or for Radon Measurement Professionals and Radon Mitigation Professionals, at least 8 of the required 16 CECs shall be in approved radon courses.~~
- ~~de) The basis for a unit of continuing education credit shall be the contact hour (50 minutes) of lecture. Activity other than lecture shall be submitted to the Agency for evaluation in accordance with Section 422.85~~ of this Part.
- ~~ef) Licensees shall submit required documentation for CECECs as part of the application for renewal.~~
- ~~fg) CE~~ Continuing education credit ~~for courses~~ shall be given for courses approved by the Agency in accordance with the procedures specified in Section 422.85 ~~of this Part.~~
- ~~gh) For courses not approved by the Agency, a licensee may submit the information required by Section 422.85~~ of this Part to the Agency for approval. The documentation shall be submitted at least 180 days prior to license expiration.

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(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

Section 422.85 Agency Approval of Radon Courses

- a) Persons offering continuing education for a licensed individual may apply for approval by submitting to the Agency, 90 days prior to the start of the course, the following:
- 1) A completed application on a form prescribed by the Agency that shall include, but not be limited to, the following information:
 - A) Name, business address, telephone number, fax number and e-mail address of the person providing the training;
 - B) Type of course and title; and
 - C) Total hours of supervised instruction within the course;
 - 2) Copies of the syllabus and all training materials to be used in the training course;
 - 3) Pertinent biographical information or credentials of all individuals instructing the training course participants; and
 - 4) Criteria for course approval upon which successful completion of the course by participants will be judged pursuant to subsection (e) of this Section., such as the test and the correct answers; and
 - 5) ~~A sample copy of a course completion certificate.~~
- AGENCY NOTE: Operators of training courses shall submit a separate application for each course, but if a single course will provide instruction for more than one type of licensed individual, only one application is required.
- b) To maintain approval of a training course, the course operator shall do all of the following:
- 1) Issue a certificate of completion to each individual who successfully completes the course;

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- 2) Submit to the Agency a list of all individuals who successfully completed the course within 30 days after completion of the course. The list shall include name, business address, telephone number and radon license number;
 - 3) Request, in writing, the Agency's approval of any changes that would render the information contained in the application for approval inaccurate; and
 - 4) For a revised course, submit within 30 days before first teaching the revised course, an informational copy of the complete revised course, whether or not the revisions render the information contained in the application for approval inaccurate.
- c) The Agency may refuse to issue an approval and may revoke or suspend an approval issued pursuant to this Part if the operator of the course fails to meet the criteria specified in subsections (a) or (b) of this Section or if the course is not updated to incorporate new information pertinent to licensed activities.
- d) Approval of a training course shall be valid until the course is revised.

e) Criteria for CE Course Approval

1) General Format for Course Approval

A) Opening pages/introduction of the course shall include the following:

- i) Name of the sponsor/course provider.
- ii) Name of the course developer, if different than the sponsor/provider.
- iii) Name/title of the course. The title shall be the same as approved by the Agency.
- iv) Course description.

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- v) Course objectives.
- vi) Other references or source materials required for the course (e.g., textbook).
- vii) Course instructions shall include the following statements:
- "In order to receive CE credit, you shall first complete the course content. When completed, go to the last page of the course to access the post-test."
 - "Submit the completed answers to determine if you have passed the post-test assessment. You must obtain a score of at least 70% to receive the CE credit. You will have no more than 3 attempts to successfully complete the post-test."
- viii) CE credits: Number of CE credits awarded for successful completion of the course.
- ix) Approving organization statement: "Approved by Illinois Emergency Management Agency, Radon Program" and the course number.
- x) Statement about seeking CE credit for repeating a course: "This course may be available in multiple formats or from different sponsors. The Illinois Emergency Management Agency, Radon Program, does not allow CE courses such as Internet courses, home study programs or directed reading to be repeated for CE credit in the same 5 year period."

AGENCY NOTE: The Illinois Emergency Management Agency, Radon Program, will approve CE credits for courses that have similar content. However, the credits cannot be for the same course completed from different formats. For example, two different courses on Radiation Protection would be acceptable. Two courses, one on CD and one as a home study, with the same

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content would not be acceptable.

xi) Statement concerning a course awarded multiple CE course numbers. Depending on the situation, a course may be awarded credit through multiple evaluation programs for use by different credentialing organizations. Different course numbers are then awarded to the same course. In such situations, each course number and the approving authority for each course number shall be listed.

xii) CE sponsor contact information shall be provided for participants who have questions regarding the CE course.

B) Additional Requirements for an Online CE Course

i) Hardware and software requirements for the course.

ii) Access options (for example, dial-up, broadband, cable, DSL).

2) Agency Approval for Number of CE Credits

A) Evaluation of Content

i) For an original approval, the course title shall match the title that was submitted on the CE credit application form.

ii) For renewal applications, the title shall match the title approved by the Agency.

iii) The content shall support the stated objectives.

iv) The content shall be current and accurate.

v) The content shall provide sufficient depth and scope of the subject matter.

vi) Content taken from other copyrighted materials shall be appropriately identified as such and referenced.

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- vii) Documentation of appropriate permissions for use of reprinted materials shall be clearly referenced.
 - viii) All supporting materials (e.g., images, photos, diagrams, charts, tables and text) shall be legible and labeled correctly.
 - ix) Acronyms shall be spelled out with the first use or a glossary of terms shall be provided.
 - x) Credit requested to be awarded for the course shall be determined by the length of time it takes to complete the course. Time utilized to complete the post-test may be considered part of learning the course information.
 - xi) The CE application materials shall include a description of the grading and documentation process. A copy of the certificate to be awarded and the post-test, with correct answers indicated, shall be included.
 - xii) CE sponsors for courses that were developed by others (i.e., individuals or organizations) shall indicate the following information on the application for the CE credit: The name of the individual or organization that developed the course and an affirmation statement that the developer of the course has granted the CE sponsor permission to use and distribute the course.
 - xiii) For all formats of any course and at all sites, the Agency shall be provided with access (i.e., user ID and password) in order to evaluate the course in the manner that it is being presented. For electronic courses, access shall be provided prior to the course being made available for use by customers.
- 3) Assessment (Post-Test)
- A) Possible Uses for the Post-Test

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- i) Post-Test Used to Assess Participation. Multiple choice questions shall be provided to help determine if a person has participated in the course. Answers do not need to be provided to the participant.
- ii) Post-Test Used as a Learning Tool. Multiple choice questions shall be provided to help determine a level of learning. If a question is answered incorrectly, detailed information is provided to explain the questions and answers.

B) Format Evaluation

- i) Post-tests shall have a minimum number of questions based upon the number of CE credits requested to be awarded to the course (i.e., 5 questions for each credit hour).
- ii) When submitted for evaluation, the correct answers to the post-test questions shall be referenced (with paragraph and page numbers) in the content of the course.
- iii) Additionally, for online courses:
 - The participant shall not be able to go directly to the post-test from the introductory page without at least "paging" or "scrolling" through the content. (This may be accomplished by requiring the participant to page through the content before reaching the post-test. For example, do not place access to the post-test at the beginning of the course.)
 - The CE course content may be printed for review; however, the post-test shall not be available to print.
 - If the sponsor is using a test item, all questions and answers that a participant might see shall be provided to the Agency for review.

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C) Scoring

- i) A maximum of three attempts to pass the post-course assessment is allowed. No CE credit will be awarded if there are three failed attempts. (See subsection (e)(1)(A)(viii) of this Section.)
- ii) If a participant fails to score at least 70% on the post-test, the number of incorrect answers or the percent correct may be provided, but the individual questions answered incorrectly shall not be identified. Post-test question security shall be maintained.

4) Certificates of ParticipationA) Certificate Format

- i) Certificates shall contain the participant name, course, date completed, credits earned, approving organization (i.e., IEMA, Radon Program), reference number, sponsor name and/or logo and signature of the sponsor or its authorized representative. (The same certificate information is required for all formats of a course, i.e., Internet, print, live, etc.)
- ii) The certificate shall reflect the "date of completion" as the date the sponsor received the completed post-test.
- iii) All post-tests received shall be date/time stamped (or date collected and recorded) for verification purposes.

B) Certificate Distribution

- i) The certificate shall be awarded only after successful completion of the course.
- ii) The participant shall not be able to alter the information for the on-line certificate in any way before printing.

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- iii) Duplicate on-line certificates may be made available by the CE sponsor for re-printing.

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

Section 422.90 Renewal and Termination of Licenses

- a) Licenses shall be renewed in accordance with Section 422.60 of this Part.
- b) All applicants seeking renewal shall complete the continuing education requirements in Section 422.80, except, when the license has been expired or terminated, the person may take the appropriate qualification course and Radon License Exam as an alternative to the required CE of this Part.
- c) Licensees shall notify the Agency when they wish the Agency to terminate the license. The request to terminate the license shall be signed by the licensee and shall include the following:
- 1) The license; and
 - 2) The location where records will be maintained in compliance with Section 422.45.
- d) The licensee shall allow the Agency to perform an audit that was scheduled before the licensee submitted a request to terminate the license.

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

Section 422.100 Fees

- a) The annual fee in all categories ~~shall be non-refundable and~~ shall be as follows:
- | | |
|---|------------------------------|
| Radon Measurement Professional license – Individual | \$ 500 <u>200</u> |
| Radon Measurement Technician license – Individual | \$ 250 <u>125</u> |
| Radon Mitigation Professional license – Individual | \$ 500 <u>200</u> |
| Radon Mitigation Technician license – Individual | \$ 250 <u>125</u> |
| Laboratory Analysis | \$ 500 <u>250</u> |
- b) An individual license application fee of \$125~~The appropriate fees~~ shall

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accompany a new application when filed with the Agency. A laboratory application fee of \$500 shall accompany a new application when filed with the Agency.

- c) All fees assessed in accordance with this Section are non-refundable.

~~AGENCY NOTE: When the first annual fee statement is mailed, a licensee who has a full year or more remaining before expiration of the license shall be given a credit of one half the amount of the 2-year fee paid.~~

AGENCY NOTE: A local government or school employee may, upon application for a Radon Measurement Professional license, have the fees waived if his/her practice is limited to his/her official duties~~employer's facilities~~ and is not charging a fee for this service.

- d) The appropriate fees shall be paid within 60 days ~~after~~of the date on the statement issued by the Agency.
- e) Effective November 1, 2009, the fee for an Illinois Mitigation System Tag shall be \$50. Only Radon Mitigation Professionals shall purchase Illinois Mitigation System Tags from the Agency. Illinois Mitigation System Tags shall be purchased in amounts not less than 5 per transaction.

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

Section 422.110 Reports to the Agency

- a) All individuals licensed to perform radon measurements and former licensees shall submit to the Agency the following information~~results and the address~~ of all radon and radon progeny measurements individually on an annual basis. The file submitted to the Agency shall be an ASCII, comma delimited file. ~~In general, this type of file can be generated by most spreadsheet and database software. Instructions for the specific information and formatting are available from the Agency or on the Agency website.~~
- 1) Address, city, state, zip code.
 - 2) Start date and time the measurement began.

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- 3) End date and time the measurement was completed.
- 4) Location where test was performed (i.e., basement, crawlspace, slab, other).
- 5) Room use (i.e., living, family, bedroom).
- 6) Whether a mitigation system is currently in use.
- 7) Result of the measurements taken in pCi/L.
- 8) The type of test performed (i.e., duplicate, simultaneous).
- 9) Device used (i.e., AC, AT, CR, LS, ES, etc.).
- 10) Serial number of the device used.
- 11) The lab used or manufacturer of the device.
- 12) The permanent vents at this location (i.e., crawlspace, fireplace, fresh air intake).
- 13) Status of the permanent vents during the test (i.e., open, closed).
- 14) An indication of whether the test was valid.
- 15) Brief description of why the test was invalid.

- b) All individuals licensed to perform radon mitigations and former licensees shall submit to the Agency the following information ~~address~~ of all radon and radon progeny mitigations individually on an annual basis. The file submitted to the Agency shall be an ASCII, comma delimited file. ~~In general, this type of file can be generated by most spreadsheet and database software. Instructions for the specific information and formatting are available from the Agency or on the Agency website.~~

- 1) Address, city, state and zip code where mitigation was conducted.
- 2) Date mitigation system was installed.

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- 3) Indication of whether an active soil depressurization system was installed.
 - 4) Indication of whether radon resistant new construction techniques were used.
 - 5) The Illinois Mitigation System Tag number issued by IEMA installed on the system.
- c) All individuals licensed to perform laboratory analysis who report results to home occupants, owners or their representative shall submit to the Agency the following information of all complete radon and radon progeny measurements on an annual basis. The files submitted to the Agency shall be an ASCII, comma delimited file.
- 1) Address, city, state, zip code.
 - 2) Start date and time the measurement began.
 - 3) End date and time the measurement was completed.
 - 4) Result of the measurements taken in pCi/L.
 - 5) Device used (i.e., AC, AT, CR, LS, ES, etc.).
 - 6) Serial number of the device used.
 - 7) The lab used or manufacturer of the device.
- AGENCY NOTE: In general, this type of file can be generated by most spreadsheet and database software. Instructions for the specific information and formatting are available from the Agency or on the Agency website.
- d) All licensees shall report apparent non-compliances with either the Radon Industry Licensing Act or this Part to the professional licensee upon discovery; then to the Agency in writing within 45 days upon discovery unless appropriate corrective action has been performed within 30 days after discovery.
- e) All individuals licensed to perform radon mitigations shall submit annually to the

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Agency proof of public liability and property damage insurance that meets the requirements of the Home Repair and Remodeling Act [815 ILCS 513].

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

Section 422.120 Disciplinary Action by the Agency

- a) The Agency may act to suspend or revoke a person's license, may issue a civil penalty, or may issue a civil penalty in addition to suspending or revoking a person's license for any one or a combination of the following causes:
- 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for a license, if such misstatement or misrepresentation would impair the Agency's ability to assess and evaluate the applicant's qualifications for a license pursuant to this Part, such as a misstatement or misrepresentation regarding training or experience;
 - 2) Willfully evading the statute or regulations pertaining to a license, or willfully aiding another person in evading the statute or regulations pertaining to a license;
 - 3) Having been convicted in any state of a crime that is a felony under the laws of this State or having been convicted of a felony in a federal court, unless such individual demonstrates to the Agency that he/she has been sufficiently rehabilitated, ~~by restoration of all civil rights~~, to warrant the public trust;
 - 4) Misrepresenting the capabilities of a device for detecting and measuring radon or radon progeny or misrepresenting the results of a test to detect or measure radon or radon progeny;
 - 5) Gross and willful overcharging for professional services, including filing false statements for collection of fees or moneys for which services are not rendered; and
 - 6) A person knowingly makes a false material statement to an Agency employee during the course of official Agency business.~~A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.~~

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- 7) Failure to Provide Access to Records. Failure to make records available for audit or inspection at all reasonable times, such as during usual business hours.
- 8) Failing, within 60 days, to provide information in response to a written request made by the Agency that has been sent by mail to the licensee's last known address. [420 ILCS 44/45(g)].
- 9) Failure to file a return or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by a tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied. [420 ILCS 44/45(q)]
- b) If, based upon any of the grounds in subsection (a) of this Section, disciplinary action is initiated, the Agency shall notify the person and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200.60. An opportunity for a hearing shall be provided before the Agency takes action to suspend or revoke a person's license.
- c) Suspension of a license shall be for up to 1 year in time. The term of suspension shall be reduced by the Director, upon the recommendation of the hearing officer, if the hearing officer finds, based upon evidence presented to him/her at a hearing, and the Director concurs, that the conditions leading to the Preliminary Order for Suspension can be cured in less than 1 year. However, if the Agency finds that the causes are of a serious or continuous nature, such as past actions thatwhieh posed an immediate threat to public health or safety, deficiencies that cannot be cured within 1 year or frequent child support arrearages, the Agency shall revoke the person's license.
- d) The Director may summarily suspend the license of a licensee without a hearing, simultaneously with the institution of proceedings for a hearing, if the Director finds that evidence in his or her possession indicates that continuation of the contractor in practice would constitute an imminent danger to the public. *If the Director summarily suspends a license without a hearing, a hearing by the Agency shall be held within 30 days after the suspension has occurred and shall be concluded without appreciable delay.* [420 ILCS 44/50] The hearing shall be held in accordance with 32 Ill. Adm. Code 200.

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- e) When a person's license is suspended or revoked, the person shall surrender the license to the Agency and cease licensed activities.
- f) A person whose license has been revoked may seek reinstatement of the license by filing with the Agency a petition for reinstatement. [Petitions](#)~~Such petition~~ may be filed after the beginning of the revocation period. The person shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the license should be reinstated due to rehabilitation.
- g) A person who violates any provisions of this Part shall be guilty of a business offense and shall be assessed a penalty in accordance with Section 35 of the Act.

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

Section 422.130 Measurement Protocol

- a) Measurement Location
 - 1) Short-term or long-term measurements shall be made in each lowest structural area suitable for occupancy. For example, a split-level building with a basement, a slab-on-grade room and a room over crawlspace shall have measurements made in each of the foundation types: the basement, a slab-on-grade room and a room over the crawlspace.
 - A) Measurements shall be made in rooms that can be regularly occupied by individuals, such as family rooms, living rooms, dens, playrooms and bedrooms.
 - B) Charcoal canisters of any type shall not be placed in bathrooms, kitchens, laundry rooms, spa rooms or other areas of high humidity.
 - C) ~~When the level of the home being tested is over 2000 square feet, an additional test location is required for each 2000 square feet of the level being tested. Radon in air measurements shall be made either concurrently with or prior to any diagnostic radon in water measurements.~~

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- D) Measurement devices shall be placed in the general breathing zone and shall be:
- i) Undisturbed during the measurement period;
 - ii) At least 3 feet from doors, windows to the outside, or ventilation ducts; ~~and out of the direct flow of air from the ventilation duct;~~
 - iii) Out of the direct flow of air from the ventilation duct;
 - ~~iv~~iii) At least 1 foot from exterior walls;
 - ~~vi~~v) 20 inches to 6 feet from the floor;
 - ~~vi~~v) At least 4 inches away from other objects horizontally or vertically above the detector;
 - ~~vii~~vi) At least 4 feet from heat, fireplaces and furnaces, out of direct sunlight, etc.;
 - viii) At least 7 feet from sump pits.
- E) Measurement devices may be suspended in the general breathing zone and, if suspended, shall be 20 inches to 6 feet above the floor and at least 1 foot below the ceiling.
- F) Measurements made in closets, cupboards, sumps, crawlspaces or nooks within the foundation shall not be used as a representative measurement and shall not be the basis for a decision to, or not to, mitigate the radon level within a building.
- b) Measurements
- 1) A short-term measurement shall range in duration from 48 hours to 90 days, depending upon the measurement device used. Unoccupied homes shall be tested with the HVAC system set and operating throughout the measurement interval in the normal range, such as 72 degrees F plus or minus 5 degrees F.

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- A) Short-term measurements shall be made under closed-building conditions. In measurements lasting more than seven days and less than 90 days, closed-house conditions shall be maintained as much as possible while the measurement is in progress.
- B) Closed building conditions shall begin at least 12 hours prior to the beginning of the measurement period for measurements lasting less than ~~96 hours~~4 days.
- C) The following conditions shall be complied with during closed-building conditions:
- i) Operation of permanently installed HVAC systems ~~shall continue~~shall continue during closed-building conditions. Radon Measurement licensees shall inform the resident in writing that operation of dryers, range hoods, bathroom fans and other mechanical systems that draw air out of the building may adversely affect the measurement results.
 - ii) In buildings having permanently installed radon mitigation systems, the mitigation system shall be functioning during the measurement interval.
 - iii) Air conditioning systems that recycle interior air may be operated during closed-building conditions.
 - iv) All windows shall be kept closed.
 - v) All external doors shall be closed except for normal entry and exit. Structural openings due to disrepair or structural defects shall be repaired to correct their condition prior to initiation of closed-building conditions. All exterior windows and doors shall be inspected by a Radon Measurement Professional licensee or Radon Measurement Technician at the placement and retrieval of the detectors and the result of the inspection documented for the measurement file.

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- vi) Whole-house fans shall not be operated. Portable window fans shall be removed from the window or sealed in place. Window air conditioning units shall only be operated in a recirculating mode. If the building contains an air handling system, the air handling system shall not be set for continuous operation unless the air handling equipment is specifically used for radon control and is so labeled.
 - vii) Fireplaces or combustion appliances, except water heaters and cooking appliances, shall not be operated unless they are the primary sources of heat for the building.
 - viii) Ceiling fans, portable dehumidifiers, portable humidifiers, portable air filters and window air conditioners shall not be operated within 20 feet of the detector.
- D) Short-term measurements of less than 96 hours shall not be conducted during severe storms or periods of sustained high winds (30 miles per hour or more). Radon Measurement licensees shall check and document local weather forecasts prior to placing short-term measurement devices when the measurement period is less than 96 hours.
- AGENCY NOTE: The National Weather Service defines a severe storm as a storm that generates winds of 58 mph and/or 3/4-inch diameter hail and that may produce tornadoes – not necessarily in that order.
- E) The Radon Measurement licensee shall document that instructions describing closed-building conditions in subsection (b)(1) of this Section were provided for the person who controls the building in accordance with subsections (d)(1) and (2) of this Section.
- 2) The Radon Measurement licensee shall advise the resident in accordance with Appendix A ~~of this Part~~.
 - 3) Follow-up measurements shall be conducted in the same location as the initial measurement, provided the initial measurement was performed in accordance with acceptable measurement placement protocol.

