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RULES
OF GOVERNMENTAL
AGENCIES



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TABLE OF CONTENTS

May 28, 2010 Volume 34, Issue 22

PROPOSED RULES

COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF
Intermodal Facilities Promotion Program
14 Ill. Adm. Code 523.....7340

COMMERCE COMMISSION, ILLINOIS
Guidelines for Right-of-Way Acquisitions
83 Ill. Adm. Code 300.....7349

Standards of Service for Local Exchange Telecommunications
Carriers
83 Ill. Adm. Code 730.....7360

CORRECTIONS, DEPARTMENT OF
Closed Maximum Security Facility
20 Ill. Adm. Code 505.....7386

EXECUTIVE ETHICS COMMISSION
Organization, Information, Rulemaking and Hearings
2 Ill. Adm. Code 1620.....7394

HUMAN SERVICES, DEPARTMENT OF
Maternal and Child Health Services Code
77 Ill. Adm. Code 630.....7428

PUBLIC HEALTH, DEPARTMENT OF
Skilled Nursing and Intermediate Care Facilities Code
77 Ill. Adm. Code 300.....7445

Sheltered Care Facilities Code
77 Ill. Adm. Code 330.....7461

Illinois Veterans' Homes Code
77 Ill. Adm. Code 340.....7475

Intermediate Care for the Developmentally Disabled Facilities Code
77 Ill. Adm. Code 350.....7485

Long-Term Care for Under Age 22 Facilities Code
77 Ill. Adm. Code 390.....7500

REVENUE, DEPARTMENT OF
Income Tax
86 Ill. Adm. Code 100.....7513

PEREMPTORY RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
Pay Plan
80 Ill. Adm. Code 310.....7528

REQUEST FOR EXPEDITED CORRECTION

RACING BOARD, ILLINOIS
Medication

11 Ill. Adm. Code 603.....	7570
JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENT OF RECOMMENDATION TO PROPOSED RULEMAKING	
ILLINOIS STUDENT ASSISTANCE COMMISSION	
Forensic Science Grant Program (Repealer)	
23 Ill. Adm. Code 2742.....	7575
ENVIRONMENTAL PROTECTION AGENCY	
Procedures for Collection of Air Pollution Site Fees	
35 Ill. Adm. Code 251.....	7576
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	7577

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register. The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings. The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2009	January 4, 2010
2	December 28, 2009	January 8, 2010
3	January 4, 2010	January 15, 2010
4	January 11, 2010	January 22, 2010
5	January 19, 2010	January 29, 2010
6	January 25, 2010	February 5, 2010
7	February 1, 2010	February 16, 2010
8	February 8, 2010	February 19, 2010
9	February 16, 2010	February 26, 2010
10	February 22, 2010	March 5, 2010
11	March 1, 2010	March 12, 2010
12	March 8, 2010	March 19, 2010
13	March 15, 2010	March 26, 2010
14	March 22, 2010	April 2, 2010
15	March 29, 2010	April 9, 2010
16	April 5, 2010	April 16, 2010
17	April 12, 2010	April 23, 2010
18	April 19, 2010	April 30, 2010
19	April 26, 2010	May 7, 2010
20	May 3, 2010	May 14, 2010
21	May 10, 2010	May 21, 2010
22	May 17, 2010	May 28, 2010
23	May 24, 2010	June 4, 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 1, 2010	June 11, 2010
25	June 7, 2010	June 18, 2010
26	June 14, 2010	June 25, 2010
27	June 21, 2010	July 2, 2010
28	June 28, 2010	July 9, 2010
29	July 6, 2010	July 16, 2010
30	July 12, 2010	July 23, 2010
31	July 19, 2010	July 30, 2010
32	July 26, 2010	August 6, 2010
33	August 2, 2010	August 13, 2010
34	August 9, 2010	August 20, 2010
35	August 16, 2010	August 27, 2010
36	August 23, 2010	September 3, 2010
37	August 30, 2010	September 10, 2010
38	September 7, 2010	September 17, 2010
39	September 13, 2010	September 24, 2010
40	September 20, 2010	October 1, 2010
41	September 27, 2010	October 8, 2010
42	October 4, 2010	October 15, 2010
43	October 12, 2010	October 22, 2010
44	October 18, 2010	October 29, 2010
45	October 25, 2010	November 5, 2010
46	November 1, 2010	November 12, 2010
47	November 8, 2010	November 19, 2010
48	November 15, 2010	November 29, 2010
49	November 22, 2010	December 3, 2010
50	November 29, 2010	December 10, 2010
51	December 6, 2010	December 17, 2010
52	December 13, 2010	December 27, 2010
53	December 20, 2010	January 3, 2011

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Intermodal Facilities Promotion Program
- 2) Code Citation: 14 Ill. Adm. Code 523
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
523.10	New
523.20	New
523.30	New
523.40	New
523.50	New
523.60	New
523.70	New
- 4) Statutory Authority: Implementing and authorized by the Intermodal Facilities Promotion Act [30 ILCS 743/1 et. seq.]
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of the rulemaking is to implement the Intermodal Facilities Promotion Act (PA 96-602). This Act provides that the incremental income tax attributable to a new employee at the intermodal terminal facility in the City of Joliet shall be deposited into the Intermodal Facilities Promotion Fund. The moneys in the Fund shall be used by the DCEO to make grants to the eligible developer for infrastructure improvements.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings containing incorporations by reference? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULE

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
620 East Adams Street
Springfield, IL 62701

217/557-1820
217/782-0038
jolene.clarke@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses and small municipalities affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: The developer of the intermodal will be required to apply for grant funding pursuant to this program and maintain sufficient records to demonstrate compliance with the provisions of the grant agreement.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department did not anticipate the changes.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULE

TITLE 14: COMMERCE

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 523

INTERMODAL FACILITIES PROMOTION PROGRAM

Section	
523.10	Purpose
523.20	Definitions
523.30	Application Cycle
523.40	Eligible Program Costs
523.50	Grant Application
523.60	Review of Grant Application
523.70	Agreements with Applicants

AUTHORITY: Implementing and authorized by the Intermodal Facilities Promotion Act [30 ILCS 743].

SOURCE: Adopted at 34 Ill. Reg. _____, effective _____.

Section 523.10 Purpose

Through the Intermodal Facilities Promotion Program, the Department of Commerce and Economic Opportunity will provide grants to the developers of an intermodal terminal facility in the City of Joliet.

Section 523.20 Definitions

"Act" means the Intermodal Facilities Promotion Act [30 ILCS 743].

"Agreement" means the agreement between an eligible developer and the Department under Section 30 of the Act.

"Application" means a request for program funds, including the required information and attachments.

"Department" means the Department of Commerce and Economic Opportunity.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULE

"Director" means the Director of the Department of Commerce and Economic Opportunity.

"Eligible developer" means an individual, partnership, corporation, or other entity that develops an intermodal terminal facility in the City of Joliet.