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- 4) The results of both initial and follow-up measurements and the average of duplicate measurements shall be reported. The average shall be considered appropriate as the basis for determining the need for mitigation.

c) Options for Real Estate Testing

~~1) Option 1: Sequential Testing~~

- ~~A) The results of the first measurement shall not be reported prior to making the second measurement. The results of sequential measurements shall be reported to the client at the same time.~~
- ~~B) The average of the sequential measurements shall be reported and shall be considered appropriate as the basis for determining the need for mitigation.~~
- ~~C) Sequential tests shall be:~~
- ~~i) Made with similar measurement devices (see Appendix C of this Part);~~
 - ~~ii) For similar time periods;~~
 - ~~iii) In the same locations; and~~
 - ~~iv) Reported in the same units (pCi/L).~~

~~1)2) Option 1:Option 2: Simultaneous Testing~~

- A) Simultaneous testing shall be comprised of a minimum of 2 indoor radon measurements conducted simultaneously with similar measurement devices (see Appendix C ~~of this Part~~).
- B) Simultaneous tests shall be:
- i) Co-located and spaced 4 to 5 inches apart;

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- ii) ~~Exposed~~Be exposed for the same measurement period; and
 - iii) Produce results in the same units (pCi/L or WL).
- C) The results of both measurements and the average of the simultaneous measurements shall be reported and shall be considered appropriate as the basis for determining the need for mitigation.
- D) Simultaneous measurement results that are both less than 4.0 pCi/L shall agree with a Relative Percent Difference (RPD) of less than 67 percent. RPD is the difference between the 2 results divided by the average of the 2 results times 100. If the RPD is greater than 67 percent, the Radon Measurement Professional licensee shall investigate, document and correct the sources of the error.
- E) When one of the measurements is equal to or greater than 4.0 pCi/L and one is less than 4.0 pCi/L, and the higher result is greater than twice the lower result, the client shall be informed of the large discrepancy and the simultaneous measurements repeated at no added cost to the client.
- F) Simultaneous measurement results that are both equal to or greater than 4.0 pCi/L shall agree with a RPD of less than 36 percent. If the RPD is greater than 36 percent, the Radon Measurement Professional licensee shall investigate, document and correct the sources of the error.
- G) The precision of simultaneous measurements shall be monitored and recorded in the quality assurance records. The analysis of data from simultaneous measurements shall be plotted on range control charts. If the precision estimated by the user is not within the precision expected of the measurement method, the cause of the problem shall be investigated and corrective action taken in accordance with the licensee's Agency-approved quality program.

~~2)3)~~ Option 2: Continuous Monitor Testing~~Option 3: Performing A Single Test~~

- A) This option requires an active continuous monitor that has the

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capability to integrate and record a new result at least hourly. Shorter integration periods and more frequent data logging afford greater ability to detect unusual variations in radon or radon progeny concentrations.

- B) The minimum ~~single~~-test measurement period shall be 48 hours. The first 4 hours of data from a continuous monitor may be discarded or incorporated into the result using system correction factors. There shall be at least 44 contiguous hours of usable data to produce a valid average.
- i) The "backing out" of data (i.e., removal of portions imbedded in the 44 contiguous hours of monitoring) shall invalidate the measurement.
- ii) The periodic results shall be averaged to produce a result that is reported to the client.

~~3)4~~ Additional Requirement for Real Estate Option Testing

- A) Real Estate Option tests shall be conducted in accordance with subsections (a)(1) and (b)(1) of this Section.
- B) The measurement exposure time shall be a minimum of 48 hours.
- C) Measurement licensees shall establish controls consistent with the devices used in their measurements to prevent interference and document those controls in accordance with subsection (l)(1) of this Section.
- d) Non-Interference Agreement
- 1) The buyer, seller, occupant, real estate professional or other individual in control of the property shall sign a non-interference agreement indicating an understanding of the testing conditions, ~~of this Part and of~~ the penalties for interference with an in-progress radon measurement, and that any test interference that is detected will be documented in the report and will invalidate the measurement results.

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- 2) If such an agreement cannot be or will not be signed by the buyer, seller, occupant, real estate professional or other individual in control of the property, the Radon Measurement licensee shall document on the agreement why the signature was not obtained. The agreement shall be retained for inspection by the Agency.
- e) Radon Measurement In Progress Notification. The licensee shall post at every building entry and in a conspicuous location a Radon Measurement In Progress Notification. The Notice shall be posted upon initiation of a radon measurement. A copy of a Radon Measurement In Progress Notice is provided in Appendix D ~~of this Part.~~
- f) Multi-Family Building Measurements. Professional licensees shall submit standard operating procedures for the performance of multi-family building measurements.

AGENCY NOTE: This subsection does not apply to measurements in an individual condominium unit.

- 1) Initial measurements shall be short-term measurements of at least 48 hours to 90 days, depending on the device used, and shall be made in regularly occupied rooms in contact with the soil, whether the contact is slab-on-grade, a basement, a berm, a room above a crawlspace or any combination.
- A) Regularly occupied rooms include bedrooms, offices, dens, family rooms, work areas and play rooms.
- B) A minimum of one detector shall be placed per every 2000 square feetsquare feet of open floor area.
- 2) Regularly occupied rooms shall be tested simultaneously.
- A) The licensee shall ensure that each occupant/resident is provided information regarding necessary test conditions.
- B) The licensee shall perform and document a surveillance of the building to determine the rooms needing testing prior to placement.

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- 3) Follow-up Measurements
- A) Follow-up measurements shall be performed in every room with a short-term, initial measurement result of 4.0 pCi/L or greater, unless measurements are during a real estate transaction. Refer to Appendix A.
- B) If performing measurements in accordance with subsection (c), Options for Real Estate Testing, follow-up measurements are not required. Refer to Appendix B.
- 4) During both initial and follow-up measurements, the HVAC system shall be operated normally. An understanding of the design, operation and maintenance of a building's HVAC system and how it influences indoor air conditions is essential for understanding, managing and developing a measurement strategy in multi-family buildings. If the units of a building have a common HVAC system, the building shall be tested by a licensee licensed to perform measurements in commercial buildings.
- 5) The Radon Measurement Professional licensee shall recommend in writing to the multi-family building management, owners or representatives that a decision to mitigate be based on Appendix A or Appendix B, as applicable.
- 6) Multi-family building measurements shall be performed in accordance with subsections (a) through (e) and (h) through (n) of this Section.
- A) A Device Placement Log and Floor Plan shall be finalized for each multi-family building in which radon or radon progeny measurements are made.
- B) All measurements devices, including duplicate measures and blanks, shall be noted on the Device Placement Log and by serial number.
- 7) Requirements for Specific Multi-Family Building Designs
- A) Slab-on-Grade Design. Measure a regularly-occupied room in each unit in contact with the ground.

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- B) Crawlspace Design. Measure a regularly-occupied room directly in each unit above an enclosed crawlspace.
- C) Basement Design. In addition to measuring a regularly-occupied basement room in each unit, measure a regularly-occupied room in each unit above the basement that has at least one wall with substantial contact with the ground.
- g) School and Commercial Building Measurements. Professional licensees shall submit standard operating procedures for the performance of school and commercial building measurements.

 - 1) Initial measurements shall be short-term measurements of at least 48 hours to 90 days, depending on the device used, and shall be made in all frequently occupied rooms in contact with the soil, whether the contact is slab-on-grade, a basement, berm, a room above a crawlspace or any combination.

 - A) Frequently occupied rooms include classrooms, offices, conference rooms, gymnasiums, auditoriums, cafeterias and break rooms.
 - B) Testing need not be conducted in infrequently used areas such as storage rooms, stairwells, restrooms, utility closets, elevator shafts or hallways.
 - C) A minimum of one detector shall be placed per every 2000 square feet of open floor area.
 - D) Schools and commercial buildings shall only be tested for radon during periods when the HVAC system is operating as it does normally when the buildings are occupied, even if the testing occurs when school is not in session or during long holidays.
 - 2) All frequently occupied rooms shall be tested simultaneously.

 - A) The licensee shall ensure that the teacher or frequent adult user of the room being tested is aware of the detector.
 - B) The licensee shall perform and document a surveillance of the

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building to determine the rooms needing testing prior to placement.

- 3) Follow-up measurements shall be performed in every room with a short-term, initial measurement result of 4.0 pCi/L or greater. Refer to Appendix A ~~of this Part~~.
- 4) During both initial and follow-up measurements, the HVAC system shall be operated normally.
- 5) The Radon Measurement Professional licensee shall recommend in writing to the school or commercial building management, owners or representatives that a decision to mitigate not be based on initial measurement results.
- 6) School and commercial building measurements shall be performed in accordance with subsections (a) and (b) of this Section.
 - A) School and commercial building measurements of less than ~~96 hours~~^{4 days} duration shall be performed under closed-building conditions as described in subsection (b)(1) of this Section.
 - B) Duplicate measurements shall be performed and shall represent 10 percent of all the detectors deployed, or a maximum of 50 detectors, whichever is less, within the building.
 - C) Blank measurements shall be performed and shall represent 5 percent of all the detectors deployed, or a maximum of 25 detectors, whichever is less, within the building.
 - D) A Device Placement Log and Floor Plan shall be finalized for each school or commercial building in which radon or radon progeny measurements are made. All measurement devices, including duplicate measures and blanks, shall be noted on the Device Placement Log and Floor Plan by serial number.
- 7) Requirements for Specific School and Commercial Building Designs
 - A) ~~Slab-on-Grade Design~~^{Slab-on-grade Design}. Measure all frequently-occupied rooms in contact with the ground.

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- B) Open-~~Plan~~ or Pod Design. If sections of a pod have moveable walls that can physically separate them from other sections, measure each section separately. If moveable walls are absent or inoperable, measure the pod as one room placing detectors every 2000 square feet.
- C) Crawlspace Design. Measure all rooms directly above an enclosed crawlspace.
- D) Basement Design. In addition to measuring all frequently-occupied basement rooms, measure all frequently occupied rooms above the basement that have at least one wall with substantial contact with the ground.

8) The on-site presence of the Licensed Radon Measurement Professional providing supervision is required for all radon measurement activities at schools and commercial buildings.

hg) New Construction Testing Conditions

- 1) Newly constructed buildings shall not be tested for radon or radon progeny unless the installation of the following items is completed:
 - A) All insulation;
 - B) All exterior doors with associated hardware shall be installed prior to testing;
 - C) All windows;
 - D) All fireplaces and fireplace dampers;
 - E) All heating, air conditioning, and plumbing appliances;
 - F) All ceiling covers;
 - G) All interior trim and coverings for the exterior walls;

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- H) All exterior siding, weatherproofing and caulking;
 - I) All interior and exterior structural components; and
 - J) Any interior or exterior work that may adversely affect the measurement validity.
- 2) Unoccupied homes shall be tested with the HVAC system set and operating in the normal range, such as 72 degrees F plus or minus 5 degrees F.

| **ih)** Post-Mitigation Testing

- 1) Post-mitigation measurements shall not be conducted if temporary radon reduction measures are in use.
- 2) Post-mitigation measurements shall be conducted to determine a system's effectiveness after a permanent radon reduction system has been fully operational for at least 24 hours but not later than 30 days following completion and activation of a mitigation system. The mitigation system shall be operated normally and continuously during the entire measurement period.
- 3) Post-mitigation measurements shall be conducted in accordance with subsections (a), (b) and (c) of this Section.

| **ji)** Temporary Radon Reduction Measures

- 1) Temporary radon reduction measures include:
 - A) The introduction of unconditioned air into the building; or
 - B) Closure of normally accessible areas of the building; or
 - C) Lowering the thermostat below its normal use range, such as 72 degrees F plus or minus 5 degrees F.

- | 2) Any of the conditions listed in subsection (**ji**)(1) of this Section shall invalidate measurement results. The Radon Measurement licensee shall

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not conduct a measurement until the conditions have been corrected. The Radon Measurement licensee shall inform the client and other parties involved in a real estate transaction that these conditions invalidate the measurement results.

- 3) Any improper radon reduction efforts that may affect the measurement results identified prior to, during, or after initial, follow-up, real estate option or post-mitigation measurements shall invalidate the measurement results. The Radon Measurement licensee shall not conduct a measurement until the improper conditions have been corrected.
- 4) Post-mitigation measurements shall not be conducted if any improper radon reduction efforts that may affect the measurement results are identified.

kj) When Radon Measurements Shall Not Be Made

- 1) Short-term radon measurements of less than 96 hours shall not be conducted during severe storms or periods of sustained high winds (30 miles per hour or more). Radon Measurement licensees shall check and document local weather forecasts prior to placing short-term measurement devices when the measurement period is less than 96 hours.

AGENCY NOTE: The National Weather Service defines a severe storm as a storm that generates winds of 58 mph, and/or ¾-inch diameter hail and that may produce tornadoes – not necessarily in that order.

- 2) Radon measurements of any duration shall not be made during renovation of a building, especially renovations involving structural changes, or during renovations of the HVAC systems or any change that disturbs the normal airflow of the building.

AGENCY NOTE: When renovations are planned, radon measurements should be made prior to renovations and immediately upon the completion of renovations.

- 3) ~~Schools and commercial buildings shall only be tested for radon during periods when the HVAC system is operating as it is normally operated when~~

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~~the buildings are occupied, even if the testing occurs when school is not in session or during long holidays.~~

lk) Quality Assurance for Radon Measurements.

- 1) Radon Measurement licensees shall abide by the Quality Assurance Program described in Section 422.60(a)(5)(D) ~~of this Part.~~
- 2) Measurements not performed in accordance with subsections (a), (b) and (c) of this Section shall be considered inappropriate for the purpose of determining the need for mitigation or the effectiveness of a mitigation service.

ml) Measurement Documentation

- 1) Radon Measurement Professional licensees shall ensure that sufficient information on each measurement is recorded in a permanent record to allow for future data comparisons, interpretations and reporting to clients.
- 2) Radon Measurement Professional licensees shall keep the following information in a measurement record that shall be maintained for inspection for a minimum of 5 years. Additional method-specific documentation is outlined in Section 422.140.
 - A) A complete copy of the measurement report.
 - B) A description of any non-interference controls used and copies of non-interference agreements completed in accordance with subsection (d) of this Section; and
 - C) A record of any quality control measures associated with the test, such as the results of simultaneous measurements, diagnostic measurements, duplicate measurements, and calculations associated with the measurement.

n) Measurement Results

- 1) Measurement results shall be reported in the units that the device measures.

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- 2) Any measurement results based on radon gas shall be reported to no more than one decimal place, e.g., 4.3 pCi/L.
 - 3) All valid individual measurement results shall be reported.
 - 4) When using continuous radon monitors, hourly readings shall be included.
 - 5) Measurements made in separate locations shall not be averaged.
 - 6) The average of collocated measurement devices shall be reported, as well as the individual results. Standard mathematical rules shall be followed; i.e., if the average of two measurements produces a result of 3.95 pCi/L, the result shall be reported as 4.0 pCi/L.
 - 7) Any quality control measurements shall be reported as such.
- o) Measurement Reports
- 1) Radon Measurement Professional licensees shall return radon measurement results to the occupant, the owner of the building, his/her representatives or the client within 45 days after retrieving exposed devices. As a minimum, the measurement report shall contain:
 - A) Measurement results reported in accordance with subsection (n).
 - B) The exact start and stop dates and times of the measurement period.
 - C) The address of the building measured, including the zip code.
 - D) A description of the measurement device used, its manufacturer, model or type, and serial numbers or other unique device identification numbers.
 - E) The names and Illinois radon license numbers of the licensees placing and retrieving the devices.
 - F) The name and Illinois license number of the laboratory analyzing the device, if applicable.

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- G) A statement describing recommendations concerning retesting or mitigation provided to the occupant, the owner of the building, his/her representatives or the client in accordance with Appendix A or B, as appropriate.
- H) A statement of whether a mitigation system was observed in the building during placement or retrieval, including whether the mitigation system was operating.
- I) A statement describing any observed tampering, interference or deviations from the required measurement conditions.
- J) A description of the condition of any permanent vents that allow outdoor air into the building, such as crawlspace vents or combustion air supply to combustive appliances.
- K) A description of any severe weather conditions.
- L) The exact locations of all measurement devices deployed and any information that would allow for future data comparisons and interpretations. Licensees shall provide the exact locations by one of the following methods:
- i) A scale diagram of the footprint of the building identifying the windows and doors, finished and unfinished areas, room use, furnaces, hot water heaters, dryers, combustion appliances, crawlspace vents, fireplaces, mitigation systems, floor drains and foundation types, indicating the front of the home and any other pertinent information that may affect the measurement.
- ii) A copy of Appendix E for each foundation type measured.
- 2) Laboratories receiving an exposed device that has been delivered for analysis shall return results to the client within 45 days. At a minimum, the measurement report shall contain:
- A) Measurement results reported in accordance with subsection (n).

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- B) The exact start and stop dates of the measurement period.
- C) The address of the building measured, including the zip code.
- D) A description of the measurement device used, its manufacturer, model or type, and serial numbers or other unique device identification numbers.
- E) The name and Illinois license number of the laboratory analyzing the device.

~~Radon Measurement Professional licensees shall keep the following information in a measurement record that shall be retained for a minimum of 5 years. Additional method-specific documentation is outlined in Section 422.140 of this Part.~~

- ~~A) A copy of the final report, including the measurement results, and the statement describing any recommendations concerning retesting or mitigation provided to the occupant, the owner of the building, his/her representatives or the client;~~
- ~~B) The address of the building measured, including zip code;~~
- ~~C) A diagram of the footprint of the building, noting the exact locations of all measurement devices deployed and any information that would allow for future data comparisons and interpretations, such as the information in subsection (1)(1)(F) of this Section.~~
- ~~D) Exact start and stop dates and times of the measurement period, as required for analysis;~~
- ~~E) A description of the measurement devices used and serial numbers;~~
- ~~F) A description of the condition of any permanent vents, such as crawlspace vents or combustion air supply to combustive appliances;~~
- ~~G) The name and Illinois license number of the service or analysis organizations used to analyze devices;~~

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- H) ~~The name and Illinois license number of the individual who conducted the test;~~
 - I) ~~A description of any variations from or uncertainties about standard measurement procedures, closed building conditions or other factors that may affect the measurement result;~~
 - J) ~~A description of any non-interference controls used and copies of signed non-interference agreements; and~~
 - K) ~~A record of any quality control measures associated with the test, such as the results of simultaneous or diagnostic measurements.~~
- m) ~~Reporting Measurement Results. Radon Measurement Professional licensees shall return radon measurement results to the occupant, the owner of the building, his/her representatives or the client within 45 days after retrieving exposed devices. Laboratories receiving an exposed device that has been delivered for analysis shall return results to the client within 45 days. As a minimum, the measurement report shall contain:~~
- 1) ~~Measurement results reported in the units that the device measures. Any measurement results based on radon gas shall be reported to no more than one decimal place, e.g., 4.3 pCi/L. Any measurement result based on radon progeny shall be reported to no more than 3 decimal places, e.g., 0.033 WL.~~
 - 2) ~~Working level values shall be converted to pCi/L and both shall be reported to the client. The conversions from WL to pCi/L shall be presented and explained clearly in the report to the client. A statement shall be included in the measurement report stating that this approximate conversion is based on a 50 percent equilibrium ratio. In addition, the report shall state that this equilibrium ratio is typical but that any indoor environment may have a different and varying relationship between radon and radon progeny.~~
 - 3) ~~The dates of the measurement period and address of the building tested.~~
 - 4) ~~A description of the measurement device used, its manufacturer, model or type, and serial numbers or other unique device identification numbers.~~

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- ~~5) The name and Illinois license numbers of the person placing and retrieving the device and the Illinois license number of the laboratory analyzing the device.~~
- ~~6) A statement describing any observed tampering, interference or deviations from the required measurement conditions.~~
- ~~7) A copy of the diagram required in accordance with subsection (1)(1)(C) of this Section.~~
- ~~8) Grab sampled measurements shall be reported with written notification stating that grab sample results are useful diagnostic tools, but are not a basis for making a decision regarding mitigation.~~

pn) Devices Placed by Clients. Radon licensees shall provide the client with the following:

- 1) For licensees providing measurement devices to clients, sufficient detectors to ensure that testing is performed consistent with this Part.
- 2) The Agency's address and telephone number.
- 3) Devices that will be placed by the client shall be accompanied by instructions on how to use the device. These instructions shall be consistent with this Section and include specific information on the minimum and maximum length of time that the device shall be exposed.

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

Section 422.140 Device Protocol

- a) Quality Assurance
 - 1) Professional licensees providing measurement services using radon and radon product measurement devices shall establish and maintain a Quality Assurance Program (QAP). These programs shall include written procedures for attaining quality assurance objectives and a system for recording and monitoring the results of the quality assurance

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measurements for each device used. The QAP shall include the maintenance of control charts and related statistical data.

- 2) The objective of quality assurance is to ensure that data are scientifically sound and of known precision and accuracy. This subsection (a)(2) discusses the 6 general categories of quality control measurements. Specific guidance is provided for each method in the relevant protocol.
 - A) Calibration Measurements. Calibration measurements are samples collected or measurements made in a known radon environment, such as a radon chamber. Instruments providing immediate results, such as continuous working level and radon monitors, shall be operated in a radon chamber to establish individual instrument calibration factors.
 - i) Calibration measurements must be conducted to determine and verify the conversion factors used to derive the concentration results. These factors are determined normally for a range of concentrations and exposure times, and for a range of other exposure and/or analysis conditions pertinent to the particular device.
 - ii) Determination of these calibration factors is a necessary part of the laboratory analysis and is the responsibility of the laboratory. These calibration measurement procedures, including the frequency of tests and the number of devices to be tested, shall be specified in the QAP maintained by manufacturers and analysis laboratories.
 - iii) Licensees providing measurements with active devices are required to recalibrate their instruments at least once every 12 months.
 - B) Known Exposure Measurements (Spikes). Known exposure measurements or spiked samples consist of detectors that have been exposed to known concentrations in a radon chamber. These detectors, such as charcoal canisters, alpha track detectors and electret ion chambers, are labeled and submitted to the laboratory

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in the same manner as ordinary samples to preclude special processing.

- i) Suppliers and analysis laboratories shall provide for the blind introduction of spiked samples into their measurement processes and the monitoring of the results in their QAP.
 - ii) Licensees using passive measurement devices shall conduct spiked measurements at a rate of 3 per 100 measurements, with a minimum of 3 per year and a maximum required of 6 per month. Devices shall be exposed in a radon chamber at a minimum of 3 different radon concentrations, such as approximately 4.0, 10-30 and 30-100 pCi/L.
 - iii) Spikes shall be labeled in the same manner as field detectors to ensure identical processing. The results of analyses of detectors exposed to known radon concentrations shall be monitored and recorded. Any significant deviation from the known concentration to which they were exposed shall be investigated and corrective action taken.
- C) Background Measurements. Background measurements are required both for continuous monitors and for passive detectors requiring laboratory analysis.
- i) Licensees using continuous monitors shall perform sufficient instrument background measurements to establish a reliable instrument background and to act as a check on instrument operation.