"Eligible employer" means an individual, partnership, corporation, or other entity that employs full-time employees at an intermodal terminal facility in the City of Joliet.

"Full-time employee" means an individual who is employed for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment. An individual for whom a W-2 is issued by a Professional Employer Organization (PEO) is a full-time employee if employed in the service of the eligible employer for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment.

"Grant" means funds that require no repayment to be used by an eligible developer.

"Incremental income tax" means the total amount withheld from the compensation of new employees under Article 7 of the Illinois Income Tax Act [35 ILCS 5] arising from employment by an eligible employer.

"Infrastructure" means roads, access roads, streets, bridges, sidewalks, water and sewer line extensions, water distribution and purification facilities, waste disposal systems, sewage treatment facilities, stormwater drainage and retention facilities, gas and electric utility line extensions, or other improvements that are essential to the development of the project that is the subject of an agreement.

"Intermodal terminal facility" means a cohesively planned project consisting of at least 2,000 acres of land, improvements to that land, equipment, and appliances necessary for the receipt and transfer of goods between one mode of transportation and another and for the assembly and storage of those goods.

"New employee" means a full-time employee first employed by an eligible employer in the project that is the subject of an agreement between the

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULE

Department and an eligible developer and who is hired after the eligible developer enters into the agreement, but does not include:

an employee of the eligible employer who performs a job that existed for at least 6 months before the employee was hired and was previously performed by another employee;

an employee of the eligible employer who was previously employed in Illinois by a related member of the eligible employer and whose employment was shifted to the eligible employer after the eligible employer entered into the agreement;

a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or an indirect ownership interest of at least 5% in the profits, capital, or value of the eligible employer; or

any individual who has a direct or an indirect ownership interest of at least 5% in the profits, capital, or value of the eligible employer.

Notwithstanding the second indented paragraph of this definition, an employee may be considered a new employee under the agreement if the employee performs a job that was previously performed by an employee who was treated under the agreement as a new employee and promoted by the eligible employer to another job.

Notwithstanding any provision to the contrary, an employee employed in a part of the project that lies within a business district created pursuant to Division 74.3 of Article 11 of the Illinois Municipal Code [65 ILCS 5/11-74.3] or a redevelopment project area created pursuant to the Tax Increment Allocation Redevelopment Act [65 ILCS 5/11-74.4] shall not be considered a new employee.

"Professional Employer Organization" or "PEO" means an employee leasing company, as defined in Section 206.1(A)(2) of the Illinois Unemployment Insurance Act [820 ILCS 405/206.1]. [30 ILCS 743/10]

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULE

"Project" means an endeavor undertaken, during a specified time period and at a specified location, by an eligible developer to construct an intermodal terminal facility.

"Project costs" means the cost of the project incurred or to be incurred by the eligible developer, including infrastructure costs, but excludes the value of State or local incentives, including tax increment financing and deductions, credits, or exemptions afforded to an employer located in an enterprise zone. [30 ILCS 743/30(1)]

"Related member" means a person or entity that, with respect to the eligible employer during any portion of the taxable year, is any one of the following:

an individual stockholder, if the stockholder and the members of the stockholder's family (as defined in section 318 of the Internal Revenue Code (26 USC 318)) own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the eligible employer's outstanding stock;

a partnership, estate, or trust and any partner or beneficiary, if the partnership, estate, or trust, and its partners or beneficiaries own directly, indirectly, or beneficially, or constructively, in the aggregate, at least 50% of the profits, capital, stock, or value of the eligible employer;

a corporation and any party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code, if the taxpayer owns directly, indirectly, beneficially, or constructively at least 50% of the value of the corporation's outstanding stock;

a corporation and any party related to that corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code, if the corporation and all such related parties own in the aggregate at least 50% of the profits, capital, stock, or value of the eligible employer; or

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULE

a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code, except, for purposes of determining whether a person is a related member under this definition, 20% shall be substituted for 5% wherever 5% appears in section 1563(e) of the Internal Revenue Code. [30 ILCS 743/10]

Section 523.30 Application Cycle

The Department will supply interested applicants with an application upon request. Applications under this program will be accepted until June 30, 2010.

Section 523.40 Eligible Program Costs

The total amount of a grant to an eligible developer shall not exceed the lesser of:

- a) *\$3,000,000 in each State fiscal year; or*
- b) *the total amount of infrastructure costs incurred by the eligible developer with respect to a project that is the subject of an agreement. [30 ILCS 743/25]*

Section 523.50 Grant Application

Applications for grant funds must include the following documentation:

- a) **Project Summary.** A brief statement and description of the project for which Intermodal Facilities Promotion Program funds are being sought.
- b) **Background of Applicant.** A discussion of the applicant's organization, purpose, history and capabilities to carry out the proposed project.
- c) **Project Description.** A description of the proposed project for which the grant would be used, including a project work statement detailing work activities (including all components regardless of funding source); project activity completion deadlines as well as identification of the individuals or groups responsible for carrying out the project; and studies, plans drawings, sketches, and schematics that can be used to determine that the project is an intermodal terminal facility.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULE

- d) Project Results. Identification of the anticipated results of the proposed project in terms including potential for creation or retention of jobs, or other public benefits.
- e) Project Budget. Identification of the infrastructure costs for which reimbursement is sought, including all supporting documentation requested by the Department. The eligible developer may amend its application for reimbursement from time to time in order to cover additional infrastructure costs incurred after the submission of an application. The Department reserves the right to approve or disapprove specific items and categories of infrastructure costs.
- f) Location: Location map, such as an USGS 7½ quad map, identifying the location of the project and a legal description of the project site evidencing that the site is in the City of Joliet.

Section 523.60 Review of Grant Application

- a) Application Screening. The Department shall screen all grant applications to determine that all elements of the application package have been addressed. Applicants will be notified of deficiencies in applications and given the opportunity to correct those deficiencies. Complete applications will be reviewed and evaluated by Department staff in accordance with the criteria listed in subsections (b) through (d). This review and evaluation process will be completed within 30 working days after submission of a complete application.
- b) Basic Eligibility Evaluation. Each grant application will be reviewed to assure compliance with the Act and this Part, including that the developer is an eligible developer.
- c) Costs. The applicant must demonstrate that the project costs are eligible program costs under the Act and this Part and can be substantiated given the amount of work that has been or will be undertaken.
- d) Program Objectives. The applicant must demonstrate that the activities of the project will result in construction of an intermodal terminal facility in the City of Joliet.

Section 523.70 Agreements with Applicants

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULE

The Department shall enter into an agreement with an eligible developer who is entitled to grants under the Act. The agreement must include all of the following:

- a) *A detailed description of the project that is the subject of the agreement, including the location of the project, the number of jobs created by the project, and project costs.*
- b) A requirement that the eligible developer shall maintain operations at the project location for 10 years from the start date of the agreement.
- c) *A specific method for determining the number of new employees attributable to the project.*
- d) *A requirement that the eligible developer shall report on a quarter annual basis to the Department and the Department of Revenue the number of new employees and the incremental income tax withheld in connection with the new employees.*
- e) *A provision authorizing the Department to verify with the Department of Revenue the amounts reported under subsection (d).*
- f) *A provision authorizing the Department of Revenue to audit the information reported under subsection (d). [30 ILCS 743/30]*
- g) A provision that the Department shall provide reimbursement by means of one or more grants that shall be issued each State fiscal year, subject to sufficient appropriation by the General Assembly and sufficient funds in the Intermodal Facilities Promotion Fund, by the Department through State fiscal year 2016, or until the eligible developer's eligible project costs are reimbursed, whichever occurs first.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Guidelines for Right-of-Way Acquisitions
- 2) Code Citation: 83 Ill. Adm. Code 300
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
300.30	Amendment
300.APPENDIX A	Amendment
- 4) Statutory Authority: Implementing Sections 8-406, 8-503, 8-509, and 15-401 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-406, 8-503, 8-509, 15-401, and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will remedy perceived inaccuracies and shortcomings associated with existing Appendix A language. The proposed amendments reference Section 15-401 of the Act and common carriers by pipeline, reference Section 8-509 of the Act when discussing eminent domain, and explain that an order under Section 8-503 of the Act does not, by itself, constitute a grant of eminent domain authority. The proposed amendment explains that the Commission may grant eminent domain authority under Section 8-509 of the Act either simultaneously with an order under Section 8-503 of the Act, or in a separate proceeding, depending on the nature of the company's request. The proposed amendments also explain that a public utility or common carrier by pipeline may elect to request relief under Section 8-503 simultaneously with its petition for a certificate, or request relief under Section 8-503 at a later time.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 10-0281, with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Managerial skills

- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER b: PROVISIONS APPLICABLE TO
 MORE THAN ONE KIND OF UTILITY

PART 300
 GUIDELINES FOR RIGHT-OF-WAY ACQUISITIONS

Section

300.10	Certificate of Public Convenience and Necessity
300.20	Informational Packet
300.30	Negotiation of the Acquisition of a Land Right-of-Way Easement
300.40	Application of this Part
300.50	Revocation of Existing Certificate
300.60	Railroad Company (Repealed)
300.70	Variance
300.APPENDIX A	Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Rights-of-Way by Illinois Utilities <u>and Common Carriers by Pipeline</u>

AUTHORITY: Implementing Sections 8-406, 8-503, 8-509, and 15-401 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-406, 8-503, 8-509, 15-401, and 10-101].

SOURCE: Adopted at 7 Ill. Reg. 339, effective December 23, 1982; codified at 8 Ill. Reg. 12182; amended at 21 Ill. Reg. 1659, effective February 1, 1997; amended at 34 Ill. Reg. _____, effective _____.

Section 300.30 Negotiation of the Acquisition of a Land Right-of-Way Easement

This Section shall govern the actions of every person acting in behalf of a public utility when negotiating the acquisition of a land right-of-way easement:

- a) At least 14 days prior to the utility initiating telephone or personal contact with the landowner for the purposes of negotiating the acquisition of a land right-of-way easement, the utility representative shall send to the landowner a letter by certified mail return receipt requested containing the information set forth below together with the "Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Rights-of-Way by Illinois Utilities and

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Common Carriers by Pipeline" (see ~~Appendix attached hereto as APPENDIX A~~).

- b) The utility representative shall keep and maintain a permanent record of letters sent in compliance with this Section.
- c) The letter sent by the utility representative shall be on that representative's letterhead or on the letterhead of the utility and shall clearly set forth:
 - 1) The identity, address and telephone number of the utility representative;
 - 2) The identity of the utility attempting to acquire the land or land rights;
 - 3) The general purpose of the proposed project;
 - 4) The type of facility to be constructed;
 - 5) The general description of the land or land rights the utility seeks to acquire and the type of structures, if any, ~~which~~ the utility seeks to build;
 - 6) A statement that the utility or its representative seeks to negotiate with the landowner to arrive at a fair and reasonable agreement for ~~the~~ such land or land rights; and
 - 7) An invitation to the landowner to contact the utility representative to arrange a mutually agreeable time for an appointment to further discuss the matter.
- d) If the landowner does not contact the utility representative within two weeks ~~after~~ the mailing of the original letter, that representative may then contact the landowner to attempt to establish a mutually convenient time and date for a meeting to discuss the matter.
- e) Each utility representative shall carry ~~with him/her~~ and show to every landowner contacted, an identification card showing the name and address ~~of the contacting person~~, ~~the~~ his/her employer, and a recent picture of ~~the utility representatives~~ such person. The contacting person shall leave his/her telephone number with the landowner.
- f) Upon the initial personal contact with the landowner, each utility representative

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

shall be prepared to discuss the project for which a land right-of-way is sought in detail, and more specifically inform and advise the landowner in the manner stated, of the following:

- 1) By oral statement concerning the reason for the contact, i.e., general purpose of the proposed project, type of facilities to be constructed.
- 2) Provide technical information and data surrounding the proposed project. This should include, amongst other things, to the extent then known to the utility, a written statement outlining briefly the purpose of the project, a small scale map and sketches indicating ~~type~~~~type(s)~~ of ~~facilities~~~~facility~~, approximate location of facilities, compensation and basis for compensation and, if applicable, type of structures, and amount (length and width) of the land right-of-way deemed necessary. This information shall be left with the landowner for review, along with any agreement or contract proposed by the utility.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 300.APPENDIX A Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Rights-of-Way by Illinois Utilities and Common Carriers by Pipeline

A representative of a public utility or a common carrier by pipeline (collectively "company") is contacting you to negotiate the purchase of property or the acquisition of a right-of-way over or through property that you own, or in which you have an interest as an owner. The company proposes to construct, operate and maintain certain facilities on your land, as set forth in the accompanying letter. The company representative contacting you will further explain the proposed project.

The purpose of this Statement is to provide you with general information regarding the regulatory process governing the company's proposed project, including the procedures the company must follow before it can exercise the power of eminent domain to acquire land or land rights. Eminent domain is the power of the State, or those to whom the power is delegated by the State, to take private property for public use upon payment of just compensation as determined by the courts. This Statement covers several questions that landowners commonly ask staff members of the Illinois Commerce Commission ("Commission") about proceedings at the Commission relating to a company's proposed project that would place facilities on or near their property. This Statement, however, is not a legal opinion concerning your rights under the law or the rules of the Commission, nor is it a detailed analysis of the procedures involved. If you have any questions concerning your legal rights, you may wish to consult an attorney.