AGENCY NOTE: Calibration laboratories routinely perform background measurements of continuous monitors during the calibration of instruments.

- ii) Passive detectors requiring laboratory analysis require one type of background measurement made in the laboratory and another in the field.

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- iii) Laboratories shall measure the background of a statistically significant number of unexposed detectors from each batch or lot to establish the laboratory background for the batch and the entire measurement system. This laboratory blank value is subtracted (by the laboratory) from the field sample results reported to the user, and shall be made available to the users for quality assurance purposes.
 - iv) Laboratories performing these measurements shall calculate the lower limit of detection (LLD) for their measurement systems. This LLD is based on the detector and analysis system's background and can restrict the ability of some measurement systems to measure low concentrations.
 - v) Licensees using passive detectors shall employ field controls (called blanks) equal to approximately 5 percent of the detectors that are deployed, or 25 each month, whichever is smaller.
 - vi) These controls shall be set aside from each detector shipment, kept sealed and in a low radon environment, labeled in the same manner as the field samples to preclude special processing, and returned to the analysis laboratory along with each shipment. These field blanks measure the background exposure that may accumulate during shipment and storage. The results shall be monitored and recorded.
 - vii) The recommended action to be taken if the concentrations measured by one or more of the field blanks is significantly greater than the LLD is dependent upon the type of detector and is discussed in the protocol for each method.
- D) Duplicate Measurements. Duplicate measurements provide a check on the precision of the measurement result and allow the user to make an estimate of the relative precision. Large precision errors may be caused by detector manufacture or improper data transcription or handling by suppliers, laboratories, or technicians performing placements. Precision error can be an important

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component of the overall error; therefore, licensees performing measurements shall monitor precision.

- i) Duplicate measurements shall be side-by-side measurements made in at least 10 percent of the total number of measurement locations, or 50 each month, whichever is smaller. The locations selected for duplicate measurement shall be distributed systematically throughout the entire population of samples.
 - ii) The precision of duplicate measurements shall be monitored and recorded in the quality assurance records. The analysis of data from duplicates shall be plotted on range control charts. If the precision estimated by the user is not within the precision expected of the measurement method, the cause of the problem shall be investigated.
 - iii) Detectors shall be treated identically in every respect. They shall be shipped, stored, opened, installed, removed and processed together, and not identified as duplicates to the processing laboratory.
- E) Routine Instrument Performance Checks. Proper functioning of analysis equipment and operator usage require that the equipment and measurement system be subject to routine checks. Regular monitoring of equipment and operators is vital to ensure consistently accurate results. Performance checks include the frequent use of an instrument check source. Components of the device (such as a pump, battery or electronics) shall be checked regularly and the results noted in a record. Each user shall develop methods for regularly monitoring (preferably daily with use) their measurement system and for recording and reviewing results.
- F) Cross-checks. Professional licensees using active monitors shall check their monitors for bias on a regular basis. Ideally, such measurements are made in a radon chamber. Exposure in a radon chamber is required during calibration. It can be difficult to expose active monitors more often than once every 12 months. It is important to more frequently [assess](#) the continued

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satisfactory operation of the instrument response and to ensure damage from shipping has not occurred prior to an instrument being placed into service after calibration. Cross-checks shall be performed prior to placing an instrument being returned to service after calibration and at 6 months (plus or minus a month) after calibration. The following conditions shall be met:

- i) Where feasible, a cross-check shall begin with an instrument background measurement.
 - ii) The cross-check measurement shall be made in an environment that has been chosen for its stability and radon concentration that is above the lower limit of detection.
 - iii) Cross-checks shall be side-by-side measurements.
 - iv) One of the instruments shall have been calibrated within the last 45 days.
 - v) A measurement of at least 48 hours duration shall be conducted.
 - vi) The bias of cross-check measurements shall be monitored and recorded in the quality assurance records. If the bias estimated by the user is not within the bias expected of the measurement, the cause of the problem shall be investigated and corrective action taken in accordance with the licensee's Agency-approved QAP.
- b) Protocol for using continuous radon monitors (CRs) to measure indoor radon concentrations
- 1) Refer to Section 422.130 ~~of this Part~~ for a list of general conditions that shall be met and standard information that shall be documented.
 - 2) When performing a radon measurement, the CR shall be programmed to run continuously, recording periodically (hourly or more frequently) the radon concentration for at least 48 hours. Longer measurements may be required per the continuous monitor type and the radon level being measured.

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- 3) If the first 4 hours of data from a 48-hour measurement are discarded because data are produced prior to the establishment of equilibrium conditions in the test device, the remaining hours of data shall be averaged and shall be sufficient to represent a 2-day measurement.
 - 4) Every CR shall be calibrated in a radon chamber, approved by the Agency, before being placed into service, and after any repairs or modifications that could affect the calibration. Subsequent recalibrations and background checks shall be performed at least once every 12 months. Each scintillation cell requires an individual calibration factor.
 - 5) Background measurements shall be performed after every 1,000 hours of operation of scintillation cell-type CRs and whenever any type of CR is calibrated. The background shall be checked by purging the monitor with clean, aged air or nitrogen in accordance with the manufacturer's instructions. In addition, the background count rate shall be monitored in accordance with the manufacturer's instruction.
 - 6) Licensees providing measurement services with CR devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.
 - 7) Pumps and flow meters shall be checked before and after each measurement in accordance with the manufacturer's instruction.
 - 8) Licensees providing measurement services with CR devices shall perform cross-checks. The performance and analysis of cross-checks shall be completed in accordance with subsection (a)(2)(F) of this Section.
- c) Protocol for using alpha track (AT) detectors to measure indoor radon concentrations
- 1) Refer to Section 422.130 ~~of this Part~~ for a list of general conditions that shall be met and standard information that shall be documented.
 - 2) The laboratory background level for each batch of ATs shall be established by each laboratory licensed by the Agency. Laboratories shall measure the background of a statistically significant number of unexposed

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ATs that have been processed according to the licensee's Quality Assurance Program implementing/operating procedures.

- 3) Every AT laboratory system shall be calibrated in a radon chamber at least once every 12 months. Determination of a calibration factor requires exposures of ATs to a known radon concentration in a radon chamber. These calibration exposures shall be used to obtain or verify the conversion factor between net tracks per unit area and radon concentration.
 - A) ATs shall be exposed in a radon chamber at a minimum of 3 different radon concentrations such as approximately 4.0, 10-30 and 30-100 pCi/L or exposure levels similar to those found in the tested buildings.
 - B) Expose a minimum of 10 detectors at each radon concentration of the chamber.
 - C) A calibration factor shall be determined for each batch or sheet of detector material received from the supplier. Alternatively, calibration factors may be established for several sheets, and these factors extended to detectors from sheets exhibiting similar sensitivities (within pre-established tolerance limits).
 - D) Analysis instruments shall be checked at least daily for operability prior to operation. Analysis instruments do not need to be checked on days not used.
- 4) Licensees providing measurement services with AT devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) of this Section.
- 5) Licensees providing measurement services with AT devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.

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- 6) Licensees providing measurement services with AT devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) of this Section.
- A) The results shall be monitored and recorded. If one or a few field blanks have concentrations significantly greater than the LLD established by the supplier, it may indicate defective packaging or handling and the licensee shall investigate the cause. If the average value from the field control devices (field blanks) is significantly greater than the LLD established by the supplier, this average value shall be subtracted from the individual values reported for the other devices in the exposure group.
- B) It may be advisable to use 3 sets of detectors (pre-exposure, field and post-exposure background) in order to allow the most thorough and complete evaluation of radon levels. For example, one group of detectors (pre-exposure detectors) may be earmarked for background measurement and returned for processing immediately after the other detectors are deployed. The results from these detectors determine if the number of tracks acquired before deployment is significant and should be subtracted from the gross result. The second set of background detectors (post-exposure background detectors) are obtained just before the field monitors are to be collected and are opened and kept in the same location as the returning field monitors for the same duration, and returned with them. Finally, this "post-exposure background" is subtracted from the field results, if found to be significant. In general, a value of 1 pCi/L or greater for any blank AT indicates a significant level that should be investigated and potentially subtracted from the field AT results.
- d) Protocol for using electret ion chamber radon (ES or EL) detectors to measure indoor radon concentration.
- 1) Refer to Section 422.130 ~~of this Part~~ for a list of general conditions that shall be met and standard information that shall be documented.
- 2) Every short-term and long-term electret system and the electret reader(s) shall be calibrated in a radon chamber, approved by the Agency. Initial

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calibration for the system is provided by the manufacturer. Subsequent recalibrations shall be performed at least once every 12 months. Determination of calibration factors for short-term or long-term detectors requires exposure of detectors to known concentrations of radon-222 in a radon exposure chamber. Since short-term and long-term electret detector systems are also sensitive to gamma radiation, a gamma exposure rate measurement in the test chamber is also required annually.

- 3) The following is provided to manufacturers and suppliers of ES or EL services as minimum requirements in determining the calibration factor:
 - A) Detectors shall be exposed in a radon chamber at a minimum of 3 different radon concentrations, such as approximately 4.0, 10-30 and 30-100 pCi/L, or exposure levels similar to those found in the tested buildings.
 - B) Expose a minimum of 10 detectors at each radon concentration of the chamber.
 - C) Ensure a period of exposure sufficient to allow the detector to achieve equilibrium with the radon chamber atmosphere.
- 4) Licensees providing measurement services with ES or EL devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) of this Section.
- 5) Licensees providing measurement services with ES or EL devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.
- 6) Licensees providing measurement services with short-term or long-term electrets shall set aside a minimum of 5 percent of the electrets or 10, whichever number is smaller, from each shipment and evaluate them for voltage drift. The electrets shall be kept covered with protective caps in a low radon environment and analyzed for voltage drift over a time period similar to the time period used for those deployed in measurements. Any voltage loss found in the control electrets of more than one volt per week

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over a 3-week test period for short-term electrets, or one volt per month over a 3-month period for long-term electrets, shall be investigated.

- 7) Proper operation of the surface voltmeter shall be monitored following the manufacturer's procedures for zeroing the voltmeter and analyzing a reference electret. These checks shall be conducted at least once a week while the voltmeter is in use.
- e) Protocol for using activated charcoal adsorption (AC) devices to measure indoor radon concentrations
- 1) Refer to Section 422.130 ~~of this Part~~ for a list of general conditions that shall be met and standard information that shall be documented.
 - 2) Every activated charcoal adsorption system shall be calibrated in a ~~radon chamber~~ radon chamber at least once every 12 months. Determination of calibration factors for ACs requires exposure of the detectors to known concentrations of radon-222 in a radon chamber. The calibration factors depend on the exposure time and may also depend on the amount of water adsorbed by the charcoal container during exposure. Calibration factors shall be determined for each AC measurement system (container type, amount of charcoal, gamma detector type, etc.).
 - 3) Licensees providing measurement services with AC devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) of this Section.
 - 4) Licensees providing measurement services with AC devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.
 - 5) Laboratory Control Detectors. The laboratory background level for each batch of ACs shall be established by each laboratory or supplier. Suppliers shall measure the background of a statistically significant number of unexposed detectors that have been processed according to their standard operating procedures (laboratory blanks). The analysis laboratory or supplier calculates the net readings, ~~that~~ which are used to calculate the

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reported sample radon concentrations, by subtracting the laboratory blank values from the results obtained from the field detectors.

- 6) Licensees providing measurement services with AC devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) of this Section.
 - A) One or a few of the field blanks have concentrations significantly greater than LLD established by the supplier may indicate defective devices or poor procedures and the licensee shall investigate the cause.
 - B) If most of the field blanks have concentrations significantly greater than the LLD, the average value of the field blanks shall be subtracted from the reported field detector concentrations and the supplier notified of a possible problem.
- 7) Counting equipment shall be subject to daily operability checks by counting an instrument check source and determining whether the reference source is constant to within established limits (2 standard deviations). Daily operability checks do not need to be performed on days the instrument is not used. The characteristics of the check source (geometry, type of radiation emitted, etc.) shall be similar to those of the samples analyzed. The count rate of the check sources shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.
- f) Protocol for using charcoal liquid scintillation (LS) devices to measure indoor radon concentrations
 - 1) Refer to Section 422.130 ~~of this Part~~ for a list of general conditions that shall be met and standard information that shall be documented.
 - 2) Every LS laboratory system shall be calibrated in a radon chamber at least once every 12 months. Determination of calibration factors for LS devices requires exposure of calibration devices to known concentrations of radon-222 in a radon chamber at carefully measured radon concentrations. The calibration factors depend on the exposure time and may also depend on the amount of water adsorbed by the device during exposure. Calibration

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factors shall be determined for a range of different exposure times and, as appropriate, humidities.

- 3) Licensees providing measurement services with LS devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) of this Section.
- 4) Licensees providing measurements services with LS devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.
- 5) Laboratory Control Devices. The laboratory background level for each batch of LS devices shall be established by each laboratory or supplier. Suppliers shall measure the background of a statistically significant number of unexposed LS devices that have been processed according to their standard operating procedures (laboratory blanks). The analysis laboratory or supplier calculates the net readings, ~~that~~^{which} are used to calculate the reported sample radon concentrations, by subtracting the laboratory blank values from the results obtained from the field detectors.
- 6) Licensees providing measurement services with LS devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) of this Section.
 - A) One or a few of the field blanks have concentrations significantly greater than the LLD established by the supplier may indicate defective devices or poor procedures and the licensee shall investigate the cause.
 - B) If most of the field blanks have concentrations significantly greater than the LLD, the average value of the field blanks shall be subtracted from the reported field detector concentrations and the supplier notified of a possible problem.
- 7) Counting equipment shall be subject to daily operability checks by counting an instrument check source and determining whether the reference source is constant to within established limits (~~2-standard~~2 standard deviations). Daily operability checks do not need to be performed on days the instrument

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is not used. The characteristics of the check source (geometry, type of radiation emitted, etc.) shall be similar to those of the samples analyzed. The count rate of the check sources shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.

- g) ~~Protocol for using grab radon sampling (GB, GC, GS) pump/collapsible bag devices (PBs), and 3 day integrating evacuated scintillation cells (SCs) to measure indoor radon concentrations~~
- 1) ~~Refer to Section 422.130 of this Part for a list of general conditions that shall be met and standard information that shall be documented.~~
 - 2) ~~Every GB, GC, GS, PB or SC device shall be calibrated in a radon chamber before being put into service and at subsequent intervals of not more than 12 months.~~
 - A) ~~Calibration Factors. Determination of calibration factors requires exposure of calibration devices to known concentrations of radon-222 in a radon chamber at carefully measured radon concentrations. The cells shall be recalibrated annually at radon levels similar to those found in tested buildings. Scintillation counting systems used to count exposed cells shall be either the system used to calibrate the cell or one calibrated against that system.~~
 - B) ~~Cell Calibration. If a GS method of measuring the radon concentration is used in the PB or GB methods, the following calibration procedure shall be followed.~~
 - i) ~~The cell counting system consisting of the scaler, detector and high voltage supply shall be calibrated. The correct high voltage is determined by increasing the high voltage by increments and plotting the resultant counts. Each counting system shall be calibrated in a radon chamber before use and after any repairs or modifications that could affect the calibration. Subsequent recalibrations shall be performed once every 12 months, with cross-checks to a recently calibrated instrument at least semiannually. A check source or calibration cell shall be counted in each analysis system~~

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~~background measurements shall be completed in accordance with subsection (a)(2)(C) of this Section.~~

- 7) ~~Counting equipment shall be checked prior to each day's use with a check source. The characteristics of the check source (i.e., geometry, type of radiation emitted, etc.) shall be as similar to the samples to be analyzed as possible. The count rate of the check source shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.~~
 - 8) ~~Pumps and flow meters shall be checked in accordance with the manufacturer's specification to ensure accuracy of volume measurements. This may be performed using a dry gas meter or other flow measurement device of traceable accuracy.~~
 - 9) ~~Licenses providing measurement services with GB, GC, GS, or SC devices shall perform cross-checks. The performance and analysis of cross-checks shall be completed in accordance with subsection (a)(2)(F) of this Section.~~
- h) Protocol for using unfiltered track detection (UT) to measure indoor radon concentrations
- 1) ~~Refer to Section 422.130 of this Part for a list of general conditions that shall be met and standard information that shall be documented.~~
 - 2) ~~Every UT laboratory system shall be calibrated in a radon chamber at least once every 12 months. Determination of a calibration factor requires exposure of UT detectors to a known radon and radon progeny concentration in a radon chamber. These calibration exposures shall be used to obtain or verify the conversion factor between net tracks per unit area and radon concentration. The following is provided to manufacturers and suppliers of this device as minimum requirements in determining the calibration factor:~~
 - A) ~~UT detectors shall be exposed in a radon chamber at a minimum of 3 different radon and radon progeny concentrations similar to those expected in the tested buildings. Concentrations of radon progeny shall be known in order to be included in the calculation of the calibration factor.~~

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- ~~B) A minimum of 10 detectors shall be exposed at each radon concentration of the chamber.~~
- ~~C) A calibration factor shall be determined for each batch of detector material received from the material supplier. Alternatively, calibration factors may be established from several sheets and these factors extended to detectors from sheets exhibiting similar sensitivities (within pre-established tolerance limits).~~
- ~~D) Altitude of the radon chamber shall be known if located at more than 600 feet (200 meters) above sea level so that a correction can be included in the calculation of the calibration factor.~~
- ~~3) Licensees providing measurement services with UT devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) of this Section.~~
- ~~4) Licensees providing measurement services with UT devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.~~
- ~~5) Laboratory Control Detectors. The laboratory background level for each batch of UT detectors shall be established by each supplier. Suppliers shall measure the background of a statistically significant number of unexposed detectors that have been processed according to their standard operating procedures. Normally, the analysis laboratory or supplier calculates the net readings (which are used to calculate the reported sample radon concentrations) by subtracting the laboratory blank values from the results obtained from the field detectors.~~
- ~~6) Licensees providing measurement services with UT devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) of this Section.~~
 - ~~A) One or a few of the field blanks having concentrations significantly greater than the LLD established by the supplier may indicate~~

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~~defective devices or poor procedures and the licensee shall investigate the cause.~~

~~B) If most of the field blanks have concentrations significantly greater than the LLD, the average value of the field blanks shall be subtracted from the reported field detector concentrations and the supplier notified of a possible problem.~~

~~7) Analysis instruments shall be checked at least daily for operability prior to operation. Daily operability checks do not need to be performed on days the instrument is not used.~~

~~g)~~ Protocol for using continuous working level (CW) ~~monitors to~~ monitors to measure indoor radon progeny concentrations

- ~~1) Radon Decay Product measurements may be appropriate under certain conditions in large buildings, but are not currently routinely performed by licensees or recommended by the American Association of Radon Scientists and Technologists. The Agency does not recommend their use for home environment or residential real estate measurements. Licensees interested in using CWs for measurement purposes shall submit Standard Operating Procedures, consistent with this Part, specific to the model and design of the CW instrument to the Agency for approval.~~
- ~~2) Conditions and information in Section 422.130 shall be met.~~
- ~~3) Any measurement result based on radon progeny shall be reported to no more than 3 decimal places, e.g., 0.033 working level (WL).~~
- ~~4) The integrated average WL over the measurement period shall be reported as the measurement result.~~
- ~~5) When performing a radon measurement, the CW shall be programmed to run continuously, recording the periodic WL and, when possible, the total integrated average WL. The longer the operating time, the smaller the uncertainty associated with using the measurement result to estimate a longer-term average concentration.~~

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- 6) Working level values shall be converted to pCi/L and both shall be reported to the client. The conversions from WL to pCi/L shall be presented and explained clearly in the report to the client. A statement shall be included in the measurement report that this approximate conversion is based on a 40 percent equilibrium ratio. In addition, the report shall state that this equilibrium ratio is typical, but that any indoor environment may have a different and varying relationship between radon and radon progeny.
- 7) Every continuous WL monitor shall be calibrated in a radon chamber, approved by the Agency, before being placed into service and after any repairs or modifications that could affect the calibration. Subsequent recalibrations shall be performed at least once every 12 months.
- 8) Background measurements shall be performed after every 168 hours of operation and whenever the unit is calibrated. The CW shall be purged with clean, aged air or nitrogen in accordance with the manufacturer's instructions. In addition, the background count rate may be monitored more frequently by operating the CW in a low radon concentration.
- 9) Measurement licensees providing measurement services with CW devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.
- 10) Pumps and flow meters shall be checked before and after each measurement in accordance with the manufacturer's instruction to ensure accuracy of volume measurements. This may be performed using a dry-gas meter or other flow measurement device of traceable accuracy.
- 11) Licensees providing measurement services with CW devices shall perform cross-checks. The performance and analysis of cross-checks shall be completed in accordance with subsection (a)(2)(F) of this Section.
- ~~1) Refer to Section 422.130 of this Part for a list of general conditions that shall be met and standard information that shall be documented.~~
- ~~2) When performing a radon measurement, the CW shall be programmed to run continuously, recording the periodic WL and, when possible, the total integrated average WL. The longer the operating time the smaller the~~

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- ~~uncertainty associated with using the measurement result to estimate a longer term average concentration.~~
- ~~3) The integrated average WL over the measurement period shall be reported as the measurement result.~~
 - ~~4) Every continuous WL monitor shall be calibrated in a radon chamber, approved by the Agency, before being placed into service and after any repairs or modifications that could affect the calibration. Subsequent recalibrations shall be performed at least once every 12 months.~~
 - ~~5) Background measurements shall be performed after every 168 hours of operation and whenever the unit is calibrated. The CW shall be purged with clean, aged air or nitrogen in accordance with the manufacturer's instructions. In addition, the background count rate may be monitored more frequently by operating the CW in a low radon concentration.~~
 - ~~6) Measurement licensees providing measurement services with CM devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.~~
 - ~~7) Pumps and flow meters shall be checked before and after each measurement in accordance with the manufacturer's instructions to ensure accuracy of volume measurements. This may be performed using a dry gas meter or other flow measurement device of traceable accuracy.~~
 - ~~8) Licensees providing measurement services with CW devices shall perform cross checks. The performance and analysis of cross checks shall be completed in accordance with subsection (a)(2)(F) of this Section.~~
- j) Protocol for using radon progeny integrating sampling units (RPISUs or RPs) to measure indoor radon progeny concentrations
- ~~1) Refer to Section 422.130 of this Part for a list of general conditions that shall be met and standard information that shall be documented.~~
 - ~~2) Every RP shall be calibrated in a radon chamber, approved by the Agency, before being placed into service and after any repairs or modifications that~~

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~~could affect the calibration. Subsequent recalibrations shall be performed at least once every 12 months, with cross checks with a recently calibrated instrument at least semiannually. Calibration of RPs requires exposure in a controlled radon chamber where the radon progeny concentration is known during the exposure period. The detector shall be exposed in the radon chamber using the normal operating flow rate for the RP sampling pumps. Calibration shall include exposure to a minimum of 4 detectors exposed at different radon decay product concentrations representative of the range found in routine measurements. The relationship of thermoluminescent dosimeters (TLD) reader units or etched track reader units to working level (WL) for a given sample volume and the standard error associated with this measurement shall be determined. Calibrations of the RPs includes testing to ensure accuracy of the flow rate measurement.~~

- ~~3) Licensees providing measurement services with RP devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) of this Section.~~
- ~~4) Licensees providing measurement services with RP devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.~~
- ~~5) Laboratory Control Detectors. The laboratory background level for each batch of assembled TLDs shall be established by each supplier. Suppliers shall measure the background of a statistically significant number of unexposed thermoluminescent assemblies that have been processed according to their standard operating procedures. To calculate the net readings used to calculate the reported sample radon concentrations, the analysis laboratory shall subtract this laboratory blank value from the results obtained from the field detectors.~~
 - ~~A) Similarly, the laboratory background level for each batch of AT-type RPs shall be established by each supplier of these detectors. Suppliers shall measure the background of a statistically significant number of unexposed detector films that have been processed according to their standard operating procedures. The analysis laboratory shall subtract this laboratory blank value from the results~~

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- ~~obtained from the field detectors before calculating the final result.~~
- B) ~~Users of electret type RPs shall follow control detector procedures described in subsection (d) of this Section.~~
- 6) ~~Licensees providing measurement services with RP devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) of this Section.~~
- A) ~~One or a few of the field blanks having concentrations significantly greater than the LLD established by the supplier may indicate defective devices or poor procedures and the licensee shall investigate the cause.~~
- B) ~~If most of the field blanks have concentrations significantly greater than the LLD, the average value of the field blanks shall be subtracted from the reported field detector concentrations and the supplier notified of a possible problem.~~
- 7) ~~Pumps and flow meters shall be checked before and after each measurement in accordance with the manufacturer's instructions to ensure accuracy of volume measurements. This may be performed using a dry gas meter or other flow measurement device of traceable accuracy.~~
- k) ~~Protocol for using the grab sampling working level (GW) technique to measure indoor radon progeny concentrations~~
- 1) ~~Refer to Section 422.130 of this Part for a list of general conditions that shall be met and standard information that shall be documented.~~
- 2) ~~Pumps and flow meters used to sample air shall be calibrated at least annually to ensure accuracy of volume measurements. This may be performed using a dry gas meter or other flow measurement device of traceable accuracy.~~
- 3) ~~Every GW device shall be calibrated in a radon chamber before being put into service and after any repairs or modifications that could affect the calibration. Subsequent recalibrations shall be performed once every 12~~

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~~months. Grab measurements shall be made in a radon chamber of known radon progeny concentrations to verify the calibration factor. These measurements shall also be used to test the collection efficiency and self-absorption of the filter material being used for sampling. A change in the filter material being used shall require that the new material be checked for collection efficiency in a radon chamber.~~

- 4) ~~Counting equipment shall be checked to ensure proper operation. This shall be achieved by counting an alpha instrument check source at least once per day prior to instrument use. Daily operability checks do not need to be performed on days the instrument is not used. The characteristics of the check source (i.e., geometry, type of radiation emitted, etc.) shall be as similar to the samples to be analyzed as possible. The count rate of the check source shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.~~
 - A) ~~The radiological counters shall have calibration checks run daily prior to use to determine counter efficiency. Daily operability checks do not need to be performed on days the instrument is not used. These checks shall be made using a NIST traceable alpha calibration source such as Am-241. In addition, the system background count rate shall be assessed in accordance with the manufacturer's specification.~~
 - B) ~~Pumps and flow meters shall be checked in accordance with the manufacturer's specification to ensure accuracy of volume measurements. This may be performed using a dry gas meter or other flow measurement device of traceable accuracy.~~
- 5) ~~Licenses providing measurement services with GW devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.~~
- 6) ~~Licenses providing measurement services with GW devices shall perform cross checks. The performance and analysis of cross checks shall be completed in accordance with subsection (a)(2)(F) of this Section.~~

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

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Section 422.150 Mitigation Standard

- a) The Mitigation Standard (MS) includes requirements for installation of radon remediation systems and provides a basis for evaluating the quality of such installations. It provides the basis against which in-progress or completed inspections will be evaluated.
- b) Radon Mitigation Professional licensees shall be responsible for all radon mitigation systems installed by their firm or its subcontractors to ensure compliance with the requirements of this Mitigation Standard.
- c) Limitations
 - 1) Where discrepancies exist between provisions of the MS and municipal codes, the municipal codes shall take precedence, except that the municipal codes shall not take precedence with regard to alterations that may adversely impact the radon reduction functions for which such systems were originally designed and may adversely impact public health and safety regarding exposure to a radioactive element.
 - 2) Compliance with the MS does not guarantee reduction of indoor radon concentrations to any specific level.
 - 3) ~~When altering a mitigation~~Mitigation system ~~altered after June 1, 1998, it~~ shall be upgraded to the requirements of this Section. Altering radon mitigation systems does not include activities such as replacing worn out equipment or providing new filters, while leaving the remainder of the system unchanged. When maintenance is performed by a licensee on a mitigation system that does not comply with this Part, the client shall be notified in writing that the mitigation system does not comply with the mitigation standards of this Part. In addition, the professional licensee shall provide a written estimate of the upgrades needed and the cost to bring the system into compliance.
 - 4) ~~Radon Mitigation licensees shall have, as reference documents for the design, size, operation, use and selection of the most appropriate mitigation strategy for a given building, the following references, as a minimum:~~

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- ~~A) "Radon Reduction Techniques for Detached Houses, Technical Guidance (Second Edition)," EPA/625/5-87/019, January 1988.~~
- ~~B) "Radon Reduction Techniques for Detached Houses, Technical Guidance (Third Edition) for Active Soil Depressurization Systems" EPA/625/R-93/011, October 1993.~~
- ~~C) "Application of Radon Reduction Methods," EPA/625/5-88/024, August 1988.~~
- d) Quality Assurance. Radon Mitigation licensees shall follow the procedures specified in the Quality Assurance Program as required by Section 422.60(c)(5)(D) ~~of this Part.~~
- e) General Practices. The following general practices are required for all contacts between Radon Mitigation licensees and clients.
- 1) In the initial contact with a client, the licensee shall review any available results from previous radon measurements to assist in developing an appropriate mitigation strategy. If the radon measurement was not performed in accordance with this Part, the client shall be advised that a retest is recommended.
 - 2) The licensee shall inform the client of or provide to the client, Illinois specific documents, approved by the Agency, that discuss interpretation of indoor radon test results and the health risk associated with the radon level found in the building. These documents are available from the Agency and are on the Agency web site.
 - ~~3) Whenever a temporary radon reduction system is installed in lieu of a permanent radon reduction system, the licensee shall:~~
 - ~~A) Obtain a signed acknowledgement that the client understands the temporary nature of the system;~~
 - ~~B) Label the system as temporary with a label readable from at least 3 feet away and that states "This system is temporary and will be replaced with a permanent radon reduction system. The estimated~~

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~~date of installation of the permanent radon reduction system is."~~

~~C) Inform the Agency when the permanent installation is postponed for over 60 days.~~

34) The licensee shall inform the client in writing, at the time a proposal for the installation of a radon reduction system is offered, of any sealants, caulks, or bonding chemicals containing volatile solvents and of the need to ventilate work areas during and after the use of such materials. The licensee shall provide ventilation as recommended by the manufacturer of the material used if existing ventilation does not meet the recommendations of the manufacturer of the material used.

f) Building Investigation

1) The licensee shall conduct a thorough visual inspection of the building prior to initiating any radon mitigation work. The results of the inspection shall be recorded in detail on a drawing of the floor plan. The licensee shall identify and describe any specific building characteristics and configurations, such as large cracks in slabs, exposed earth in crawlspaces, open stairways to basements, and operational conditions, such as continuously running HVAC systems or operation windows, that may affect the design, installation, and effectiveness of radon mitigation systems.

A) As part of this inspection, the licensee shall request from the client any available information on the building, such as construction specifications, pictures, drawings, etc., that might be valuable in determining the radon mitigation strategy.

B) A floor-plan drawing shall be finalized from preliminary inspection sketches and shall include illustration of the building foundation, the location of all walls, drain fixtures, HVAC systems and radon entry points, results of any diagnostic testing, the layout of any radon mitigation system piping, and the location of any vent fan and system warning devices.

C) The finalized drawing shall be an auditable part of the mitigation file and shall be available to the occupant, the owner of the

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building, his/her representatives or the client, upon request.

- 2) The licensee shall conduct diagnostic tests to assist in identifying and verifying radon entry points and shall document the results of these tests in writing. Such tests may include radon grab sampling, continuous radon monitoring, and the use of smoke sticks.
 - 3) If a contractor has concerns about backdrafting potential at a particular site, the contractor shall recommend that a qualified person inspect the natural draft combustion appliances and venting systems for compliance with local codes and regulations. The contractor shall recommend that the building owner bring into compliance any combustion appliance or venting system found to be non-complying.
 - 4) Licensees shall not install a fan-powered radon reduction system in any building wherein confirmed spillage from any natural combustion appliance occurs, until the licensee has confirmed that the problem has been corrected by the client.
 - 5) Licensees shall conduct a communication test prior to completing a proposal for the installation of a radon reduction system in any building where the characteristics of the sub-slab material are unknown to the licensee. The results of the communication test shall be documented in writing or on a drawing of the building floor plan.
- g) Systems Design
- 1) All radon mitigation systems shall be designed and installed as permanent, integral additions to a building, except in accordance with subsection (e)(3) of this Section.
 - 2) All radon mitigation systems shall be designed to avoid the creation of other health, safety, or environmental hazards to building occupants, such as backdrafting of natural draft combustion appliances.
 - 3) The main run of vent pipe, from primary suction point to exhaust, shall be a minimum 3 inches in diameter to avoid excessive flow noise inside the pipe and noise when the exhaust jet is released.

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- 4) All radon mitigation systems and their components shall be designed to comply with the laws, ordinances, codes, and regulations of relevant jurisdictional authorities, including applicable mechanical, electrical, building, plumbing, energy and fire prevention codes.
- 5) All radon mitigation systems shall be designed to reduce a radon concentration in each area within the footprint of the building as low as reasonably achievable (ALARA).

6) As installed, the mitigation system shall operate at a reasonable noise level.

h) Systems Installation

1) General Requirements

- A) All components of radon mitigation systems shall also be in compliance with the applicable mechanical, electrical, building, plumbing, energy and fire prevention codes, standards, and regulations of local jurisdiction.
- B) Where portions of structural framing material must be removed to accommodate radon vent pipes, material removed shall be no greater than that permitted for plumbing installations by applicable building or plumbing codes.
- C) Where radon mitigation system installation requires pipes or ducts to penetrate a firewall or other fire resistance rated wall, floor or ceiling penetrations shall be protected in accordance with applicable building, mechanical, fire and electrical codes.

AGENCY NOTE: An example of a protected penetration would be the installation of a fire collar on a vent pipe penetrating a ceiling.

- D) Sump pits shall not be used as the primary suction point for mitigation systems, unless in accordance with subsection (h)(7) of this Section.

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~~E) Installations that require greater than 5 days for installation shall be treated as temporary installations in accordance with subsection (e)(3) of this Section until the permanent installation is complete.~~

2) Passive or skeletal new construction systems are not required components of new building construction, except as included in municipal building codes. Mitigation systems installed in new construction must be performed by a licensed mitigation professional or technician.

3) Radon Vent Pipe Installation

A) All joints and connections in radon mitigation systems using plastic vent pipes shall be permanently sealed with adhesives as specified by the manufacturer of the pipe material used, with 2 exceptions:

i) If secondary suction points are installed in sump pits, the system shall be designed with removable or flexible couplings to facilitate removal of the sump pit cover and for sump pump maintenance; and

ii) To facilitate maintenance and future replacement, radon vent fans shall be installed in the vent pipe using removable couplings or flexible connections that can be tightly secured to both the fan and the vent pipe.

B) All joints and connections in radon mitigation systems using a 3-inch by 4-inch metal downspout on the exterior of a building shall be sealed with appropriate sealants.

CB) Vent stack discharge points shall be directed vertically with no obstruction in the discharge except for a rodent screen of wire mesh no smaller than one-fourth inch. Rain caps shall not be installed on the discharge.

DE) Radon vent pipes shall be fastened to the structure of the building with hangers, strapping, or other supports that will permanentlyadequately secure the vent material. Existing plumbing pipes, ducts, or mechanical equipment shall not be used

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to support or secure a radon vent pipe.

ED) Radon vent pipes shall be supported as follows:

- i) Supports for radon vent pipes shall be installed at least every 6 feet on non-vertical runs.
- ii) Vertical runs shall be secured either above or below the points of penetration through floors, ceilings and roofs.
- iii) Vertical runs shall be secured at least every 8 feet on runs that do not penetrate floors, ceilings or roofs.

EE) To prevent blockage of air flow into the bottom of radon vent pipes, these pipes shall be supported or secured in a permanent manner that prevents their downward movement to the bottom of suction pits or sump pits, or into the soil beneath an aggregate layer under a slab.

EF) Radon vent pipes shall be installed in a configuration that ensures that any rain water or condensation within the pipes drains downward into the ground beneath the slab or soil gas retarder membrane.

EG) Radon vent pipes shall not block access to any areas requiring maintenance or inspection. Radon vents shall not be installed in front of or interfere with any light, opening, door, window or equipment access area required by code.

EH) When a radon mitigation system is designed to draw soil gas from a perimeter drain tile loop (internal or external) that discharges water through a drain line to daylight or a soakaway, a one-way flow valve, water trap, or other control device shall be installed if diagnostic testing indicates that outside air is entering the system.

- 4) Vent Stack Discharge Point. The discharge from vent stack pipes of active soil depressurization systems shall prevent re-entrainment of radon, prevent vent stack blockage due to heavy snowfall and prevent the direct exposure of

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individuals outside of buildings to high levels of radon by meeting all the following requirements:

- A) Above the highest eave of the roof and as close to the roof ridge line as possible, unless an attached garage may be used for vent stack pipe discharge and all the following additional conditions are met:
 - i) The vent stack point penetrates the highest point on the roof that maximizes distance from people using the house, yard, patio, deck, etc.;
 - ii) There are no windows in the direct line of sight from the vent stack point;
 - iii) The vent stack point penetrates the farthest point on the roof that maximizes distance from the nearest opening (such as windows, doors, etc.) into the house and garage that is less than 2 feet below the exhaust point; and
 - iv) The reason for routing through an attached garage shall be documented and maintained for inspection by the Agency;
- B) 10 feet or more above ground level;
- C) 10 feet or more from any window, door or other opening into conditioned spaces of the structure that is less than 2 feet below the exhaust point. The 10 feet may be measured either directly between the 2 points or be the sum of measurements made around intervening obstacles;
- D) 10 feet or more from any opening into an adjacent building;
- E) For vent stack pipes that penetrate the roof, at least 12 inches above the surface of the roof; and
- F) For vent stack pipes attached to or penetrating the sides of buildings, vertical and at least 12 inches above the edge of the roof and in a position to prevent blockage from snow or other materials and from being filled with water from the roof or an overflowing gutter.

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- 5) Radon Vent Fan Installation
- A) Vent fans used in radon mitigation systems shall be designed or otherwise sealed to reduce the potential for leakage of soil gas from the fan housing.
 - B) Radon vent fans used in active soil depressurization systems shall be installed in attics, in garages that are not beneath conditioned spaces, or on the exterior of the building. Radon vent fans shall not be installed below ground nor in the conditioned (heated/cooled) space of a building, nor in any basement, crawlspace, or other interior location directly beneath the conditioned spaces of a building.
 - C) Radon vent fans shall be installed in a configuration that avoids condensation buildup in the fan housing. Fans shall be installed in vertical runs of the vent pipe.
 - D) Radon vent fans shall be mounted and secured in a manner that minimizes transfer of vibration to the structural framing of the building.
 - E) Radon vent fans shall be mounted to the vent pipe with removable couplings or flexible connections to facilitate fan removal for repair or replacement.
 - F) The intakes of fans used in crawlspace pressurization, or in pressurizing the building itself, shall be screened or filtered to prevent ingestion of debris or personal injury. Screens or filters shall be removable to permit cleaning or replacement and the building occupant and owner shall be informed of the need to periodically replace or clean such screens and filters. This information shall be included in documentation provided to the client.
 - G) Vent fans shall originate from a manufacturer that lists radon mitigation as one of the fan's intended uses.

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- 6) Suction Pit Requirement for Sub-Slab Depressurization (SSD) Systems. Materials shall be excavated from the area immediately below the slab penetration point of SSD system vent pipes to provide optimum pressure field extension.
- 7) Sump Pit Requirements
- A) Sump pits shall not be used as the primary suction point for mitigation systems.
- B) Sump pits that require a sump pump shall have a submersible sump pump installed, except in areas where the water table is near the surface causing flooding of the basement or interfering with the effectiveness of the mitigation system. (See subsection (h)(7)(D).)
- CB) When the sump pit is used as a secondary suction point, a submersible pump shall be installed in the sump pit.
- D) In areas where the water table is near the surface, causing flooding of the basement or interfering with the effectiveness of the mitigation system, pedestal pumps with a higher pumping capacity may be installed in accordance with all the following conditions:
- i) The pump is installed in accordance with the manufacturer's instructions.
- ii) The sump lid can be sealed air tight with the exception of the tiny opening necessary to permit free operation of the pedestal pump's float.
- iii) The design does not create noise, through the float opening, that is objectionable to the client.

~~or in areas where the water table is near the surface, causing flooding of the basement or interfering with the effectiveness of the mitigation system. Pedestal pumps with a higher pumping capacity may be installed in accordance with all the following conditions:~~

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- ~~i) The pump is installed in accordance with the manufacturer's instructions.~~
 - ~~ii) The sump lid can be sealed air tight with the exception of the tiny opening necessary to permit free operation of the pedestal pump's float.~~
 - ~~iii) The design does not create noise, through the float opening, that is objectionable to the client.~~
- EE) Sump pits that permit entry of soil gas or that would allow conditioned air to be drawn into a mitigation system shall be covered and sealed to prevent such entry.
- FD) The covers on sumps that previously provided protection or relief from surface water collection shall be fitted with a water or mechanically trapped drain. Water traps shall be fitted with an automatic supply of priming water.
- GE) Sump pit covers shall incorporate a clear view-port to permit observations of conditions in the sump pit.
- HF) Sump pit covers shall be made of durable plastic or clear polycarbonate and be designed to permit air-tight sealing.
- IG) Sump pit covers shall be designed to support the weight of a 155-pound individual standing on the cover.
- JH) To permit easy removal for sump pump servicing, the sump pit cover shall be sealed using silicone or other non-permanent type caulking materials or an air-tight gasket.
- 8) Sealing Requirements
- A) Openings around radon vent pipe penetrations of the slab, the foundation walls, or the crawlspace soil gas retarder membrane shall be cleaned, prepared and sealed in a permanent, air-tight manner using compatible caulks or other sealants.

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- B) Openings around other utility penetrations of the slab, walls or soil gas retarder shall also be sealed. Cracks in slabs and other small openings around penetrations of the slab and foundation walls shall be cleaned, prepared and sealed in a permanent air-tight manner using caulks or other sealants designed for such application.
- C) Where a Block Wall Depressurization (BWD) system is used to mitigate radon, openings in the tops of the block walls and all accessible openings or cracks in the interior surfaces of the block walls shall be cleaned, prepared and sealed with caulks or other sealants designed for such application.
- D) When sealing holes for plumbing rough-in or other large openings in slabs and foundation walls that are below the ground surface, non-shrink mortar, grouts, expanding foam, or other sealants designed for such application shall be used.
- E) Openings or cracks that are determined to be inaccessible or beyond the ability of the licensee to seal shall be disclosed to the client and included in the documentation.
- F) Openings, perimeter channel drains or cracks that exist where the slab meets the foundation wall (floor-wall joint), shall be sealed with urethane caulk or other sealants designed for such application. When the opening or channel is greater than ½ inch in width, a foam backer rod shall be inserted in the channel before application of the sealant. This sealing technique shall be done in a manner that retains the channel feature as a water control system. Other openings or cracks in slabs or at expansion or control joints should also be sealed.
- G) When installing baseboard type suction systems, all seams and joints in the baseboard material shall be joined and sealed using materials recommended by the manufacturer of the baseboard system. Baseboards shall be secured to walls and floors with adhesives designed and recommended for such installations. If a baseboard system is installed on a block wall foundation, the tops of the block walls shall be closed and sealed.