Requests for a Commission Certificate under
Section 8-406 or 15-401 of the Public Utilities Act

Ordinarily, a public utility must obtain a certificate of public convenience and necessity from the Commission under Section 8-406 of the Public Utilities Act [220 ILCS 5/8-406] before constructing major new facilities. Likewise, a common carrier by pipeline ordinarily must obtain a certificate in good standing from the Commission under Section 15-401 of the Public Utilities Act [220 ILCS 5/15-401] before constructing a pipeline or other facility. In either case, to obtain a certificate, the company files an application with the Commission describing the proposed project. The Commission then initiates a proceeding to consider the company's application and notifies affected landowners of the date, time and place of the initial hearing. If you have concerns about the company's proposal, the Commission encourages you to participate in the Commission's certificate proceeding. Changes to the company's proposal are much less likely after the Commission has approved the proposal and issued the company a certificate. Landowners may participate in the proceeding, either through oral or written statements or by formal intervention as provided in the Commission's Rules of Practice (83 Ill. Adm. Code 200).

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

In the proceeding, the Commission considers such factors as the public need for the proposed project, the type of facilities to be constructed, and the feasibility of the proposed location of the facilities. If the Commission determines that the company has met the requirements for obtaining a certificate and approves the facility's design and location, the Commission will grant a certificate to the company authorizing construction of the facility and the route the facility will take across or through property not owned or controlled by the company.

Requests for a Commission Order under
Section 8-503 of the Public Utilities Act

A company may also seek a Commission Order under Section 8-503 [220 ILCS 5/8-503] authorizing or directing the company to construct the project, either in conjunction with its request to obtain a certificate under Section 8-406 or 15-401, or separately. If a company seeks an order pursuant to Section 8-503 in a separate proceeding, the Commission will notify affected landowners of the Section 8-503 proceeding, and affected landowners may participate in the same manner as described above for applications for certificates under Section 8-406 or 15-401. If, at the conclusion of the proceeding, the Commission grants the company's request for an order under Section 8-503, the Commission will issue an order authorizing or directing the company to construct the proposed project, including the specific route of the facility.

Requests for eminent domain authority pursuant to
Section 8-509 of the Public Utilities Act

A company seeking a Commission Order under Section 8-503 may also apply to the Commission for authorization under Section 8-509 [220 ILCS 5/8-509] to use the power of eminent domain through the courts pursuant to the Eminent Domain Act [735 ILCS 30] to acquire the land or land rights necessary for the project. The company may elect to seek Commission authorization pursuant to Section 8-509, either in conjunction with its request for a Commission Order under Section 8-503, or separately. If the Commission authorizes the use of eminent domain under Section 8-509, and if the company is unable to reach agreement with the landowners to acquire the property interests necessary to complete the proposed project, then the company will file a condemnation lawsuit in the circuit court where the property is located in order to obtain the property interests that the project requires. The courts, not the Commission, make the final decision as to whether the company can acquire land or land rights by eminent domain and, if so, the compensation the company will pay to the landowner.

Attempts by companies to acquire property rights

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Prior to seeking a certificate or Commission Order authorizing or directing the company to construct the project, a company may choose to acquire land or land rights from landowners. The company may seek to purchase land or acquire a right for use of the land. Alternatively, the company may seek to obtain an option to purchase land or land rights at a future date. A company representative will provide affected landowners with information regarding the price and other terms the company will offer for the land or land rights. The company uses its own forms for the transaction. The Commission does not require the company to use any particular form.

The price and other terms for the land or land rights is a matter of negotiation between each landowner and the company. The Commission does not participate in the negotiations and does not establish or approve the negotiated price and other terms for land or land rights. Negotiation involves discussion and bargaining in an effort to reach a mutual agreement. During the negotiations, and at any time, you may be represented by an attorney. However, you are under no obligation to retain anyone to provide legal counsel or otherwise negotiate on your behalf. Further, you are under no obligation to negotiate or reach an agreement with the company. The Commission does not require the company to obtain by negotiation a fixed amount or percentage of land or land rights necessary for the project before the company seeks a certificate or Section 8-503 order.

The Commission typically makes its final decision regarding a project's route in certificate proceedings. Once the company obtains a certificate, issues such as the specific route of the project are not typically reconsidered in subsequent Section 8-503 proceedings before the Commission. Once the company obtains a Commission Order pursuant to Section 8-503 for the project, issues such as the specific route of the project will not be reconsidered in subsequent Section 8-509 proceedings before the Commission and in condemnation proceedings before the courts. You should not delay in taking whatever action you believe necessary to protect your property interests. If you elect to negotiate with the company, the Commission encourages you or your representative to negotiate vigorously.

If you have any questions about this Statement or the rules and procedures of the Commission, please contact:

Director, Energy Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Please address specific questions concerning your individual property to the company representative.

~~A representative of a public utility is contacting you for the purpose of negotiating with you concerning the acquisition of a land right of way for utility purposes over property which you own or in which you have an interest as an owner. This right of way is proposed to be used for the purpose of constructing, operating and maintaining certain facilities of the utility on your land, as set forth in the accompanying letter. This project will be further explained in detail to you by the utility representative who meets with you concerning this proposal.~~

~~The purpose of this Statement is to provide you with general information concerning the initial procedures involved. This Statement covers several questions commonly asked of the Illinois Commerce Commission staff by landowners.~~

~~This Statement is not a legal opinion concerning your rights under the law or the rules and regulations of the Commission nor is it a detailed analysis of the procedures involved. If you have any questions concerning your legal rights, you may wish to consult an attorney.~~

~~Ordinarily, a public utility must obtain a Certificate of Public Convenience and Necessity from the Illinois Commerce Commission under Section 8-406 of the Public Utilities Act [220 ILCS 5/8-406] before constructing major new facilities. An order pursuant to Section 8-406 allows a utility to begin construction on land which it owns or on which it has acquired an easement. The utility files its application with this Commission for the Certificate, and the Commission then notifies the property owners involved of the date, time and place of the public hearing to be held by the Commission on the utility's application. Landowners may participate in the hearing(s), either through oral or written statements, or formal intervention as provided in the Commission's Rules of Practice (83 Ill. Adm. Code 200). During such hearing(s), the Commission considers the public need for the proposed project, the type of facilities to be constructed and the feasibility of the proposed location of the facilities. If the Commission finds that the proposed facility is reasonably needed to provide utility service to the public and approves of its design and location, the Commission will grant a Certificate of Public Convenience and Necessity to the utility for the construction of the facilities.~~

~~A utility may choose to seek to acquire land or land rights from landowners prior to seeking a Certificate from the Commission. The utility may also seek to obtain an option to purchase a right of way from a landowner. The securing of an option does not oblige the utility to purchase the right of way. During the negotiations, you may be represented by an attorney. However, you are under no obligation to retain anyone to negotiate on your behalf.~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

~~Negotiation means discussion and bargaining between the landowner and the utility in an effort to arrive at an equitable agreement concerning the land or land rights and the price to be paid for such land or land rights. It does not mean that an agreement must be reached or that either the landowner or the utility must agree with the other. The Commission does not require the utility to obtain by negotiation any fixed amount or percentage of the right-of-way required for the project prior to its applying for a Certificate.~~