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- 9) Soil Gas Retarder Requirements
- A) A soil gas retarder membrane shall be installed in basement or crawlspace areas without a concrete floor.
 - B) Plastic sheeting installed in crawlspaces as soil gas retarders shall be a minimum of 6 mil (3 mil cross-laminated) polyethylene or equivalent flexible material. Heavier gauge sheeting shall be used when crawlspaces are used for storage, or frequent entry is required for maintenance of utilities.
 - C) Any seams in soil gas retarder membranes shall be overlapped at least 12 inches and sealed in a permanent air tight manner using compatible glues. The membrane shall also be sealed around interior piers and to the inside of exterior walls with furring strips and sealant or in accordance with specific procedures approved by the Agency.
 - D) Access doors required by local building codes shall be fitted with air tight gaskets and a means of positive closure, but shall not be permanently sealed. In cases where both the basement and the adjacent crawlspace areas are being mitigated with active SSD and SMD systems, sealing of the openings between those areas is not required.
 - E) Crawlspace depressurization without the use of a soil gas retarder membrane shall only be used when the crawlspace is inaccessible. When crawlspace depressurization is used for radon mitigation, openings and cracks in floors above the crawlspace that would permit conditioned air to pass out of the living spaces of the building, shall be identified, closed and sealed. Sealing of openings around hydronic heat or steam pipe penetrations shall be done using non-combustible materials.
 - F) Drain tile depressurization in a crawlspace shall only be installed under the following conditions:
 - i) In conjunction with a sub-membrane depressurization system; or

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- ii) Suction can be obtained beneath the soil gas retarder.
- 10) Electrical Requirements
- A) All electrical components of radon mitigation systems shall conform to provisions of the National Electrical Code and any additional local regulations.
 - B) Wiring shall not be located in or chased through the radon vent piping or any heating or cooling ductwork.
 - C) Any plugged cord used to supply power to a radon vent fan shall be no longer than 6 feet in length.
 - D) No plugged cord shall penetrate a wall or be concealed within a wall.
 - E) Radon mitigation fans installed on the exterior of buildings shall be hard-wired into an electrical circuit. Electrical disconnects shall be installed within line of sight and within 4 feet of the fan. Exteriorly, plugged fans shall be used only inside of weather-proofed fan housings or weather-proofed chases.
 - F) If the rated electricity requirements of a radon mitigation system fan exceeds 50 percent of the circuit capacity into which it will be connected, or if the total connected load on the circuit (including the radon vent fan) exceeds 80 percent of the circuit's rated capacity, a separate, dedicated circuit shall be installed to power the fan.
 - G) An electrical disconnect switch or circuit breaker shall be installed in radon mitigation system fan circuits to permit deactivation of the fan for maintenance or repair. Disconnect switches are not required with plugged fans.
- 11) Drain Installation Requirements
- A) If drains discharge directly into soil beneath the slab or through solid pipe to a soakaway, the licensee shall install a drain that

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meets local building codes.

- B) If condensate drains from air conditioning units terminate beneath the floor slab, the licensee shall install a trap in the drain that provides a minimum 6-inch standing water seal depth, reroute the drain directly into a trapped floor drain, or reconnect the drain to a condensate pump.
- C) Perimeter (channel or French) drains shall be sealed with backer rods and urethane or comparable sealants in a manner that will retain the channel feature as a water control system.
- D) When a sump pit is the only system in a basement for protection or relief from excess surface water and a cover is installed on the sump for radon control, the cover shall be recessed and fitted with a trapped drain meeting the requirements of subsection (h)(7) of this Section.

12) HVAC Installation Requirements

- A) Modifications to an existing HVAC system that are proposed to mitigate elevated levels of radon should be reviewed and approved by the original designer of the installed HVAC system or by a licensed mechanical contractor.
- B) Foundation vents, installed specifically to reduce indoor radon levels by increasing the natural ventilation of a crawlspace, shall be non-closeable. In areas subject to sub-freezing conditions, the existing location of water supply and distribution pipes in the crawlspace, and the need to insulate or apply heat tape to those pipes, shall be considered when selecting locations for installing foundation vents.
- C) Heat Recovery Ventilation (HRV) systems shall not be installed in rooms that contain friable asbestos.
- D) In HRV installations, supply and exhaust ports in the interior shall be located a minimum of 12 feet apart. The exterior supply and exhaust ports shall be positioned to avoid blockage by snow or

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leaves and be a minimum of 10 feet apart.

- E) Contractors installing HRV systems shall verify that the incoming and outgoing airflow is balanced to ensure that the system does not create a negative pressure within the building. Contractors shall inform their client, the occupant and the owner that periodic filter replacement and inlet grill cleaning are necessary to maintain a balanced airflow. Information on filter replacement and inlet grill cleaning shall be provided to their client, the occupant and the owner and shall be included in the documentation.
- F) Both internal and external intake and exhaust vents in HRV systems shall be covered with wire mesh or screening to prevent entry of animals or debris or injury to occupants.

13) Materials

- A) As a minimum, all plastic vent pipes in mitigation systems shall be smooth-walled Schedule 40 PVC.
- B) Piping routed exteriorly shall be rated against deterioration from ultra-violet radiation from the sun.
- C) Exteriorly, Schedule 40 PVC or 3-inch by 4-inch metal downspout shall be used as the vent pipe.
- D) Vent pipe fittings in a mitigation system shall be of the same material as the vent pipes except as noted in subsection (h)(3)(A) of this Section.
- E) Cleaning solvents and adhesives used to join plastic pipes and fittings shall be as recommended by manufacturers for use with the type of pipe material used in the mitigation system.
- F) When sealing holes for plumbing rough-in or other large openings in slabs and foundation walls that are below the ground surface, non-shrink mortar, grouts, expanding foam or other sealants designed for such application shall be used.

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- G) Penetrations of sump covers to accommodate electrical wiring, water ejection pipes, or radon vent pipes shall be designed to permit air-tight sealing around penetrations, using caulk or grommets.
- H) Plastic sheeting installed in crawlspaces as soil gas retarders shall be a minimum of 6 mil (3 mil cross-laminated) polyethylene or equivalent flexible material. Heavier gauge sheeting should be used when crawlspaces are used for storage, or frequent entry is required for maintenance of utilities.
- I) Any wood that comes into direct contact with the soil or concrete and is used in attaching soil gas retarder membranes to crawlspace walls or piers shall be pressure treated or naturally resistant to decay and termites.
- J) When transitioning from one material or shape to another, an adapter specifically designed for the transition shall be used.
- 14) Monitors and Labeling
- A) All active soil depressurization systems shall include a mitigation system monitor~~mechanism~~ to indicate fan operation~~monitor~~ system performance and warn of fan~~system~~ failure.
- B) Electrical radon mitigation system monitors (whether visual or audible) shall be installed on non-switched circuits and be designed to reset automatically when power is restored after service or power supply failure. Battery operated monitoring devices shall not be used unless they are equipped with a low-power warning feature.
- C) Mechanical radon mitigation system monitors, such as manometer type pressure gauges, shall be clearly marked to indicate the range or zone of pressure readings that existed when the system was initially activated.
- D) Effective October 1, 2009, an Illinois Mitigation System Tag~~A system description label~~ shall be placed on the vent pipe next to the

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~~mitigation system monitor~~ ~~manometer~~. This label shall be ~~purchased from the Agency~~ ~~legible from a distance of 3 feet~~ and include the following information: "Radon Reduction System"; the installer's name, phone number and the Illinois license number; the date of installation; and an advisory that the building should be tested for radon at least every 2 years.

- E) All exposed and visible interior radon mitigation system vent pipe sections shall be identified with at least one label on each floor level that reads, "Radon Reduction System".
- F) Fans mounted outdoors and exterior vent pipe shall be identified with a label that reads, "Radon Reduction System" in a weatherproof manner.
- G) Sump pits that are depressurized by the mitigation system or covered to minimize radon entry shall be identified with a label that reads, "Radon Reduction System – Removal of this cover may result in failure of the Radon Reduction System. Consult (installer's name and phone number) before removing this cover and for instructions on the correct procedure for replacing it".
- H) Circuit breakers controlling the circuits on which the radon vent fan and system failure warning devices operate shall be labeled "Radon Reduction System".

15) Post Installation Checklist

- A) Upon completion of the installation of any radon mitigation system, the licensee shall complete the following steps, and document them on an installation check sheet that shall be signed and dated by a mitigation licensee and shall become auditable evidence.
 - i) Re-examine and verify the integrity of the fan mounting seals and all joints in the interior vent piping.
 - ii) Verify suction or flows in the system piping or ducting to assure that the system is operating as designed.

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- iii) Advise the client that retesting the building at least every 2 years or if the building undergoes significant alteration is recommended.
 - iv) Request a copy of the report of any post-mitigation testing conducted by the client or by a Radon Measurement licensee.
- B) Radon Mitigation licensees shall inform the client in writing that post-mitigation testing should be conducted no sooner than 24 hours nor later than 30 days following completion and activation of the mitigation system and that the test may be conducted by an independent Radon Measurement licensee or by the resident of the dwelling.
- 16) Post-Mitigation Testing
- A) Evaluate the effectiveness of the mitigation system using an approved measurement device to assure the system is performing as designed.
 - B) Post-mitigation tests shall be performed in accordance with the applicable requirements of Section 422.130 ~~of this Part~~.
- 17) Contracts and Documentation
- A) No mitigation activity shall be undertaken before a proposal for the work is accepted by the client, as evidenced by the client's signature and date on the proposal. A proposal for the installation of any radon mitigation system shall include as a minimum:
 - i) The Radon Mitigation Professional licensee's Illinois license number;
 - ii) A statement describing the planned scope of the work and an estimated completion date;
 - iii) A statement describing any known hazards associated with

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chemicals used in or as part of the installation;

- iv) A statement indicating compliance with and implementation of the mitigation standards described in this Section;
- v) A description of any system maintenance that the client, the occupant, or the building owner would be required to perform;
- vi) A firm price of the installation cost and an estimate of the annual operating costs of the system; and

AGENCY NOTE: The firm price may include stepped approaches.

- vii) A statement that the system is guaranteed to reduce the average radon concentration to less than 4.0 pCi/L and the conditions thereof; or a statement explaining that there is no guarantee and the reasons why there is no guarantee.
- B) Licensees shall maintain the following records for 5 years or for the period of any warranty or guarantees, whichever is longer, and shall make the following records available to the homeowner upon request and documentation of home ownership:
- i) Copies of the building investigation summary and floor plan sketch;
 - ii) The finalized drawing that includes illustration of the building foundation, the location of all walls, drain fixtures, HVAC systems and radon entry points, results of any diagnostic testing, the layout of any radon mitigation system piping, and the location of any vent fan and system warning devices.
 - iii) Pre- and post-mitigation radon test data;
 - iv) Copies of contracts and warranties;

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- v) A description of the mitigation system installed and its basic operating principles;
 - vi) A description of any deviations from the MS and applicable regulations of this Part;
 - vii) A description of the proper operating procedures of any mechanical or electrical systems installed, including manufacturer's operation and maintenance instructions and warranties; ~~and~~
 - viii) The proposal, contract, and warranties or guarantees made to the client, and any other documentation important to the mitigation system installed; ~~and-~~
 - ix) The address of the building mitigated, including the zip code, the mitigation system type, the mitigation date, whether radon resistant new construction techniques were used, and the Illinois Mitigation System Tag number.
- C) Licensees shall, upon completion of the mitigation project, provide clients with an information package that includes:
- i) A list of appropriate actions for clients to take if the system failure warning device indicates system degradation or failure; and
 - ii) The name, telephone number, and license number of the professional licensee and the phone number of the Agency's Radon Program.

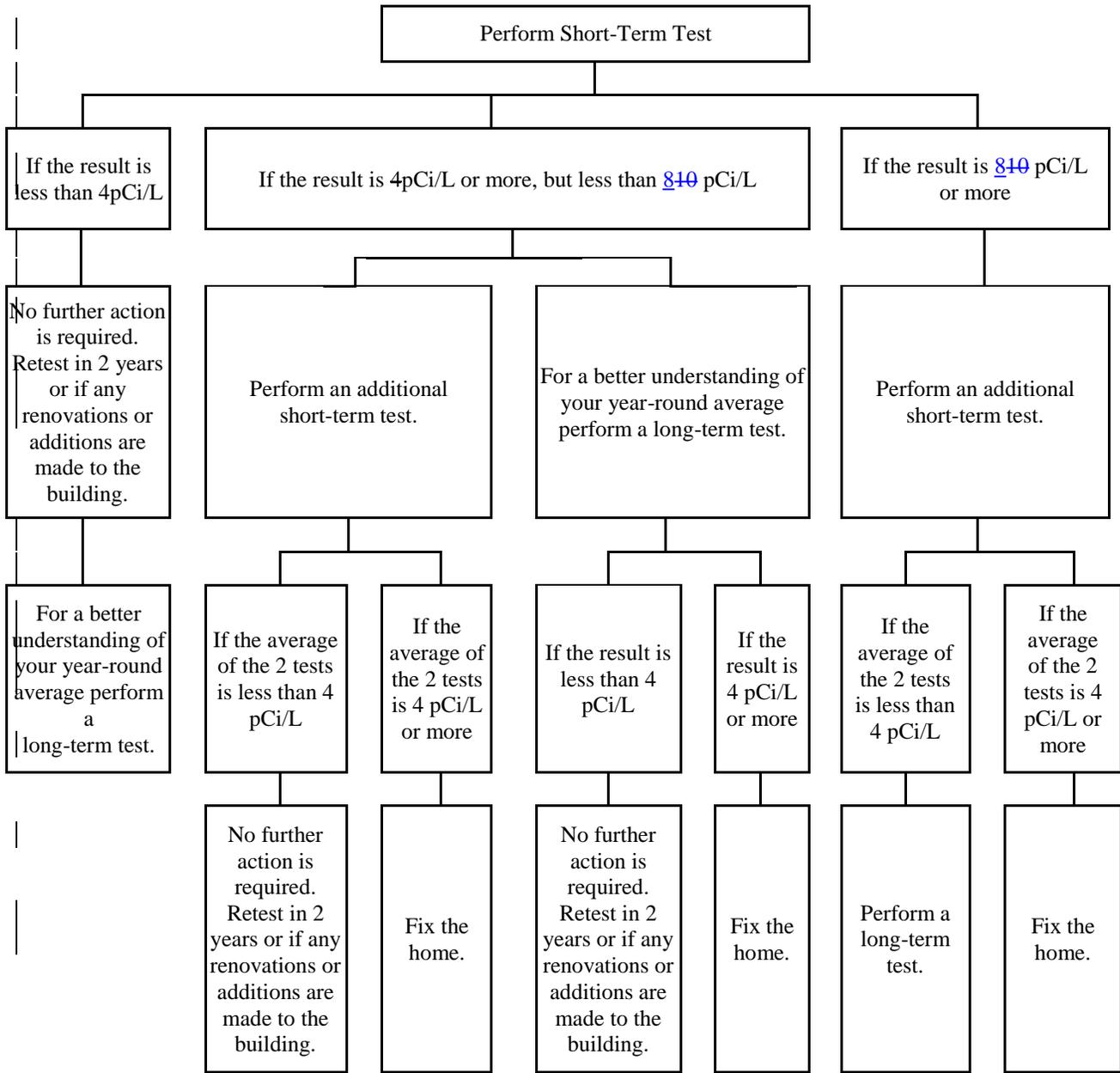
(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

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Section 422.APPENDIX A Recommended Testing Strategy for Home Environment Measurements (Buildings Not Involved in a Real Estate Transaction)

The first step is to perform a short-term measurement* in the lowest structural areas**.



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- * Short-term tests may last between 2 and 90 days, most last between 2 and 7 days. Examples of short-term detectors used in home environment testing include: activated charcoal canisters, liquid scintillation vials, electret chambers and continuous monitors. Examples of long-term detectors used in home environment testing include: alpha track detectors and electret chambers.
- ** Conduct a short-term test in each of the lowest structural areas suitable for occupancy in the home. For example, if the home is a split-level building with one or more foundation types: test in the basement, in a room over the crawlspace and in a slab-on-grade room. In accordance with this protocol, measurement licensees are required to test in each of the foundation types.

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

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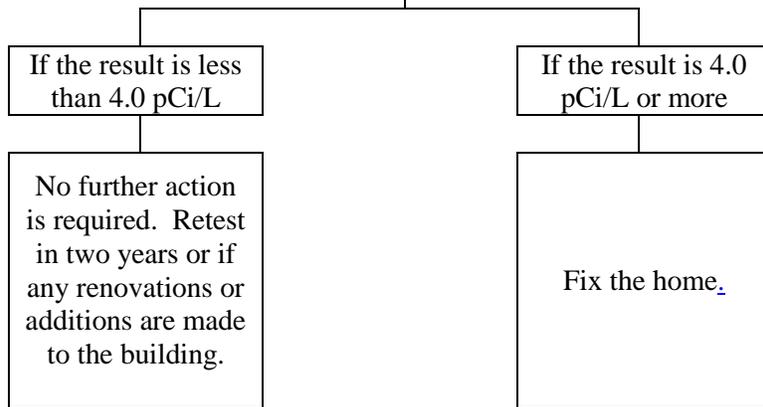
Section 422.APPENDIX B Recommended Testing Strategy for Measurements in Buildings Involved in Real Estate Transactions

The first step is to perform a short-term measurement* in the lowest structural ~~area~~area(s)**.

Perform a Short-Term Test
The minimum length of a short-term test shall be 48 hours.

There are ~~2~~three methods that may be used for short-term testing during a Real Estate transaction.

- ~~(1) Sequential Tests – Two short term tests, set in the same location, performed on sequential dates.~~
- (1) Simultaneous Tests – Two short-term tests set side by side conducted simultaneously.
- (2) Continuous Monitor Testing~~Single Test Using Electronic Monitors~~ – A Continuous Monitor that measures in hourly increments.



* Short-term tests may last between 2 and 90 days, most last between 2 and 7 days. Tests between seven and 90 days are usually impractical for real estate transactions but are fine for homeowners assessing their own radon situation. Examples of short-term detectors used in home environment testing include: activated charcoal canisters, charcoal liquid scintillation vials, electret chambers and continuous monitors.

** Conduct a short-term test in each of the lowest structural areas suitable for occupancy in the home. For example, if the home is a split-level building with one or more foundation

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types: test in the basement, in a room over the crawlspace and in a slab-on-grade room. In accordance with this protocol, measurement professionals are required to test in each of the foundation types.

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

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Section 422.APPENDIX C Radon and Radon Decay Product Measurement Method Categories

A (pCi/L)	B (WL)
AC Activated charcoal adsorption integrating	RP Radon progeny sampling unit
AT Alpha track detection	CW Continuous working level monitor
LS Charcoal liquid scintillation	
CR Continuous radon monitor	
PB Pump collapsible bag	
SC Evacuated scintillation cell (3 day integrating)	
EL Electret ion chamber; long-term	
ES Electret ion chamber; short-term	
UT Unfiltered track detection	
GB Grab radon collapsible bag	
GC Grab radon activated charcoal	
GS Grab radon scintillation cell	

(Source: Amended at 33 Ill. Reg. 14479, effective October 9, 2009)

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Section 422.APPENDIX E Diagram of Room Worksheet for Radon Measurements

This worksheet may be used in accordance with Section 422.130(o)(1)(L)(ii). Complete all areas of the worksheet and include a separate worksheet for each foundation type measured. A copy of each worksheet shall be retained as a permanent record and included as part of a measurement report in accordance with Section 422.130(o).

Placement of Measurement Devices

Short-term or long-term measurements shall be made in each lowest structural area suitable for occupancy. For example, a split-level building with a basement, a slab-on-grade room and a room over crawlspace shall have measurements made in each of the foundation types: the basement, a slab-on-grade room and a room over the crawlspace.

Measurement devices shall (check all that apply):

- Be made in rooms that can be regularly occupied, such as family rooms, living rooms, dens, playrooms and bedrooms.
- If charcoal canisters, not be placed in bathrooms, kitchens, laundry rooms, spa rooms or other areas of high humidity.
- Be undisturbed during the measurement period.
- Be at least 3 feet from doors, windows to the outside, or ventilation ducts and out of the direct flow of air from the ventilation duct.
- Be at least 1 foot from exterior walls.
- Be 20 inches to 6 feet from the floor.
- Be at least 4 inches away from other objects horizontally or vertically above the detector.
- Be at least 4 feet from heat, fireplaces and furnaces, out of direct sunlight, etc.

Diagram of Room Measured The following information shall be included:

- 1) All windows and doors. Annotate exterior walls and the direction of north or the front of the building.

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- 1) Heading of the Part: Sexual Assault Survivors Emergency Treatment Code
- 2) Code Citation: 77 Ill. Adm. Code 545
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
545.10	Amend
545.20	Amend
545.25	Amend
545.35	Amend
545.50	Amend
545.60	Amend
545.65	Amend
545.67	Amend
545.95	Amend
545.100	Repeal
545.APPENDIX A	Amend
545.APPENDIX B	Amend
545.APPENDIX C	Amend
- 4) Statutory Authority: Sexual Assault Survivors Emergency Treatment Act [210 ILCS 70]
- 5) Effective Date of Rulemaking: October 9, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 6, 2009; 33 Ill. Reg. 3904
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

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1. In Section 545.10, "that provide general medical and surgical hospital services" was inserted after "[210 ILCS 251]" and "(Section 2 of the Act)" was inserted after "basis.".
2. In Section 545.20, the definition for "date rape drug" was stricken.
3. In Section 545.20, the following definition for "drug-facilitated sexual assault" was inserted:
"Drug-facilitated sexual assault – the use of a controlled substance in the commission of a sex offense, given without consent of the victim, which produces relaxant effects, including blackouts, coma, impaired judgment and/or loss of coordination."
4. In Section 545.25(a)(2), "A Department of Public Health," was inserted before "Rules".
5. In Section 545.25(a)(2), "B Healthcare and Family Services, Hospital Services (89 Ill. Adm. Code 148)." was inserted.
6. In Section 545.25(a), the following was inserted:
"4) Recover/Rebuild: Crime Victims Assistance, which may be obtained from the Office of the Attorney General, 500 S. Second Street, Springfield, Illinois 62706."
7. In Section 545.60(a), "*alleged*" was stricken and "or who possesses clinical privileges recommended by the hospital medical staff and granted by the hospital, as authorized by the Nurse Practice Act," was inserted after "*provision of emergency services*".
9. In Section 545.60(a)(6), "provider" was changed to "survivor".
10. In Section 545.60(a)(9), "referral to" was inserted after "or".
11. In Section 545.60(a)(11), "drug-facilitated sexual assault" was inserted after "on" and "date rape drug" was stricken.
12. In Section 545.60(b), after "Act)", "The medical record shall include the information required in subsection (b)(1) through (9): was inserted and "A medical record shall include, but not be limited to, the following information:" was stricken.

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13. In Section 545.60(b)(6), "(d)" was stricken and "(e)" was inserted.
14. In Section 545.60(b)(10), "c" was inserted and "10)" was stricken.
15. In Section 545.60, subsections "c)" through "j)" were relettered to "d)" through "k)".
16. In Section 545.60(c)(2), "or the sexual assault survivor has not yet released the Evidence Collection Kit to law enforcement," was removed.
17. In Section 545.60(d)(1), "Healthcare" was changed to "Health care".
18. In Section 545.60, the subsection (d)(5) was removed.
19. In Section 545.60(f), "(f)" was stricken and "(g)" was inserted.
20. In Section 545.60(h), "When notifying local law enforcement that a sexual assault survivor has presented himself/herself for treatment, hospital staff shall not provide any identifying information about the survivor or the sexual assault." was removed.
21. In Section 545.65(k)(3), "(a)" was stricken and "(c)" was inserted.
22. In Section 545.60(p), the strike was removed from "[~~210 ILCS 70~~]".
23. In Section 545.95(b)(3), "or who possesses clinical privileges recommended by the hospital medical staff and granted by the hospital as authorized by the Nurse Practice Act," was inserted after "services,".
24. In Section 545.Appendix A, Part B, (1)(g), "Drug-facilitated sexual assault" was inserted and "Date rape drug" was stricken.
25. In Section 545.Appendix A, Part B, (3), "services" was changed to "resources".
26. In Section 545. Appendix A, Part C, (2), at the end of the last line, "(HFS, Hospital Services, 89 Ill. Adm. Code 148)" was inserted.
27. In Section 545.Appendix B, Part B, (2), "(e)" was stricken and "(i)" was inserted.

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28. In Section 545.Appendix B, Part C, (3), after "purpose", "(HFS, Hospital Services, 89 Ill. Adm. Code 148)" was inserted.

The following changes were made in response to comments and suggestions of the JCAR:

1. In Section 545.20, in the definition of "Drug-facilitated sexual assault", ", commonly called a "date-rape drug"," was inserted after "substance".
2. In Section 545.20, in the definition of "Drug-facilitated sexual assault", "which" was changed to "that".
3. In Section 545.60(b), after "information required in", "this" was inserted and "(1) through (9)" was deleted.
4. In Section 545.60(a)(9), the second sentence was ended after "provided;".
5. In Section 545.60(d)(2), "or law enforcement has not yet obtained the survivor's consent to release the Evidence Collection Kit," was inserted after "completion".
6. In Section 545.65(p), "[210 ILCS 70]" was stricken.
7. In Section 545.95(b)(3), "or who possesses clinical privileges recommended by the hospital medical staff and granted by the hospital as authorized by the Nurse Practice Act" was inserted after "contraception".
8. In 545.APPENDIX A, Part C.2., the period was stricken, "HFS," was deleted, and a period was inserted after "148)".
9. In 545.APPENDIX B, Part B.2., "(e)" was stricken and "(i)" was inserted.
10. In 545.APPENDIX B, Part C.3., "HFS," was deleted.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: The Sexual Assault Survivors Emergency Treatment Code establishes minimum standards for the treatment of sexual assault survivors in hospital emergency rooms, including initial care and follow-up visits. These proposed amendments implement Public Act 95-432, which made extensive changes to the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70] (the Act).
- 16) Information and questions regarding these adopted amendments shall be directed to:

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETYPART 545
SEXUAL ASSAULT SURVIVORS
EMERGENCY TREATMENT CODE

Section

545.10	Applicability
545.20	Definitions
545.25	Incorporated and Referenced Materials
545.30	Application of Rules (Repealed)
545.35	Development and Approval of Plans
545.40	Program Administration (Repealed)
545.50	Community or Areawide <u>Sexual Assault Treatment</u> Plans
545.60	Treatment of Alleged Sexual Assault Survivors
545.65	Transfer of Alleged Sexual Assault Survivors
545.67	Compliance Review
545.70	Requirements of Sexual Assault Transfer Plans (Repealed)
545.80	Approval of a Sexual Assault Treatment Plan (Repealed)
545.90	Approval of a Sexual Assault Transfer Plan (Repealed)
545.95	Emergency Contraception
545.100	Hospital Charges and Reimbursement (<u>Repealed</u>)
545.APPENDIX A	Sexual Assault Treatment Plan Form
545.APPENDIX B	Sexual Assault Transfer Plan Form
545.APPENDIX C	Emergency Contraception Protocols

AUTHORITY: Implementing and authorized by the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70].

SOURCE: Filed December 30, 1977; rules repealed and new rules adopted at 5 Ill. Reg. 1139, effective January 23, 1981; codified at 8 Ill. Reg. 16334; amended at 11 Ill. Reg. 1589, effective February 1, 1987; amended at 12 Ill. Reg. 20790, effective December 1, 1988; emergency amendment at 26 Ill. Reg. 5151, effective April 1, 2002, for a maximum of 150 days; emergency expired August 28, 2002; amended at 27 Ill. Reg. 1567, effective January 15, 2003; amended at 33 Ill. Reg. 14588, effective October 9, 2009.

Section 545.10 Applicability

This Part establishes requirements for the treatment of ~~alleged~~ sexual assault survivors in

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~~hospital emergency departments~~ of hospitals licensed under the Hospital Licensing Act [210 ILCS 85] that provide general medical and surgical hospital services, ~~including requirements for plans for furnishing hospital services to alleged sexual assault survivors on a community or areawide basis~~ (Section 2 of the Act).

(Source: Amended at 33 Ill. Reg. 14588, effective October 9, 2009)

Section 545.20 Definitions

Act – the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70].

Advanced practice nurse or APN – a person who has met the qualifications of a certified nurse midwife (CNM); certified nurse practitioner (CNP); certified registered nurse anesthetist (CRNA); or clinical nurse specialist (CNS) and has been licensed by the Department of Financial and Professional Regulation, as defined in the Nurse Practice Act. (Section 50-5 of the Nurse Practice Act)

~~Alleged sexual assault survivor – a person who applies for hospital emergency services in relation to injuries or trauma resulting from an alleged sexual assault.~~

Ambulance provider – an individual or entity that owns and operates a business or service using ambulances or emergency medical services vehicles to transport emergency patients. (Section 1a of the Act)~~Ambulance provider – an individual or entity that owns and operates a business or service using ambulances or emergency medical services vehicles to transport emergency patients.~~

Areawide sexual assault treatment plan or areawide plan – a plan, developed by the hospitals in the community or area to be served, which provides for hospital emergency services to sexual assault survivors that shall be made available by each of the participating hospitals. (Section 1a of the Act)

Caregiver – any person who is legally responsible for providing care to the patient or who renders support to the patient.

~~Community or areawide sexual assault treatment plan – a plan, developed by the hospitals or other health care facilities in the community or area to be served, that provides for the hospital emergency services to alleged sexual assault survivors that shall be made available by each of the participating hospitals and health care facilities. (Section 4 of the Act)~~

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~~Date rape drug~~ — as used in this Part, a controlled substance, given without consent of the victim, that produces relaxant effects, including blackouts, coma, impaired judgement and/or loss of coordination.

~~Department~~ — the Department of Public Health. (Section 1a of the Act)
~~Department~~ — the Illinois Department of Public Health.

~~Drug-facilitated sexual assault~~ — the use of a controlled substance, commonly called a "date-rape drug", in the commission of a sex offense, given without consent of the victim, that produces relaxant effects, including blackouts, coma, impaired judgment and/or loss of coordination.

~~Emergency contraception — medication~~ ~~Emergency contraception — medication~~ as approved by the federal Food and Drug Administration (FDA) that can significantly reduce the risk of pregnancy if taken within 72 hours after sexual assault. (Section ~~1a2.2(a)(3)~~ of the Act)

~~Follow-up healthcare~~ — healthcare services related to a sexual assault, including laboratory services and pharmacy services, rendered within 90 days ~~after the initial visit for hospital emergency services~~. (Section 1a of the Act)

~~Forensic services~~ — the collection of evidence pursuant to a statewide sexual assault evidence collection program administered by the Department of State Police, using the Illinois State Police Sexual Assault Evidence Collection Kit. (Section 1a of the Act)

~~Health care professional~~ — a physician, a physician assistant, or an advanced practice nurse. (Section 1a of the Act)

~~Health care facility~~ — a location that provides emergency treatment services 24 hours per day but is not required to be licensed as a hospital, and that participates in a community or areawide plan.

~~Hospital~~ — has the meaning given to that term in the Hospital Licensing Act. (Section 1a of the Act)
~~Hospital~~ — a facility licensed as a hospital by the Department pursuant to the Hospital Licensing Act [210 ILCS 85].

~~Hospital emergency services~~ — health care delivered to outpatients within or under the care and supervision of personnel working in a designated emergency department of a hospital, including, but not limited to, care ordered by such

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~~*personnel for a sexual assault survivor in the emergency department. (Section 1a of the Act) Hospital emergency services — health care delivered to outpatients within or under the care and supervision of personnel working in a designated emergency department of a hospital.*~~

~~*Illinois State Police Sexual Assault Evidence Collection Kit — a prepackaged set of materials and forms to be used for the collection of evidence relating to sexual assault. Illinois State Police Sexual Assault Evidence Collection Kit — a prepackaged set of materials and forms to be used for the collection of evidence relating to sexual assault. The standardized evidence collection kit for the State of Illinois shall be the Illinois State Police Sexual Assault State Police Sexual Assault Evidence Collection Kit. (Section 1a6.4 of the Act).*~~

~~*Nurse — a person licensed under the Nurse Practice Act. (Section 1a of the Act) Nurse — a registered nurse, an advanced practice nurse, or a licensed practical nurse as defined in the Nursing and Advanced Practice Nursing Act [225 ILCS 65].*~~

~~*Patient — an alleged sexual assault survivor.*~~

~~*Physician — a person licensed to practice medicine in all its branches as defined in the Medical Practice Act of 1987. (Section 1a of the Act) Physician — a person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].*~~

~~*Physician assistant — any person not a physician who has been certified as a physician assistant by the National Commission on the Certification of Physician Assistants or equivalent successor agency and performs procedures under the supervision of a physician as defined in the Physician Assistant Practice Act of 1987. (Section 4 of the Physician Assistant Practice Act of 1987)*~~

~~*Sexual assault — an act of ~~nonconsensual~~ ~~nonconsensual forced~~ sexual conduct ~~penetration~~ or sexual penetration ~~conduct~~, as defined in Section 12-12 of the Criminal Code of 1961 [720 ILCS 5], including, without limitation ~~without limitation~~, acts prohibited under Sections 12-13 through 12-16 of the Criminal Code of 1961. (Section 1a of the Act)*~~

~~*Sexual assault nurse examiner — a registered nurse who has completed a sexual assault nurse examiner (SANE) training program that meets the Forensic Sexual Assault Nurse Examiner Education Guidelines established by the International*~~

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Association of Forensic Nurses. (Section 6.4(c) of the Act)

Sexual assault survivor or survivor – a person who presents for hospital emergency services in relation to injuries or trauma resulting from a sexual assault. (Section 1a of the Act)

Sexual assault transfer plan – a written plan developed by a hospital and approved by the Department, which describes the hospital's procedures for transferring sexual assault survivors to another hospital in order to receive emergency treatment. (Section 1a of the Act)~~Sexual Assault Transfer Plan – a written plan, developed by a hospital and approved by the Department, which describes the hospital's procedures, as part of a community or areawide plan, for transferring alleged sexual assault survivors to another hospital in order to receive emergency treatment.~~

Sexual assault treatment plan – a written plan developed by a hospital that describes the hospital's procedures and protocols for providing hospital emergency services and forensic services to sexual assault survivors who present themselves for such services, either directly or through transfer from another hospital. (Section 1a of the Act)~~Sexual Assault Treatment Plan – a written plan developed by a hospital that describes the hospital's procedures and protocols for providing hospital emergency treatment services and forensic evidence collection to alleged sexual assault survivors who present themselves for such services, either directly or through transfer from another hospital.~~

Transfer hospital facility – a hospital ~~or health care facility~~ that provides only transfer services to ~~alleged~~ sexual assault survivors, pursuant to ~~ana~~ Community or Areawide Sexual Assault Treatment Plan.

Transfer services – the appropriate medical screening examination and necessary stabilizing treatment prior to the transfer of a sexual assault survivor to a hospital that provides hospital emergency services and forensic services to sexual assault survivors pursuant to a sexual assault treatment plan or areawide sexual assault treatment plan. (Section 1a of the Act)

Treatment hospital facility – a hospital that provides hospital emergency treatment services and forensic evidence collection to ~~alleged~~ sexual assault survivors, pursuant to a sexual assault treatment plan~~Sexual Assault Treatment Plan~~ or areawide sexual assault treatment plan~~Community or Areawide Sexual Assault Treatment Plan~~.

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Unauthorized personnel – all individuals whose presence in the examination room is not desired or required either by the hospital and/or by the survivorpatient (e.g., representatives of the media).

(Source: Amended at 33 Ill. Reg. 14588, effective October 9, 2009)

Section 545.25 Incorporated and Referenced Materials

- a) The following materials are referenced in this Part:
 - 1) State of Illinois Statutes:
 - A) Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70].
 - B) Hospital Licensing Act [210 ILCS 85].
 - C) Criminal Code of 1961 [720 ILCS 5].
 - D) Crime Victims Compensation Act [740 ILCS 45].
 - E) Criminal Identification Act [20 ILCS 2630].
 - F) Code of Criminal Procedure of 1963 [725 ILCS 5].
 - G) Illinois Public Aid Code [305 ILCS 5].
 - H) Illinois Insurance Code [215 ILCS 5].
 - I) Medical Practice Act of 1987 [225 ILCS 60].
 - J) Emergency Medical Treatment Act [210 ILCS 70].
 - K) Nurse~~Nursing and Advanced~~ Practice ~~Nursing~~ Act [225 ILCS 65].
 - L) Consent by Minors to Medical Procedures Act [410 ILCS 210].
 - M) AIDS Confidentiality Act [410 ILCS 305].

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- N) Physician Assistant Practice Act of 1987 [225 ILCS 95].
- 2) State of Illinois Rules
- A) Department of Public Health, Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- B) Healthcare and Family Services, Hospital Services (89 Ill. Adm. Code 148).
- 3) Federal ~~Statute~~Statutes
- A) Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) (26 USC 4980B). B) Emergency Medical Treatment and Active Labor Act (EMTALA) (42 USC 1395dd).
- 4) Recover/Rebuild: Crime Victims Assistance, which may be obtained from the Office of the Attorney General, 500 S. Second Street, Springfield, Illinois 62706.
- b) The following materials are incorporated in this Part:
- 1) Federal Guidelines
- A) Sexually Transmitted Diseases Treatment Guidelines, 2006~~2002~~ Guidelines for Treatment of Sexually Transmitted Diseases, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR), August 4, 2006, ~~May 10, 2002~~; Vol. 55~~vol. 51~~, (RR 11); updated April 13, 2007; Fluoroquinolones No Longer Recommended for Treatment of Gonococcal Infections, Vol. 56, No. 14~~no. RR-6~~. Available from the Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta, Georgia 30333.
- B) Antiretroviral Postexposure Prophylaxis After Sexual, Injection Drug Use, or Other Nonoccupational Exposure to HIV in the United States, Morbidity and Mortality Weekly Report (MMWR), January 21, 2005, Vol. 54 (RR 02). Available from the Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta, Georgia 30333.

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- 2) Association Standards
Evaluation and Management of the Sexually Assaulted or Sexually Abused Patient, American College of Emergency Physicians, June 1999. Available from the American College of Emergency Physicians, Post Office Box 619911, Dallas, Texas 75261-9911.
- c) All incorporations by reference of federal guidelines and association standards refer to the guidelines and standards in effect on the date specified and do not include any later editions or amendments.

(Source: Amended at 33 Ill. Reg. 14588, effective October 9, 2009)

Section 545.35 Development and Approval of Plans

- a) *Every hospital required to be licensed by the Department ~~of Public Health~~, pursuant to the Hospital Licensing Act ~~that, which~~ provides general medical and surgical hospital services, ~~except those designated as transfer hospitals~~, shall provide either transfer services or hospital emergency services and forensic services ~~emergency hospital service~~, in accordance with this Part, to all alleged sexual assault survivors who apply for either transfer services or hospital emergency services and forensic services ~~such hospital emergency services~~ in relation to injuries or trauma resulting from the sexual assault. (Section 2 of the Act)*
- b) *Every such hospital, regardless of whether or not a request is made for reimbursement, ~~except hospitals participating as transfer hospitals in community or areawide plans in compliance with Section 4 of the Act and Section 545.50 of this Part~~, shall submit to the Department a plan to provide either transfer services or hospital emergency services and forensic services ~~hospital emergency services, including a protocol to provide emergency contraception information and treatment, as required in Section 545.90, to alleged sexual assault survivors, which shall be made available by such hospital~~. (Section 2 of the Act)*
- c) *Such plan shall be submitted to the Department for approval prior to becoming effective. The hospital shall submit the plan to the Department ~~for approval~~ within 60 days after receiving ~~after receipt of~~ the Department's request for the plan ~~the plan~~. (Section 2 of the Act)*
- d) A sexual assault treatment plan shall be completed using the form provided in Appendix A of this Part. A sexual assault transfer plan shall be completed using

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the form provided in Appendix B of this Part. An emergency contraception~~A~~ protocol consistent with the sample protocols in Appendix C shall be completed. The Department shall approve ~~asuch~~ plan for either transfer services or hospital emergency services and forensic services to sexual assault survivors if it finds that the implementation of the proposed plan would provide adequate transfer services or hospital emergency services and forensic services~~hospital emergency service~~ for ~~alleged~~-sexual assault survivors and provide sufficient protections from the risk of pregnancy to sexual assault survivors. (Section 2 of the Act)

- e) Every hospital shall submit an updated treatment, transfer, or areawide plan to the Department every three years. A transfer or treatment plan may be part of an areawide plan pursuant to Section 545.50 of this Part.
- f) To provide hospital emergency medical services to sexual assault survivors, a hospital shall have an approved plan that has been approved by the Department.~~to provide emergency medical services to sexual assault survivors.~~
- g) If the Department disapproves the plan because the plan does not provide adequate hospital emergency services for the ~~alleged~~-sexual assault survivor, the Department shall send notice of the rejection and the reason for the rejection to the hospital. The hospital shall have 10 days after receipt of the notice of rejection in which to submit a modified plan.
- h) Questions regarding a hospital's~~the certification process and~~ compliance ~~by a hospital~~ with its approved plan and this Part should be directed to:

Illinois Department of Public Health
Division of Health Care Facilities and Programs
525 West Jefferson St., 4th Floor
Springfield, Illinois 62761
(217) 782-7412

(Source: Amended at 33 Ill. Reg. 14588, effective October 9, 2009)

Section 545.50 ~~Community or~~ Areawide Sexual Assault Treatment Plans

- a) Hospitals in the area to be served may develop and participate in areawide plans that shall describe the hospital emergency services and forensic services to sexual assault survivors that each participating hospital has agreed to make available. Each hospital participating in such a plan shall provide such services as it is

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~~designated to provide in the plan agreed upon by the participants. Areawide plans may include hospital transfer plans. A hospital is authorized to participate, in conjunction with one or more other hospitals or health care facilities, in a community or areawide plan for the furnishing of hospital emergency service to alleged sexual assault survivors on a community or areawide basis, provided that each hospital participating in such a plan shall furnish such hospital emergency services or transfer services as it is designated to provide in the plan agreed upon by the participating hospitals to any alleged sexual assault survivor who applies for such services in relation to injuries or trauma resulting from the sexual assault.~~ (Section 3 of the Act)

b) ~~Community or areawide plans may be developed by the hospitals or other health care facilities in the community or area to be served, and shall provide for the hospital emergency services and transfer services to alleged sexual assault survivors that shall be made available by each of the participating hospitals and health care facilities.~~ (Section 4 of the Act)

b)e) All ~~areawide~~~~such~~ plans shall be submitted to the Department for ~~prior~~ approval ~~prior to~~~~before~~ becoming effective. (Section ~~3~~4 of the Act)

c)d) The Department shall approve ~~a proposed~~~~such~~ plan for community or areawide hospital emergency service to alleged sexual assault survivors if it finds that the implementation of the ~~proposed~~ plan would provide for ~~appropriate~~~~an adequate and appropriate~~ hospital emergency services ~~and forensic services, pursuant to this Part, for the people of the~~ alleged sexual assault survivors of the community or area to be served. (Section ~~3~~4 of the Act)

d)e) Each plan shall include a description of the role of each hospital ~~or health care facility~~ participating in the plan, as well as individual treatment or transfer plans for each hospital, in accordance with Section 545.60 or Section 545.65 of this Part.

e)f) ~~Areawide~~Community or areawide plans shall conform to the requirements of the federal Emergency Medical Treatment and Active Labor Act.