~~The price to be paid to the landowner by the utility for the land or land rights is a matter of negotiation between the landowner and the utility. The Commission does not participate in the negotiations nor does it establish or approve the price. Specific information on the price to be offered for the land or land rights will be provided by the utility representative. The utility representative may be negotiating with you for the acquisition of an easement for the use of the land or for the purchase of the land. In either case, the utility will have its own form of easement or deed, as the Commission has no standard forms which the utility is required to use.~~

~~If the utility is able to obtain a Certificate of Public Convenience and Necessity for the project and has been unable to acquire the necessary land or land rights from all landowners through negotiation, it may apply to the Commission for an order under Section 8-503 of the Public Utilities Act [220 ILCS 5/8-503]. An order pursuant to Section 8-503 finds that the project is in the public interest and authorizes and directs the project to be built. The Commission will notify the interested landowners from whom the utility has not been able to acquire the necessary land or land rights through negotiation, of the date, time and place of the public hearings to be held by the Commission on the utility's application. Such landowners may participate in the hearing(s), either through oral or written statements, or formal intervention as provided in the Commission's Rules of Practice. During such hearing(s), the Commission determines, among other things, whether the utility had made a reasonable attempt to acquire the necessary land or land rights through negotiation with the landowner.~~

~~If the Commission grants the utility an order under Section 8-503 of the Public Utilities Act and the utility still has not been able to acquire the necessary land or land rights through negotiation, the utility may then apply to the courts to exercise the right of eminent domain or condemnation under Article VII, "Eminent Domain," of the Code of Civil Procedure [735 ILCS 5/Art. VII] to acquire the right-of-way. Eminent domain is simply the power of the State, or those delegated by the State, to take private property for public use upon payment of just compensation as determined by the courts.~~

~~There is no certainty that the utility will be allowed to acquire land or land rights through the use of eminent domain. However, you should not delay in contacting the utility's representative to attempt to negotiate fair compensation for the land or land rights which the~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

~~utility seeks. The Commission encourages you to negotiate vigorously on your own behalf or to have an attorney do so for you. If you have any questions about this Statement or the rules and procedures of the Illinois Commerce Commission, please contact the Chief Engineer, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62706. Any specific questions concerning your individual property should be addressed to the utility representative.~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards of Service for Local Exchange Telecommunications Carriers
- 2) Code Citation: 83 Ill. Adm. Code 730
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
730.100	Amendment
730.105	Amendment
730.115	Amendment
730.510	Amendment
730.525	Amendment
730.535	Amendment
730.550	Amendment
730.705	Amendment
730.710	Repeal
730.711	New Section
730.715	Amendment
- 4) Statutory Authority: Implementing Section 8-301 and 13-712 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301, 13-712 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: Section 13-512 of the Public Utilities Act requires that all Commission rules issued pursuant to Article XIII of the PUA, applicable to the operations or activities of telecommunications carriers, be reviewed every two years. Section 13-512 requires repeal or modification of any such rule determined to no longer serve the public interest due to the availability of competitive telecommunications services. The proposed amendments to Part 730 will update the standards of service for local exchange carriers.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 9-381, with:

Elizabeth Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations that are not jurisdictional entities.
 - B) Reporting, bookkeeping or other procedures required for compliance: Reporting
 - C) Types of professional skills necessary for compliance: Engineering skills and managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 730
STANDARDS OF SERVICE FOR LOCAL EXCHANGE
TELECOMMUNICATIONS CARRIERS

SUBPART A: GENERAL

Section	
730.100	Application of Part
730.105	Definitions
730.110	Waiver
730.115	Reporting
730.120	Penalties

SUBPART B: RECORDS AND REPORTS

Section	
730.200	Preservation of Records

SUBPART C: ENGINEERING

Section	
730.300	Construction
730.305	Maintenance of Plant and Equipment
730.310	Grade of Service
730.315	Interoffice Trunks (Repealed)
730.320	Network Service
730.325	Emergency Operation
730.330	Construction Work Near Utility Facilities
730.335	Network Interface
730.340	Incorporation of National Codes and Standards

SUBPART D: CALL DATA, INSPECTIONS, AND TESTS

Section	
730.400	Provisions for Testing

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

730.405	Call Data Records
730.410	Call Data Reading Interval
730.415	Call Data Recording Equipment and Test Facilities
730.420	Call Data Recording Equipment Requirements
730.425	Initial Test
730.430	As-Found Tests
730.435	Routine Tests
730.440	Request Tests
730.445	Referee Tests
730.450	Test Records

SUBPART E: STANDARDS OF QUALITY OF SERVICE

Section	
730.500	Adequacy of Service
730.505	Operator Handled Calls
730.510	Answering Time
730.515	Central Office Administrative Requirements
730.520	Interoffice Trunks
730.525	Transmission Requirements
730.530	Coin Telephone Service (Repealed)
730.535	Interruptions of Service
730.540	Installation Requests
730.545	Trouble Reports
730.550	Network Outages and Notification

SUBPART F: SAFETY

Section	
730.600	Safety Program
730.605	Accident Reports (Repealed)

SUBPART G: BOUNDARIES

Section	
730.700	Map Requirements
730.705	Map Specifications
730.710	Application for Certificate (Repealed)
730.711	Changes to Existing Boundaries

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

730.715	Service Outside Exchange Boundaries
730.720	Map Maintenance
730.725	District Boundaries (Repealed)

AUTHORITY: Implementing Section 8-301 and 13-712 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301, 13-712 and 10-101].

SOURCE: Filed November 6, 1970; amended at 7 Ill. Reg. 2147, effective February 4, 1983; codified at 8 Ill. Reg. 12191; Part repealed and new Part adopted at 15 Ill. Reg. 16060, effective November 1, 1991; amended at 24 Ill. Reg. 13861, effective September 1, 2000; amended at 27 Ill. Reg. 17997, effective December 1, 2003; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 730.100 Application of Part

- a) This Part shall apply to all local exchange carriers offering or providing either competitive or noncompetitive telecommunications services as defined in Sections 13-209 and 13-210 of the Universal Telephone Service Protection Law of 1985 ("Law") [220 ILCS 5/~~13-209, 13-210~~], except that Sections 730.115(b), 730.535(c), 730.540(d) and (e) and 730.545(h) and (i) are not applicable to telephone cooperatives as defined in Section 13-212 of the Law pursuant to Section 13-701 of the Law. This Part shall only apply to the relationship between a serving local exchange carrier and its end user. This Part shall not apply to the relationship between a serving local exchange carrier that provides wholesale facilities or services to another serving local exchange carrier for provisioning of services to its retail end user customers.
- b) This Part does not supersede the authority of, nor prohibit, the Commission from imposing different, additional, or more stringent service quality standards, reporting requirements or penalties upon a carrier pursuant to Section 220 ILCS 5/13-506.1 of the Public Utilities Act; (Alternative forms of regulation for noncompetitive services).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 730.105 Definitions

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

As used in this Part, the following terms shall have these definitions:

"Access line" means the connecting facility between a customer's premises network interface device and the local exchange carrier's facility that provides access to the switching network for local exchange and interexchange telecommunications service. This includes the network interface or equivalent, the outside plant facilities, the office frame and frame wiring and the office line termination.