(Source: Amended at 33 Ill. Reg. 14588, effective October 9, 2009)

Section 545.60 Treatment of ~~Alleged~~ Sexual Assault Survivors

a) Every hospital providing ~~hospital emergency services and forensic~~appropriate

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emergency hospital services to ~~an alleged~~ sexual assault ~~survivorsurvivor~~ shall ~~comply with~~~~conform to the requirements of~~ the federal Emergency Medical Treatment and Active Labor Act (~~42 USC 1395dd~~) and, as minimum requirements for such services, provide, with the consent of the ~~alleged~~ sexual assault survivor, and as ordered by the attending physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes provision of emergency services or who possesses clinical privileges recommended by the hospital medical staff and granted by the hospital, as authorized by the Nurse Practice Act, or a physician assistant who has been delegated authority to provide hospital emergency services and forensic services, the following:

- 1) *Appropriate medical examinations and laboratory tests required to ensure the health, safety, and welfare of ~~aan alleged~~ sexual assault survivor or which may be used as evidence in a criminal proceeding against a person accused of the sexual assault, or both. Records of the results of such examinations and tests shall be maintained by the hospital and made available to law enforcement officials upon the request of the ~~alleged~~ sexual assault survivor. (Section 5(a) of the Act) Examinations and tests shall include, but not be limited to:*
 - A) A general~~General~~ physical examination;
 - B) Evaluation and/or treatment for sexually transmitted infections in accordance with the guidelines of the Centers for Disease Control and Prevention titled Guidelines for Treatment of Sexually Transmitted Diseases Treatment Guidelines, or the standards of the American College of Emergency Physicians titled Evaluation and Management of the Sexually Assaulted or Sexually Abused Patient (see Section 545.25);
 - C) Evaluation and possible treatment for HIV exposure in accordance with the guidelines of the Centers for Disease Control and Prevention titled Sexually Transmitted Diseases Treatment Guidelines, or the recommendations titled Antiretroviral Postexposure Prophylaxis After Sexual, Injection Drug Use, or Other Nonoccupational Exposure to HIV in the United States, or the standards of the American College of Emergency Physicians titled Evaluation and Management of the Sexually Assaulted or Sexually Abused Patient. Testing for HIV shall be conducted in

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accordance with the AIDS Confidentiality Act; and

- D) Pregnancy test for ~~all~~ females of childbearing age;
- 2) *Appropriate oral and written information concerning the possibility of infection, sexually transmitted disease and pregnancy resulting from sexual assault (Section 5(a) of the Act);*
- 3) *Medically and factually accurate written and oral information about emergency contraception; the indications and counter-indications and risks associated with the use of emergency contraception; and a description of how and when sexual assault survivors~~victims~~ may be provided emergency contraception upon the written order of a physician, an advanced practice nurse, or a physician assistant (Section 2.2(b) of the Act);*
- 4) *Appropriate oral and written information concerning accepted medical procedures, medication, and possible contraindications of such medication available for the prevention or treatment of infection or disease resulting from sexual assault (Section 5(a) of the Act);*
- 5) *An amount of medication for treatment at the hospital and after discharge as is deemed appropriate by the attending physician, an advanced practice nurse, or a physician assistant and consistent with the hospital's current approved protocol for sexual assault survivors. (Section 5(a) of the Act); ~~Such medication, dispensed at the time of service, including, but not limited to, HIV and STD prophylaxis, as deemed appropriate by the attending physician, for treatment at the hospital and after discharge (Section 5(a) of the Act);~~*
- 6) *An evaluation of the sexual assault survivor's risk of contracting human immunodeficiency virus (HIV) from sexual assault. When HIV prophylaxis is deemed appropriate, an initial dose or doses of HIV prophylaxis, along with written and oral instructions indicating the importance of timely follow-up health care, shall be given to the survivor. (Section 5(a) of the Act) In developing policies on risk assessment of HIV exposure and on HIV prophylaxis, hospitals shall consider the guidelines of the Centers for Disease Control and Prevention (CDC) titled Sexually Transmitted Diseases Treatment Guidelines, or the CDC recommendations titled Antiretroviral Postexposure Prophylaxis After Sexual, Injection*

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Drug Use, or Other Nonoccupational Exposure to HIV in the United States, or the Standards of the American College of Emergency Physicians titled Evaluation and Management of the Sexually Assaulted or Sexually Abused Patient;

- ~~7)6)~~ *Written and oral instructions indicating the need for follow-up examinations and laboratory tests one to two weeks~~a follow-up appointment two weeks~~ after the sexual assault to determine the presence or absence of sexually transmitted disease (Section 5(a) of the Act);*
- ~~8)7)~~ Appropriate referral to a physician. The survivor shall be referred for follow-up health care and/or monitoring of medication given or prescribed at the time of the initial hospital emergency visit as may be deemed appropriate by the attending physician, advanced practice nurse, or physician assistant licensed to practice medicine in all of its branches as provided in the Medical Practice Act of 1987;
- 9) *Referral by hospital personnel for appropriate counseling. (Section 5(a) of the Act) Initial referral should be to a community-based rape crisis center, if such a center is available, or referral to other counseling shall be provided;*
- 8) Appropriate counseling that provides:
- A) ~~Emotional support;~~
 - B) ~~Confidentiality;~~
 - C) ~~Explanations of treatment and related questioning to ensure that the patient understands that such procedures are necessary for his/her health, safety and welfare and for the collection of forensic evidence;~~
- ~~10)D)~~ The Distribution of the brochure "After Sexual Assault" (1982, updated 1989 and 1998), published by the Illinois Coalition Against Sexual Assault and the Illinois Department of Public Health, and the pamphlet "Recover/Rebuild: Crime Victims Assistance", "Financial Aid for Crime Victims", published by the Illinois Office of the Attorney General; and
- E) ~~Referrals, which may include rape crisis or other counseling~~

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services;

- ~~11)9)~~ Information on drug-facilitated sexual assault~~date rape drug~~ testing, including an explanation of the comprehensive scope of a drug screen and the limited time frame within which ~~such~~ evidence can be collected; and
- ~~12)10)~~ Information regarding evidence collection, and the process and use of evidence in criminal investigation/cases.
- b) The hospital shall develop a *uniform system for recording results of medical examinations and all diagnostic tests performed in connection* with the examination~~with the examination~~ *to determine the condition and necessary treatment of* ~~alleged~~ sexual assault survivors. ~~The~~~~Such~~ results shall be preserved in a confidential manner as part of the hospital record of the sexual assault survivor~~patient~~. (Section 6.1 of the Act) The medical record shall include the information required in this subsection (b):~~A medical record shall include, but not be limited to, the following information:~~
- 1) The medical record shall ~~indicate~~~~show~~ if the sexual assault survivor~~patient~~ changed clothes, bathed or douched, defecated, urinated, ate, smoked, or performed oral hygiene between the time of the sexual~~alleged~~ assault and the time of the examination.
 - 2) The medical record shall indicate presence of all indications of trauma, major or minor, that may be used in a criminal proceeding (e.g., i.e., cuts, scratches, bruises, red marks, any minor signs of trauma). Photographs of indications~~incidence~~ of trauma may be taken for evidentiary purposes with the written consent of the sexual assault survivor~~patient~~ or the survivor's~~patient's~~ parent or guardian if the survivor~~patient~~ is under 13 years of age. If the survivor~~patient~~ is under 13 years of age and the parent or guardian is not immediately available, photographs may be taken and shall be released to law enforcement personnel and State's Attorney staff with written consent of a parent, guardian, or law enforcement officer, or the Department of Children and Family Services.
 - 3) The medical record shall not reflect any conclusions regarding whether a crime (e.g., criminal sexual assault, criminal sexual abuse) occurred.
 - 4) Medical history shall include brief, general information concerning possible injury; ~~and~~ drug allergies; ~~and~~ for female patients, a detailed

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gynecological history ~~must be obtained~~ including: Menstrual history (last menstrual period), whether the patient knows or believes that she is pregnant, history of prior gynecological surgery such as hysterectomy or tubal ligation, history of contraceptive use, history of cancer, and any prior genital injury or trauma.

- 5) The medical record shall indicate the presence of any and all persons during the examination process.
 - 6) The medical record shall document the compliance with each procedure required by subsection (~~ed~~) of this Section.
 - 7) The medical record shall indicate whether a report was filed with the Department of Children and Family Services, or whether the Department on Aging or the Department of Public Health was contacted.
 - 8) The medical record shall include a completed emergency department record.
 - 9) The medical record shall indicate whether the Illinois State Police Sexual Assault Evidence Collection Kit~~an evidence collection kit~~ was completed.
- ~~c40~~) All medical records for ~~alleged~~ sexual assault survivors shall be maintained through a filing system that allows for immediate accessibility during Department surveys. This filing system may be maintained electronically.
- ~~de~~) The Illinois State Police Sexual Assault Evidence Collection Kit~~appropriate evidence collection kit~~ shall be used, in the manner prescribed by the information contained in the Evidence Collection Kit~~kit~~.
- 1) With the survivor's consent, the Evidence Collection Kit~~kit~~ shall be completed if the survivor presents himself/herself within seven days after the sexual assault.
 - 2) If the Evidence Collection Kit~~evidence collection kit~~ is not collected by law enforcement promptly after completion, or law enforcement has not yet obtained the survivor's consent to release the Evidence Collection Kit, hospital staff shall store it in a safe location for at least two weeks.
- ~~ed~~) Procedures to ensure the welfare and privacy of the survivor~~patient~~ shall be

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followed and shall include, but not be limited to, the following:

- 1) A member of the health care team shall respond within minutes to move the survivorpatient to a closed environment to ensure privacy. Health care personnel ~~and~~ shall refer to survivors ~~such patients~~ by code to avoid embarrassment.
 - 2) If, for any reason, the survivorpatient is incapable of receiving oral and written information required in subsection (a) of this Section, the information shall be given to the caregiver/guardian.
 - 3) All unauthorized personnel, including law enforcement personnel, shall remain outside the examination room during the medical examination. If a survivorpatient who is in the custody of law enforcement officers exhibits behavior that may cause physical harm to herself/himself or hospital staff, the staff shall request that law enforcement officers be posted outside the examination ~~treatment~~ room door.
 - 4) The hospital shall offer to call a friend or, family member and a ~~or~~ rape crisis advocate, where available, to accompany the survivor.
- fe)** *Where a minor is the victim of a predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse or criminal sexual abuse, as provided in Sections 12-13 through 12-16 of the Criminal Code of 1961 [~~720 ILCS 5/12-13 to 12-16~~], the consent of the minor's parent or legal guardian need not be obtained to authorize a hospital, physician or other medical personnel to furnish medical care or counseling related to the diagnosis or treatment of any disease or injury arising from such offense. The minor may consent to such counseling, diagnosis or treatment as if the minor had reached his or her age of majority. Such consent shall not be voidable, nor subject to later disaffirmance, because of minority. (Section 3 of the Consent by Minors to Medical Procedures Act [~~410 ILCS 210/3~~])*
- gf)** *A sexual assault evidence collection kit may not be released by a hospital without the written consent of the sexual assault survivor. In the case of a survivor who is a minor 13 years of age or older, evidence and information concerning the alleged sexual assault may be released at the written request of the minor. If the survivor is a minor who is under 13 years of age, evidence and information concerning the alleged sexual assault may be released at the written request of the parent, guardian, investigating law enforcement officer, or Department of*

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Children and Family Services. Any health care professional, including any physician, advanced practice nurse, physician assistant, or nurse, or sexual assault nurse examiner, and any health care institution, including any hospital, who provides evidence or information to a law enforcement officer pursuant to a written request as specified in this subsection ~~(g)(f)~~ is immune from any civil or professional liability that might arise from those actions, with the exception of willful or wanton misconduct. The immunity provision applies only if all the requirements of this Section and Section 6.4 of the Act are met. (Section 6.4 of the Act)

- hg)** All hospitals that provide emergency medical services to ~~alleged~~ sexual assault survivors shall comply with the Crime Victims Compensation Act ~~[740 ILCS 85]~~, the Consent by Minors to Medical Procedures Act ~~[410 ILCS 210]~~ and any local ordinances, municipal codes, rules, or regulations that may apply to the ~~treatment~~health of sexual assault survivors.
- ih)** All hospitals shall comply with the reporting procedures for sexual assault survivors ~~as~~ required by Section 3.2 of the Criminal Identification Act ~~[20 ILCS 2630]~~.
- j)** Nothing in this Section creates a physician-patient relationship that extends beyond discharge from the hospital emergency department. (Section 5(c) of the Act)
- i)** ~~All treatment hospitals are strongly encouraged to enter into a networking agreement with a community-based rape crisis center, to assist the victim in receiving ongoing support, information, counseling and advocacy.~~
- kj)** The hospital shall take all reasonable steps to secure the patient's written informed consent to or refusal of ~~the~~such examination and treatment.

(Source: Amended at 33 Ill. Reg. 14588, effective October 9, 2009)

Section 545.65 Transfer of Alleged Sexual Assault Survivors

- a) All transfers shall ~~comply with~~conform to the requirements of the federal Emergency Medical Treatment and Active Labor Act.
- b) ~~Sexual~~Alleged-sexual assault survivors may be transferred to another hospital, in accordance with the requirements of this Section, as part of ~~an~~a ~~community or~~

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areawide plan.

- c) The hospital shall provide an appropriate medical screening examination and necessary stabilizing treatment prior to transfer of the survivorpatient. If a survivorpatient has an emergency medical condition that has not stabilized, the requirements of the federal Emergency Medical Treatment and Active Labor Act shall be met.
- d) All unauthorized personnel, including law enforcement personnel, shall remain outside the examination room during the medical examination. If a survivorpatient who is in the custody of law enforcement officers exhibits behavior that may cause physical harm to herself/himself or hospital staff, the staff shall request that law enforcement officers be posted outside the examinationtreatment room door.
- e) A member of the health care team at the receiving hospital shall respond within minutes to ensure privacy, shall refer to survivorssuch patients by code to avoid embarrassment, and shall offer a private room if a short wait is unavoidable.
- f) The alleged-sexual assault survivor shall be given an appropriatea tactful and humane explanation concerning the reason for the transferreferral to another hospital for treatment.
- g) The emergency department personnel of the transfer hospital shall notify the receiving hospital of the transferreferral of the alleged-sexual assault survivor.
- h) The receiving hospitaltreatment facility shall:
 - 1) Have the available space and staffqualified personnel for the treatment of the alleged-sexual assault survivor; and
 - 2) Agree to accept the transfer of the alleged-sexual assault survivor and to provide appropriate medical treatment pursuant to the Act and this Part.
- i) An emergency department record shall be completed and a copy transported with the survivorpatient to the receiving hospitaltreatment facility. This record shall include:
 - 1) A completed emergency department admission form;

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- 2) ClinicalPhysicians' findings, if any;
 - 3) Nurses' notes;
 - 4) The name and relationship to the survivorpatient, if known, of any person present during an examination conducted pursuant to this Section;
 - 5) Observations of signs and symptoms and the presence of any trauma or injury (e.g., cuts, scratches, bruises, red marks, and broken bones), if any examination was conducted or treatment rendered pursuant to subsection (c)(a) of this Section; and
 - 6) The results of any tests.
- j) The emergency department record shall not reflect any conclusions regarding whether a crime (e.g., criminal sexual assault, criminal sexual abuse) occurred.
- k) The hospital shall maintain a chain of custody in the handling of the alleged sexual assault survivor and his or her clothing.
- 1) The hospital shall handle the survivorpatient and clothing as minimally as possible.
 - 2) The hospital shall not attempt to obtain any specimens for evidentiary purposes (e.g., blood, saliva, hair samples, etc.).
 - 3) If removal of any clothing~~it~~ is necessary ~~to remove any clothing in order~~ to render emergency services as described in subsection (c)(a) of this Section, removal should be attempted without cutting, tearing or shaking the garments.
 - 4) All loose or removed articles of clothing or other possessions of the survivorpatient shall be left to dry if possible, placed in separate paper bags, and then placed in one larger paper bag. The bag shall be sealed and labeled with the survivor'spatient's name, the names of the health care personnel in attendance, the contents, the date, and the time collected. The bag shall be transported with the survivorpatient to the receiving hospitaltreatment facility.
- l) If the alleged sexual assault survivor was brought to the transfer hospitalfacility

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by the police, a friend, or a family member, and has no life-threatening conditions, the survivor may be transported by the police or by the friend or family member to a treatment hospital facility, with the consent of the survivor. All other transfers shall be by ambulance.

- m) A transfer hospital facility shall first attempt to transfer a transport or refer an alleged sexual assault survivor only to a treatment hospital facility designated in its approved transfer plan.
- n) The hospital shall offer to call a friend, family member or rape crisis advocate to accompany the survivor patient.
- o) The hospital shall take all reasonable steps to secure the alleged sexual assault survivor's written informed consent to refuse a transfer to another hospital facility.
- p) The hospital shall comply with the Emergency Medical Treatment Act [~~210 ILCS 70~~], COBRA requirements (26 USC 4980B), and the federal Emergency Medical Treatment and Active Labor Act (see Section 245.25).

(Source: Amended at 33 Ill. Reg. 14588, effective October 9, 2009)

Section 545.67 Compliance Review

- a) *The Department shall conduct on-site reviews of approved plans with hospital personnel at least once during each three-year approval period to ensure that the established procedures are being followed ~~to ensure that the established procedures are being followed~~. (Section 2 of the Act)*
- b) *If the Department determines that the hospital is not in compliance with its approved plan, the Department shall provide the hospital with a written list of the specific items of noncompliance within 10 working days ~~2 weeks~~ after the conclusion of the on-site review. The hospital shall have 10-14 working days to submit to the Department a plan of correction that contains the hospital's specific proposals for correcting the items of noncompliance. The Department shall review the plan of correction and notify the hospital in writing within 10 working days as to whether the plan is acceptable or unacceptable. (Section 2.1 of the Act)*
- c) Specific proposals for correcting items of noncompliance shall include:

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- 1) A time frame for implementing corrections;
 - 2) A description of the activity that will be undertaken to correct the items of noncompliance;
 - 3) Identification of the person or persons responsible for implementing the corrections; and
 - 4) A description of how the requirements of this Part will be met.
- d) *If the Department finds the plan of correction unacceptable, the hospital shall have ~~107~~ working days to resubmit an acceptable plan of correction. Upon notification that its plan of correction is acceptable, a hospital shall implement the plan of correction within 60 days. (Section 2.1 of the Act)*
- e) *The failure to submit an acceptable plan of correction or to implement the plan of correction, within the time frames required in this Section, will subject a hospital to the imposition of a fine by the Department. The Department shall impose a fine of up to ~~\$500~~~~\$100~~ per day until a hospital complies with the requirements of this Section. (Section 2.1 of the Act)*
- f) *Before imposing a fine pursuant to this Section, the Department shall provide the hospital via certified mail with written notice and an opportunity for an administrative hearing. Such hearings must be requested within 10 working days ~~after~~~~after~~ receipt of the Department's notice. All hearings shall be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (~~77 Ill. Adm. Code 100~~). (Section 2.1 of the Act)*
- g) The Department shall maintain the confidentiality of all patient identities and medical information provided during a site survey or otherwise received by the Department pursuant to this Part.

(Source: Amended at 33 Ill. Reg. 14588, effective October 9, 2009)

Section 545.95 Emergency Contraception

- a) *~~Every~~~~By April 30, 2002,~~ ~~every~~ hospital providing services to ~~alleged~~ sexual assault survivors in accordance with a plan approved under Section 545.35 of this Part must develop a protocol for providing emergency contraception information and treatment to ~~alleged~~ sexual assault survivors. (Section 2.2(b) of*

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the Act)

- b) ~~The Department shall request a plan that complies with the requirements of this Section by April 1, 2002.~~ The Department ~~shall~~*will* approve the protocol if it finds that the implementation of the protocol would provide sufficient protection for survivors of ~~an alleged~~ sexual assault and if the protocol provides for the following as soon as possible and, in any event, no later than 12 hours after the ~~alleged~~ sexual assault survivor presents herself/himself at the hospital for emergency care:
- 1) *medically and factually accurate written and oral information about emergency contraception;*
 - 2) *the indications and counter-indications and risks associated with the use of emergency contraception;*
 - 3) *a description of how and when victims may be provided emergency contraception upon the written order of a physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes prescription of emergency contraception or who possesses clinical privileges recommended by the hospital medical staff and granted by the hospital as authorized by the Nurse Practice Act, or a physician assistant who has been delegated authority to prescribe emergency contraception (Section 2.2(b) of the Act); and*
 - 4) ~~appropriate referral to a physician licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987.~~
- c) *The hospital shall implement the protocol upon approval by the Department.* (Section 2.2(b) of the Act)
- d) The Department shall produce medically and factually accurate written materials that all treatment hospitals shall provide to each female sexual assault survivor of childbearing age.

(Source: Amended at 33 Ill. Reg. 14588, effective October 9, 2009)

Section 545.100 Hospital Charges and Reimbursement (Repealed)

~~When any hospital or ambulance provider furnishes emergency services to any alleged sexual~~

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~~assault survivor, as defined by the Department of Public Aid pursuant to Section 6.3 of the Act, who is neither eligible to receive such services under the Illinois Public Aid Code [305 ILCS 5] nor covered as to such services by a policy of insurance, as defined in the Illinois Insurance Code [215 ILCS 5], the hospital and ambulance provider shall furnish such services to that person without charge and shall be entitled to be reimbursed for its billed charges in providing such services by the Department of Public Aid. (Section 7 of the Act)~~

(Source: Repealed at 33 Ill. Reg. 14588, effective October 9, 2009)

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Section 545.APPENDIX A Sexual Assault Treatment Plan Form

Sexual Assault Treatment Plan

Instructions: This form describes the minimum components of a Sexual Assault Treatment Plan. References to the "Regulations" mean the Illinois Department of Public Health Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545). All responses shall be written as clearly and succinctly as possible. If additional sheets are necessary, attach those sheets to the page on which the information is originally requested. A completed copy of the plan shall be retained by the hospital. The completed plan shall be sent to:

Illinois Department of Public Health
Division of Health Facilities and Programs
525 West Jefferson Street, 4th Floor
Springfield, Illinois 62761-0001

PART A

Name of Treatment Hospital: _____

Mailing Address: _____

Contact Person for Program: _____

(Name)

(Job Title)

(E-mail)

(Telephone Number)

(Fax Number)

Contact Person for Billing: _____

(Name)

(Job Title)

(E-mail)

(Telephone Number)

(Fax Number)

Estimated number of sexual assault survivors to be patients served in coming FY: _____

AreawideCommunity or Area-wide Plan:

Yes checkbox

Yes

No checkbox

No

If yes, names of participating transfer hospitalsfacilities: _____

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PART B

1. Describe the geographic area to be covered by the treatment facility, procedures that will be adopted that are compatible with the needs of alleged sexual assault survivors, type of staff available, and steps that will be taken for public education at least annually to ensure that such a program is understood by other medical facilities, police, State's Attorneys, local sexual assault crisis centers, social services agencies, and citizens groups. If the treatment facility is part of a community or areawide plan, the hospital shall formalize the arrangements by contracts, letters of agreement or standard operating procedures. (See Section 545.60 of the Regulations and attach any agreements to the plan).
2. Describe any local ordinance, municipal codes, rules or regulations that apply to the health care or reporting procedures for alleged sexual assault survivors in the hospital's area.
3. State that the Evidence Collection Kit Medical Report Form for Sexual Assault Cases is used as a permanent medical record and approved by your Records Review Committee. (See Section 545.60(b) of the Regulations).
- 1.4. Attach copies of appropriate documents/forms distributed to ~~alleged~~ sexual assault survivors that describe:
 - a) Risk of sexually transmitted diseases and infections.
 - b) Types of medication for sexually transmitted diseases and side effects.
 - c) Medical procedures, medication given, and possible contraindications of ~~the such~~ medication.
 - d) Necessity of ~~two week~~ follow-up visits, examinations and laboratory tests/visit.