["Act" means the Public Utilities Act \[220 ILCS 5\].](#)

"Analog" means a continuous electrical signal that carries information by means of variations in its amplitude or frequency. The electrical signal being transmitted varies in direct relation to the signal generated by the source.

"Answer time" means a measurement in seconds from the point the carrier's telephone system receives the call until the call is answered by the carrier's representative or voice response unit and ready to accept information. In the case when the carrier uses a menu-driven system, the measurement begins once the menu-based system has transferred the customer into the carrier's telephone system until the call is answered by the carrier's representative.

"Application" means a verbal or written request for a telecommunications service.

"Appointment" means an arrangement made by a telecommunications carrier to meet a customer within an agreed 4 hour window, or, until June 30, 2004, between 8 A.M. and 4 P.M. on a particular day if the carrier uses the resold services, network or network elements of another carrier to provide service to the customer, at the customer's premises, to perform work on the network.

"Assistance calls" means calls in which the operator provides assistance or instructions to the customer. Examples: rate quotes, credit requests, trouble reports, dial assistance, and dialing instructions.

"Basic local exchange service" means *residential and business lines used for local exchange telecommunications service as defined in Section 13-204 of the Public Utilities Act [220 ILCS 5/13-204], excluding: services that employ advanced telecommunications capability as defined in ~~section~~Section 706(c)(1) of the federal Telecommunications Act of 1996 (P.L. 104-104); vertical services;*

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

company official lines; and records work only. [220 ILCS 5/13-712(b)(2)]-

"Basic local exchange service installation" means the installation of basic local exchange service whereby the physical connecting and diagnostic testing of a local loop results in the provisioning of dial tone to the requesting customer's network interface device. It includes move orders and orders for additional lines.

"Business office" means those offices of the company where calls are answered and made. A business office typically employs company representatives to assist customers for order entry and lookup on customers' orders and account records through the use of a computerized system.

"Busy hour" means the two consecutive half-hours each day during which the greatest volume of traffic is handled.

"Busy tone" means an audible signal indicating a call cannot be completed because the called access line is busy. The tone is applied 60 times per minute.

"Call data" means the recorded information necessary to measure and bill each call.

"Calls" means customers' messages attempted.

"Central office" means the site where switching equipment is located. A local central office, also called an end office, is the switching office where individual subscriber's access lines appear. It houses the equipment that receives calls transmitted on the local loop and routes the call over the switched network either directly to the person called, if the call is placed to a location served by the same local central office, or to another central office, if the call is placed to a customer served by a different central office. Each central office serves local loops in an exclusive geographic area.

"Certificate of service authority" means the authorization by the [Illinois Commerce Commission](#) (~~"Commission"~~) granting a local exchange carrier the right to provide telecommunications services within a specified geographical area.

"Channel" means a single path between two or more points provided for transport of user information and/or signaling for a communications service.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Commission" means the Illinois Commerce Commission.

"Connecting company" means a corporation, association, partnership or individual (other than a company affiliated interest) that owns or operates central offices or similar switching facilities and interchanges traffic directly or indirectly with the local exchange carriers.

"Customer" means any person, building owner, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., provided with local exchange carrier telecommunications services as defined in Section 13-204 of the Act ~~[220 ILCS 5/13-204]~~. "Customer" may also be referred to as "end user".

"Customer premises equipment" or "CPE" means equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications. Customer premises equipment includes customer premises wire.

"Customer premises wire" means any wire, including interface equipment, on the customer side of the network interface or equivalent.

"Customer trouble report" means any verbal or written report relating to difficulty or dissatisfaction with the operation of regulated telecommunications services. One report shall be counted for a verbal or written report received. When several items are reported by one customer at the same time, and the group of troubles so reported is clearly related to a common cause, they are counted as one report.

"dBm" means a measure of the interfering effect of noise.

"Decibel" or "dB" means a standard unit used for expressing a transmission signal gain or loss.

"Dial tone" means an audible tone sent from an automatic switching system to a customer to indicate the equipment is ready to receive dial signals.

"Dial tone first" means coin telephone service that allows a customer to obtain a dial tone before money is deposited into the coin telephone.

"Digital" means a signal ~~that~~ which carries information by discrete changes in its

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

parameters. For digital transmission of analog information, the incoming voice, data, or video signals are sampled periodically and digitally coded for transport through the network.

"Direct ~~distance dialing~~Distance Dialing" or "DDD" means the automatic establishment of toll calls in response to signals from the dialing device of the originating customer.

"Distributing system" means that part of the outside cable plant connecting the central office to the customer network interface at the customer's premises.

"Emergency situation" means a single event that causes an interruption of service or installations affecting end users of a local exchange carrier. The emergency situation shall begin with the first end user whose service is interrupted by the single event, and shall end with the restoration or installation of the service of all affected end users.

The term single event shall include:

a declaration made by the applicable State or federal governmental agency that the area served by the local exchange carrier is either a State or federal disaster area; or

an act of third parties, including acts of terrorism, vandalism, riot, civil unrest, or war, or acts of parties that are not agents, employees or contractors of the local exchange carrier; or

a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the local exchange carrier from restoring service due to impassable roads, downed power lines, or the closing off of affected areas by public safety officials.

The term "emergency situation" shall not include:

a single event caused by high temperature conditions alone; or

a single event caused, or exacerbated in scope and duration, by acts or omissions of the local exchange carrier, its agents, employees or contractors

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

or by the condition of facilities, equipment, or premises owned or operated by the local exchange carrier; or

any service interruption that occur during a single event listed in this definition, but are not caused by those single events; or

a single event that the local exchange carrier could have reasonably foreseen and taken precaution to prevent; provided, however, that in no event shall a local exchange carrier be required to undertake precautions that are technically infeasible or economically prohibitive.

This Part shall be construed as being content neutral as to whether a strike or other work stoppage is an "emergency situation". In the event of a strike or other work stoppage, the local exchange carrier's obligations to provide remedies for failure to comply with this Part shall, in the absence of a decision by a court of competent jurisdiction, be determined by the Commission on a case-by-case basis based upon the individual factual circumstances of each strike or other work stoppage. In making such a determination, and notwithstanding the definition of "emergency situation" above, the Commission shall not presume that a strike or other work stoppage is an act of an employee or of the local exchange carrier.

"End user" means any person, building owner, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., provided with local exchange carrier telecommunications services for consumption, not for resale, as defined in Section 13-204 of the Act ~~[220 ILCS 5/13-204]~~. "End user" may also be referred to as "customer".