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- e) Information concerning emergency contraception in accordance with Section 545.95 of the Regulations.
 - f) The Evidence Collection Kit Patient Information Sheet shall be used as a component of written information distribution. (See Section 545.60(d) of the Regulations.)
 - g)f) ~~Drug-facilitated sexual assault~~~~Date rape drug~~ testing information, including an explanation of the comprehensive scope of drug ~~screening~~~~screen~~ and the limited time frame within which ~~such~~ evidence can be collected.
- ~~2.5.~~ Describe evidence collection procedures to be taken. The Illinois State Police Evidence Collection Instruction Sheet and Notes to Forensic Examiner Sheet may be used and attached.
- ~~3.6.~~ Describe counseling ~~resources provided to~~~~available for~~ sexual assault survivors. Counseling services shall comply with Section 545.60(d) of the Regulations.

PART C

Review and sign the Conditions of Approval:

CONDITIONS OF APPROVAL

The following conditions of approval shall apply to all ~~hospitals providing treatment services to sexual assault survivors~~~~Sexual Assault Emergency Treatment Programs~~. These conditions are enumerated below to ensure that all treatment ~~hospitals~~~~facilities~~ are informed and aware of their responsibilities in accordance with the Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545) and the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70]

1. The hospital shall provide hospital emergency services to ~~alleged~~ sexual assault survivors, with the consent of the sexual assault survivor and as ordered by the attending physician, ~~advanced practice nurse or physician assistant~~ in accordance with the Sexual Assault Survivors Emergency Treatment Act and with the Sexual Assault Survivors Emergency Treatment Code (see Section 545.60 of the Regulations).
2. The hospital shall provide ~~emergency~~~~such~~ services at no direct charge to the ~~survivor~~~~patient~~. If the ~~survivor~~~~patient~~ is neither eligible to receive ~~such~~ services

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under the Illinois Public Aid Code nor ~~is~~ covered by a policy of insurance, the hospital shall seek reimbursement only from the Illinois Department of Healthcare and Family Services (HFS), according to procedures established by HFS for that purpose~~Public Aid (IDPA)~~. (Hospital Services, 89 Ill. Adm. Code 148).

3. The hospital shall submit billings to HFS~~IDPA~~ on properly authenticated vouchers supplied by HFS~~IDPA~~ for all eligible survivors~~patients~~ for whom hospital emergency services were provided pursuant to its approved Treatment Plan.
4. The hospital shall maintain and preserve all survivor~~patient~~ medical records in a manner and for a duration established by hospital policy ~~and~~ for not less than 10 years, in accordance with Section 6.17 of the Hospital Licensing Act.
5. The hospital shall maintain all business and professional records in accordance with acceptable business and accounting practices, and all records shall be legible. Records shall be retained for a period of not less than three years after the date of service or as required by State law, whichever period is longer, except that if an audit is initiated within the required retention period, the records shall be retained until the audit is completed and every exception is resolved.
6. The hospital shall comply with the reporting procedures for sexual assault survivors as required by Section 3.2 of the Criminal Identification Act [20 ILCS 2630].
7. The hospital shall post information in the emergency department concerning crime victim compensation to comply with the Crime Victims Compensation Act [740 ILCS 45].

FOR THE HOSPITAL:

Administrator

(Source: Amended at 33 Ill. Reg. 14588, effective October 9, 2009)

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Section 545.APPENDIX B Sexual Assault Transfer Plan Form

Sexual Assault Transfer Plan

Note: All transfer plans shall conform to the requirements of the federal Emergency Medical Treatment and Active Labor Act (42 USC 1395dd).

Instructions: This form describes the minimum components of a Sexual Assault Transfer Plan as part of ~~ana community based or~~ areawide plan. References to the "Regulations" mean the Illinois Department of Public Health Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545). All responses shall be written as clearly and succinctly as possible. If additional sheets are necessary, attach those sheets to the page on which the information is originally requested. A completed copy of the plan shall be retained by the hospital. The completed plan shall be sent to:

Illinois Department of Public Health
Division of Health Care Facilities and Programs
525 West Jefferson Street, 4th Floor
Springfield, Illinois 62761-0001

PART A

Name of Transfer Hospital: _____

Mailing Address: _____

Contact Person for Program: _____
(Name) (Job Title)

(E-mail) (Telephone Number) (Fax Number)

Contact Person for Billing: _____
(Name) (Job Title)

(E-mail) (Telephone Number) (Fax Number)

Estimated number of sexual assault survivors to be patients transferred in coming FY: _____

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Name of affiliated Treatment HospitalFacility: _____

Distance of Transfer Hospital from affiliated Treatment HospitalFacility: _____

Estimate of maximum distance survivorpatient may have to travel to receive treatment: _____

Name, telephone number and address of ambulance provider(s): _____

PART B

- ~~1. Describe the geographic area to be covered by the transfer facility, procedures that will be adopted that are compatible with the needs of alleged assault survivors, type of staff available, and steps that will be taken for public education at least annually to ensure that such a program is understood by other medical facilities, police, State's Attorneys, local sexual assault crisis centers, social services agencies, and citizen's groups. The hospital shall formalize transfer arrangements with one or more treatment facilities by contracts, letters of agreement or standard operating procedures as part of a community based or areawide plan. (See Section 545.65 of the Regulations and attach any jointly-signed agreements to the plan.)~~
- ~~2. Describe the hospital's reasons for electing to provide services to alleged sexual assault survivors as a transfer facility rather than a treatment facility. Factors that should be discussed include accessibility to the community, existing hospital facilities and services, availability and location of nearby treatment facilities, and any other relevant community health planning considerations.~~
- ~~3. Describe any local ordinances, municipal codes, rules or regulations that apply to the health care or reporting procedures for alleged sexual assault survivors in the hospital's area.~~
- 1.4. Describe the procedures that will be taken to ensure privacy and support for the survivor. Services shall be in accordance with Section 545.65(b), (c), (g) and (i) of the Regulations.
- 2.5. Attach a copy of the emergency department treatment record that shall be used as

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required by Section 545.65~~(ie)~~ of the Regulations.

PART C

Review and sign the Conditions of Approval:

CONDITIONS OF APPROVAL

The following conditions of approval shall apply to all hospitals providing transfer services to sexual assault survivors~~Sexual Assault Emergency Transfer Programs~~. These conditions are enumerated below to ensure that all transfer hospitals~~facilities~~ are informed and aware of their responsibilities in accordance with the Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545) and the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70].

1. The hospital shall provide an appropriate medical screening examination and initial stabilizing treatment. (See Section 545.65 of the Regulations.)
2. The hospital shall provide pre-transfer and transfer services to ~~alleged~~ sexual assault survivors in accordance with Section 545.65 of the Regulations.
3. The hospital shall provide services at no direct charge to the survivor~~patient~~. If the survivor~~patient~~ is neither eligible to receive ~~such~~ services under the Illinois Public Aid Code nor ~~is~~ covered by a policy of insurance, the hospital shall seek reimbursement only from the Department of Healthcare and Family Services (HFS) according to procedures established by HFS for that purpose (Hospital Services, 89 Ill. Adm. Code 148)~~Public Aid (IDPA)~~.
4. The hospital shall comply with the Emergency Medical Treatment Act [210 ILCS 70] and the federal Emergency Medical Treatment and Active Labor Act (42 USC 1395dd).
5. The hospital shall submit billings to HFS~~IDPA~~ on properly authenticated vouchers supplied by HFS~~the IDPA~~ for all eligible survivors~~patients~~ for whom hospital emergency services were provided pursuant to its Transfer Plan.
6. The hospital shall maintain all survivor~~patient~~ medical records in a manner and for a duration established by hospital policy ~~and~~ for not less than 10 years, in accordance with Section 6.17 of the Hospital Licensing Act.
7. The hospital shall maintain all business and professional records in accordance

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with acceptable business and accounting practices, and all records shall be legible. Records shall be retained for a period of not less than three years after the date of service or as required by State law, whichever period is longer, except that if an audit is initiated within the required retention period, the records shall be retained until the audit is completed and every exception is resolved.

FOR THE HOSPITAL:

Administrator

(Source: Amended at 33 Ill. Reg. 14588, effective October 9, 2009)

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Section 545.APPENDIX C Emergency Contraception Protocols

CONTRACEPTIVE INTERVENTION

SAMPLE PROTOCOL I

A. GENERAL

Each survivor of sexual assault will receive medically and factually accurate written and oral information about emergency contraception as soon as possible and, in any event, no later than 12 hours after the ~~alleged~~ sexual assault survivor presents herself/himself at the hospital for emergency treatment services; the indications and counter-indications and risks associated with the use of emergency contraception; and a description of how and when ~~alleged~~ survivors will be provided emergency contraception upon the written order of a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes prescriptions of emergency contraception, or a physician assistant who has been delegated authority to prescribe emergency contraception. If the alleged sexual assault survivor accepts this treatment, the physician will administer emergency contraception as approved by the federal Food and Drug Administration (FDA), unless contraindicated for medical reasons, while the ~~alleged~~ survivor is in emergency care. Each survivor of sexual assault will be provided with an appropriate referral to a physician licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987.

CONTRACEPTIVE INTERVENTION

SAMPLE PROTOCOL II
(CATHOLIC HOSPITAL ASSOCIATION)

A. GENERAL

Each survivor of sexual assault will receive medically and factually accurate written and oral information about emergency contraception as soon as possible and, in any event, no later than 12 hours after the ~~alleged~~ sexual assault survivor presents herself/himself at the hospital for emergency treatment services; the indications and counter-indications and risks associated with the use of emergency contraception; and a description of how and when ~~survivors~~~~victims~~ will be provided emergency contraception upon the written order of a physician licensed to practice medicine in all its branches, an advanced practice

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nurse who has a written collaborative agreement with a collaborating physician that authorizes prescriptions of emergency contraception, or a physician assistant who has been delegated authority to prescribe emergency contraception. A female survivor of ~~alleged~~-sexual assault who shows a negative result for pregnancy on the blood test and a negative result with respect to the urine dip-stick test, and whose history corresponds to this, will be offered a contraceptive intervention of high dose Ovral (or equivalent). If the ~~alleged~~-sexual assault survivor accepts this treatment, the first dose will be provided in the emergency department to achieve the contraceptive effect.

If the ~~alleged~~ survivor presents a positive result on the tests, the survivor will be counseled that the emergency department will not offer the formulation. If the blood test is positive for pregnancy, the ~~alleged~~-sexual assault survivor will be counseled that this pregnancy is not of immediate or recent origin. If the urine test is positive and relates to the individual's history, it indicates that the LH surge is under way or that the woman is ovulating, and that a contraceptive formulation would not be effective in preventing ovulation, and contraceptive intervention will not be provided by the hospital.

~~Sexual~~~~Alleged-sexual~~ assault survivors will be referred to a physician for appropriate follow-up health~~followup~~ care.

B. CLINICAL APPLICATION

- I. If a woman is determined to be in the preovulatory phase of her cycle, then Ovral (or equivalent) will be immediately available for the most effective contraceptive intervention in the dosage of 2 pills at the present time, and 2 in 12 hours.
 - 1) History: Compatible with preovulatory phase
 - 2) Physical examination: Compatible with preovulatory phase
 - 3) LH urine: Negative
Progesterone level less than 1.5 ng/mL
- II. If the woman is determined to be past the early postovulatory phase (LH urine: negative; progesterone: greater than or equal to 6 ng/mL), because the timing of the sexual assault could not have coincided with the presence of an ovum, Ovral (or equivalent) may be prescribed for the psychological benefit of the woman who requests it.
- III. If the woman is determined to be in the late postovulatory phase, because the timing of the sexual assault could not have coincided with the presence of an ovum, Ovral (or

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equivalent) may be prescribed for the benefit of the woman who requests it:

- 1) Progesterone level: Less than 6 ng/mL
- 2) LH urine: Negative
- 3) Menstrual history: Anticipation of menses in less than 7 days (usually 3-5 days)

IV. If a woman is determined to be in (1) her midcycle LH surge phase or (2) early [postovulatorypostovulatory](#) phase, Ovrul (or equivalent) will not be given by the emergency department physician:

- 1) LH urine: Positive
Progesterone level: Unnecessary to perform
- 2) LH urine: Negative
Progesterone level: Greater than or equal to 1.5 or less than or equal to 5.9 ng/mL
Menstrual history: Compatible with midcycle and early postovulatory phase (menses expected in greater than 7 days).

(Source: Amended at 33 Ill. Reg. 14588, effective October 9, 2009)

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

<u>Section Numbers:</u>	<u>Emergency Action:</u>
121.60	Amendment
121.61	Amendment
121.63	Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) Effective date of amendments: October 13, 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: These emergency amendments will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: October 13, 2009
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking is necessary to comply with the results of the annual review of SNAP standards required by Food and Nutrition Service regulations. Failure to make these changes in SNAP standards constitutes a threat to the public safety and welfare. Since any unnecessary delay would be harmful to those persons who will be eligible for SNAP benefits as a result of these changes in SNAP standards, the Department believes that the changes in this rulemaking need to be in place sooner than the normal rulemaking process would allow.
- 10) A complete description of the subject and issues: This rulemaking increases the Maximum Gross and Net Monthly Income Standards, the Excess Shelter Deduction and the Standard Deduction for most Supplemental Nutrition Assistance Program (SNAP) households. But for households with 1-3 members, the amount of the Standard Deduction, which is indexed to inflation, decreased from \$144 to \$141 monthly. As a result, these households may experience a small reduction in benefits. These changes are

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the result of the annual review of SNAP standards required by Food and Nutrition Service regulations.

11) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.10	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
121.125	Amendment	33 Ill. Reg. 4537; March 27, 2009
121.26	Amendment	33 Ill. Reg. 4537; April 24, 2009
121.3	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.7	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.8	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.41	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.55	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.57	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.60	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.61	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.73	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.74	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.76	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.130	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.140	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.57	Amendment	33 Ill. Reg. 5248; April 10, 2009
121.58	Amendment	33 Ill. Reg. 5248; April 10, 2009
121.136	New Section	33 Ill. Reg. 7283; June 5, 2009
121.8	Amendment	33 Ill. Reg. 11198; July 31, 2009
121.30	Amendment	33 Ill. Reg. 11772; August 14, 2009
121.52	Amendment	33 Ill. Reg. 11772; August 14, 2009
121.55	Amendment	33 Ill. Reg. 11772; August 14, 2009
121.140	Amendment	33 Ill. Reg. 11772; August 14, 2009

12) Statement of statewide policy objectives: This rulemaking does not create or expand a State mandate.

13) Information and questions regarding these emergency amendments shall be directed to:

Tracie Drew, Bureau Chief

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Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Bldg., 3rd Floor
Springfield, Illinois 62762

217/785-9772

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

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

SUBPART A: APPLICATION PROCEDURES

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

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Section

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
	<u>EMERGENCY</u>
121.61	Gross Monthly Income Eligibility Standards
	<u>EMERGENCY</u>
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
	<u>EMERGENCY</u>
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

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121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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 SNAP Benefits
121.95 Restoration of Lost Benefits
121.96 Uses for SNAP 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

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- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

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

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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)
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; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory 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; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory 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; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory 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,

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1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory 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; preemptory amendment at 8 Ill. Reg. 19690, 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.

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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 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,

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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 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

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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; emergency expired on July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.60 Net Monthly Income Eligibility Standards

EMERGENCY

- a) Eligible households whose net monthly income does not exceed the maximum monthly income standards shall be assigned food stamp benefits based on the net monthly food stamp income.
- b) The maximum net monthly income standards are:

Household Size	Amount
1.....	\$ <u>903867</u>
2.....	<u>1,2151,167</u>
3.....	<u>1,5261,467</u>
4.....	<u>1,8381,767</u>
5.....	<u>2,1502,067</u>
6.....	<u>2,4612,367</u>
7.....	<u>2,7732,667</u>
8.....	<u>3,0852,967</u>
Each additional member.....	<u>312300</u>

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Derived from Office of Management and Budget non-farm, income poverty guidelines.

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days)

Section 121.61 Gross Monthly Income Eligibility Standards**EMERGENCY**

- a) Gross Monthly Income Eligibility Standards
 - 1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)). However, categorically eligible households and households containing a member who is elderly, blind or disabled will be exempt from this gross income check (see also 7 CFR 273.9(c)). To qualify for increased benefits, a household must contain a member who meets one of the following requirements:
 - A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.
 - B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).
 - C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
 - D) A member receives State Supplemental Payment (SSP) due to blindness or disability.
 - E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).
 - F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.

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- G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered permanently incapable of self-support by the VA.
 - H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security requirements.
 - I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.
 - J) A member receives Railroad Retirement disability benefits.
 - K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.
 - L) A member receives disability-related medical assistance benefits (Categories 92, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.
- 2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60], or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 USC 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).

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- 3) Legally obligated child support payments paid by a household member shall be excluded from gross income when comparing income to the gross income standard to determine eligibility.

b)	Household Size	Gross Income
	One Person	\$ <u>1,1741,127</u>
	Two Persons	<u>1,5791,517</u>
	Three Persons	<u>1,9841,907</u>
	Four Persons	<u>2,3892,297</u>
	Five Persons	<u>2,7942,687</u>
	Six Persons	<u>3,2003,077</u>
	Seven Persons	<u>3,6053,467</u>
	Eight Persons	<u>4,0103,857</u>
	Each Additional Member	+ <u>406390</u>

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days)

Section 121.63 Deductions from Monthly Income**EMERGENCY**

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction for a household size of one through three persons is \$141144. The standard deduction for a household size of four

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persons is ~~\$153147~~. The standard deduction for a household size of five persons is ~~\$179472~~. For households of six or more persons, the standard deduction is ~~\$205497~~.

- d) Dependent Care Deduction
- 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).
 - 2) The amount of the deduction is to be determined by the actual costs for care per month for each dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
- 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed ~~\$459446~~.
 - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2008) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and

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- C) utility costs, as described in subsection (g) of this Section.
- 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
 - C) the home is not leased or rented during the absence of the household.
 - 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- g) Utility Costs
- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
 - B) basic service fee for one telephone (including tax on the basic fee) of \$29; and
 - C) fees charged by the utility provider for initial installation.
 - 2) Utility deposits are not considered to be utility costs.
 - 3) A standard must be used if the household is billed for utilities. See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of \$304. Those

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households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of \$190. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of \$41. If only a separately-billed telephone expense is claimed, the basic telephone allowance of \$29 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.

- 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.
- 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a) (2008)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.
- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Program (89 Ill. Adm. Code 109) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6)) (2008). Households who receive, apply for, or anticipate applying for a Low Income Energy Assistance Program (LIHEAP) (89 Ill. Adm. Code 109) payment during the 12-month period, beginning with the date of the food stamp application, shall be allowed the air conditioning/heating standard (7 CFR 273.9) (2008). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be

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allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (2008) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended by emergency rulemaking at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3) Register Citation to Notice of Proposed Amendments: 33 Ill. Reg. 12927; September 25, 2009
- 4) Date, Time and Location of Public Hearing:

Thursday, October 29, 2009, 10:00 a.m. to 12:00 noon
Department of Financial and Professional Regulation
320 W. Washington St., 5th Floor
Springfield, IL 62786
- 5) Other Pertinent Information:

The hearing will be held for the sole purpose of gathering public comments on the Proposed Amendments. Persons interested in presenting testimony at this hearing are advised that the Department of Financial and Professional Regulation will adhere to the following procedures in the conduct of the hearing:

 - 1) Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
 - 2) No oral testimony shall exceed an aggregate of 10 minutes for the presentation.
 - 3) No person will be recognized to speak for a second time until all persons wishing to testify have done so.
 - 4) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of call of witnesses, as he/she sees fit.
 - 5) Those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendment should submit written comments by November 9, 2009.
- 6) Name and Address of Agency Contact Person:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

Craig Cellini, Rules Coordinator
Department of Financial and Professional Regulation
320 West Washington, 3rd Floor
Springfield, IL 62786

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

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 October 6, 2009 through October 12, 2009 and have been scheduled for review by the Committee at its November 17, 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>
11/19/09	<u>Department of Public Health</u> , Newborn Metabolic Screening and Treatment Code (77 Ill. Adm. Code 661)	6/12/09 33 Ill. Reg. 7553	11/17/09
11/19/09	<u>Department of Central Management Services</u> , Conditions of Employment (80 Ill. Adm. Code 303)	8/21/09 33 Ill. Reg. 11919	11/17/09
11/19/09	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	1/30/09 33 Ill. Reg. 1617	11/17/09
11/19/09	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	7/31/09 33 Ill. Reg. 11174	11/17/09
11/21/09	<u>Department of Insurance</u> , Workers' Compensation Pools (50 Ill. Adm. Code 575)	12/26/08 32 Ill. Reg. 19856	11/17/09
11/21/09	<u>Department of Insurance</u> , Workers' Compensation Self Insurance (Repealer) (50 Ill. Adm. Code 2901)	12/26/08 32 Ill. Reg. 19867	11/17/09
11/22/09	<u>Department of Revenue</u> , Retailers' Occupation	8/21/09	11/17/09

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Tax (86 Ill. Adm. Code 130)

33 Ill. Reg.
11921

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 33, Issue 43 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.

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ADOPTED RULES

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