"Exchange area" means a unit established by a local exchange carrier and approved by the Commission for the administration of telecommunications service in a specified geographical area. It may consist of one or more central offices together with associated plant used in furnishing telecommunications services in that area. Exchange areas are identified on exchange boundary maps on file with the Commission.

"Foreign exchange service" means a classification of exchange services whereby customers may be provided a telecommunications service from a local exchange other than the one from which they would normally be served.

"Information call" means a call in which a customer will be connected to [directory](#)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

~~assistance~~ ~~an information bureau~~ by dialing the proper service code or number and will be given the directory number of the customer whom he or she desires to call, provided that the customer's number to be called is or will be published or listed in the information records. An "information call" is also referred to as directory assistance.

"Inside wire" means the same as "customer premises wire" defined above.

"Installation trouble report" means any network trouble report filed within seven days after the completion of a basic local exchange service installation on the same line.

"Intercept service" means a service arrangement provided by the local exchange carrier whereby calls placed to a disconnected or discontinued telephone number are intercepted and the calling party given such information as the called telephone number has been disconnected, discontinued, or changed to another number, or that calls are being received by another telecommunications line.

"InterMSA" means those calls originating in one Market Service Area (MSA) but terminating in another MSA. InterMSA calls are also referred to as "InterLATA calls". See Section 13-208 of the Act ~~[220 ILCS 5/13-208]~~.

"Interoffice trunk" means a communication path between two central offices.

"Line" means the conductor or conductors, supporting circuit equipment, and structures extending between customer network interfaces and central offices, or between central offices, whether they be in the same or different communities.

"Local exchange carrier" or "LEC" means a telecommunications carrier certificated by the Commission to provide intra-exchange and/or inter-exchange service within the same MSA.

"Local exchange service" means the same as "local exchange telecommunications service" as defined in Section 13-204 of the Act.

"Local exchange service area" means the area where telecommunications service is furnished to customers under a specific schedule of rates and without toll charges. A local exchange service area may include one or more exchange areas or portions of exchange areas.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Local message" means a completed call between customers served by the same central office or between customers served by two different central offices as defined by and in accordance with tariffs.

"Local loop" means a channel between a customer's network interface and its serving central office. ~~The most common form of loop, a pair of wires, is also called a line.~~

"Local usage charge" means the charge that applies to a call defined as a "local message".

"Map" means a drawing showing a geographical area in which a local exchange carrier furnishes telecommunications services.

"Message" means a completed customer call.

"Network" means the aggregate of transmission systems and switching systems. It is an arrangement of channels, such as loops, trunks, and associated switching facilities.

"Network interface" means the point of termination on the customer premises at which the local exchange carrier's responsibility for the provision and maintenance of network channel or line service ends. The network interface is part of the network and the order of appearance of central office lines on it is determined solely by the local exchange carrier.

"Network service" means a telecommunications service that links two or more discrete channels for the purpose of creating a point-to-point connection.

"Noise to Ground" ~~or "(Ng)"~~ means the noise measured between ground and the tip and ring conductors. The customer does not hear the noise to ground, but the amount of noise to ground affects the amount of noise metallic that a customer hears.

"Noise Metallic" ~~or "(Nm)"~~ means the noise measured across the tip and ring of a circuit and is the noise that the customer hears.

~~"Operator number identification" means a service provided by an intercept~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

~~operator on calls that originate from a telecommunications office that is not equipped for automatic identification of the called number.~~

"Out of Service > 24 Hours" means that 24 hours after reporting an out of service condition to the local exchange carrier, the customer still:

has no dial tone; or

cannot be called; or

cannot call out.

This defined term excludes call blocking or any other intentional alteration to an end user's calling or call receiving ability.

"Outside plant" means the telecommunications equipment and facilities installed on, along, over, or under streets, alleys, highways, or on private rights-of-way between the central office and customer locations or between central offices.

"Party line service" is a service offering where two or more unaffiliated customers share the same line and telephone number.

"Premises" means the space occupied in a single local exchange area by a customer in a building or in adjoining buildings not separated by a public thoroughfare or in a public office building where the customer's office space is all contiguous.

"Public telephone service" means one-party access line service equipped with a coin collecting and/or calling-card only telephone instrument installed for the use of the general public in locations where the general public has access to these telephones.

"Repair office" means an office to handle customers' reported telephone facility problems. Customers may call to request trouble verification tests, initiate trouble reports and obtain information on the status of open trouble reports.

"Repeat trouble report" means any network trouble report filed within 30 days after the closing of a previous network trouble report filed by the same customer for the same working line.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Reporting entity" means a unit established by the local exchange carrier for the purpose of administering the customer service operations established by this Part.

"Staff" means the Staff of the Illinois Commerce Commission.

"Telecommunications service" means any regulated communication service provided by local exchange carriers.

"Toll call" means a completed message between customers in different exchanges for which message toll rates are applicable.

"Traffic" means call volume based on number and duration of messages.

"Transmission" means the process of sending information from one point to another.

"Trouble report" means any customer complaint to the local exchange carrier regarding the operation of the network affecting their basic local exchange service, including both service-affecting conditions or out of service conditions.

"Trunk" means a transmission path between switching units, switching centers, and/or toll centers.

"Vertical services" means optional telecommunication services, including, without limitation, Caller ID or Call Waiting, that a customer may choose to have added to its basic access line.

"Working line" means an active access line or channel.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 730.115 Reporting

- a) All reports required to be submitted to either the Staff or to the Illinois Commerce Commission under this Part ~~730~~ shall be certified by an authorized agent of the reporting carrier. All such reports will be public records available for inspection, copying, and posting to the Commission's website.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

b) [Disaggregation](#)

- 1) Each telecommunications carrier shall provide to the Commission, on a quarterly basis and in a form suitable for posting on the Commission's website, a public report that includes monthly performance data for basic local exchange service quality of service as required to be collected and reported pursuant to this Part. The performance data shall be disaggregated for each geographic area and each customer class of the State for which the telecommunications carrier internally monitored performance data as of March 2, 2001. The report shall include, at a minimum, operator answer time – toll and assistance, Section 730.510(a)(1)(A); operator answer time – information, Section 730.510(a)(1)(B); repair office answer time, Section 730.510(b)(1); business or customer service answer time, Section 730.510(b)(1); percent of service installations, Section 730.540(a); percent of lines out of service for more than 24 hours, [including monthly itemization of the "w" variable via attachment](#), Section 730.535(a); trouble reports per 100 access lines, Section 730.545(a); percent of repeat trouble reports, Section 730.545(c); percent of installation trouble reports, Section 730.545(f); missed repair appointments, Section 730.545(h); and missed installation appointments, Section 730.540(d).
- 2) Carriers shall disaggregate their performance data at least to the extent required pursuant to this Section and Section 13-712(f) of the Act and, by January 1, 2004, shall provide to the Commission a certification by an authorized officer of the carrier specifying the disaggregation that is required, as well as supporting documentation sufficient to demonstrate the required disaggregation (specifically identifying the geographic and customer class disaggregation). The carriers shall bear the burden of proof with respect to the required disaggregation. ~~The Such~~ certification and supporting documentation shall be delivered in a form that can be made publicly available and posted upon the Commission's website.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART E: STANDARDS OF QUALITY OF SERVICE

Section 730.510 Answering Time

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- a) Operator Offices
- 1) Operator offices shall be staffed so that the average answer time, calculated on a monthly basis, shall not exceed ten seconds for the following types of calls:
 - A) toll and assistance; and
 - B) information.
 - 2) Whenever the average answer time for either toll and assistance calls and/or information calls, calculated on a monthly basis, exceeds ~~10~~ten seconds, the local exchange carrier shall take corrective action and report ~~thesueh~~ action to the Commission within 15 business days after the end of the month in which the violation occurred.
- b) Business and Repair Offices
- 1) Business offices (during normal business hours) and repair offices shall be staffed so that the average answer time, calculated on a monthly basis, shall not exceed 60 seconds. ~~When in the case where~~ a menu driven, automated, or interactive system is utilized to answer any such call, ~~thesueh~~ system shall provide, ~~either through voice option or~~ within the first menu of options, the option of transferring to a live attendant. This requirement shall apply separately to business offices and repair offices, if they are maintained separately.
 - 2) Whenever the average answer time for either business offices or repair offices (if maintained separately), calculated on a monthly basis, exceeds 60 seconds, the local exchange carrier shall take corrective action and report ~~thesueh~~ action to the Commission within 15 business days after the end of the month in which the violation occurred.
 - 3) Local exchange carriers shall maintain records of answer time performance at their business offices and repair offices. At a minimum, these records shall contain the following information collected on a monthly basis:
 - A) Total number of calls received;

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- B) Total number of calls answered; and
- C) Average answer time.

c) On or before March 1 of each year, each local exchange carrier shall file, with the Chief Clerk of the Commission, an annual report containing the ~~above~~ information ~~required by subsection (b)~~ for its business and repair ~~offices~~office(s) (separately when it maintains separate business and repair offices) for each month of the preceding calendar year. This information shall also be made available to the Commission when requested.

de) For purposes of this Section, "average answer time" shall be calculated by dividing the total number of call waiting seconds by the total number of reported monthly calls answered.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 730.525 Transmission Requirements

Local exchange carriers shall furnish and maintain plant, equipment, and facilities to meet the following minimum transmission standards. The transmission standards set forth in this Section are based upon measurements from the network interface at the customer premises through the local loop to a nominal 48-volt central office and measured at a frequency of 1004 hertz.

- a) Local line analog loops shall have a loop resistance not exceeding the operating design of the associated central office equipment. Longer loops may be used by deployment of loop range extenders.
- b) All analog loops are to be maintained to a minimum of 40,000 ohms insulation resistance.
- c) Transmission loss of analog local loop shall be engineered not to exceed ~~10.08.5~~ dB when measured in accordance with subsection (a). The local loop transmission loss shall be adjusted to ~~10.08.5~~ dB or less if it exceeds ~~10.08.5~~ dB.
- d) Transmission loss in analog interoffice trunks shall be engineered not to exceed 7 dB. If the loss exceeds expected design loss by + or - 3.5 dB, it shall be corrected to within 1 dB of the design loss.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- e) Transmission loss on analog toll terminating trunks shall be engineered not to exceed 4 dB. If the loss exceeds expected design loss by + or - 3.5 dB, it shall be corrected to within 1 dB of the design loss.
- f) Transmission loss on all digital interoffice trunks shall be engineered and maintained not to exceed 6 dB.
- g) Loop current shall be maintained at 20 milliamperes or greater.
- h) Power influence (Noise to Ground) shall not exceed 90 dBnc.
- i) Circuit noise (Noise Metallic) shall not exceed 30 dBnc.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 730.535 Interruptions of Service

- a) On a monthly basis, each local exchange carrier shall clear 95% of all ~~out of service~~ troubles up to the customer network interface within 24 hours after ~~the~~ troubles are reported by the customer.
- b) For purposes of maintaining records or reporting information relating to the requirement set forth in subsection (a) ~~above~~, the information required to be so maintained or reported shall be calculated as follows:
 - 1) Each occurrence shall be measured from the "create date and time" to the "cleared date and time-".
 - 2) The requirement set forth in subsection (a) shall be calculated as follows:
 - (a) - $(c+d+e+f+g+h+i) = o$ or the "adjusted number of out of service conditions not ~~repaired within 24 hours installed beyond 5 business days~~"
 - (b) - $(c+d+e+f+g+h+i) = p$ or the "adjusted number of ~~out of service~~ calls"

~~Calculation A~~

~~(Official Calculation Methodology)~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

$$\frac{o}{p} \text{Times } 100 = x$$

~~Calculation B~~ (Reported to Staff Upon Request)

$$\frac{o+(h)}{p+(h)} \text{Times } 100 = x$$

(100 - x) = percent ~~not~~ repaired within 24 hours

Variables used in the above formulas are defined as follows:

- a = Total ~~number of out of service conditions not repaired within 24 hours~~ Number of Out of Service Conditions Not Repaired Within 24 Hours
- b = Total ~~number of out of service calls received by the company~~ Number of "Out of Service" Calls Received by the Company
- c = Subsequent ~~reports~~ Reports for the same ~~out of service~~ Out of Service condition
- d = Condition ~~caused~~ Caused by ~~payphone~~ Payphone equipment
- e = Condition ~~caused~~ Caused by ~~customer premises equipment~~ Customer Premises Equipment (CPE) or inside wire
- f = Exclusion ~~due~~ Due to ~~no access~~ No Access to the ~~property~~ Property (when access is required)
- g = Exclusion ~~due~~ Due to ~~customer requested later appointment~~ Customer Requested Later Appointment
- h = Exclusion ~~due~~ Due to ~~emergency situations~~ Emergency Situations

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- i = Exclusion ~~due~~Due to ~~negligent~~Negligent or ~~willful~~act~~Willful Act~~ on ~~part~~Part of ~~customer~~Customer
 - o = Adjusted ~~number~~Number of ~~out~~Out of ~~service~~conditions~~Service Conditions~~ not ~~repaired~~within~~Repaired Within~~ 24 ~~hours~~Hours
 - p = Adjusted ~~number~~Number of ~~out~~Out of ~~service calls~~received~~Service Calls Received~~ by the ~~company~~Company
 - w = Out of service conditions due to a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the local exchange carrier from restoring service due to impassable roads, downed power lines, or the closing off of affected areas by public safety officials. This variable "w" shall be itemized monthly, via attachment, in the reporting LECs quarterly report as provided in Section 730.115(b).
- 3) Whenever a local exchange carrier fails to meet the monthly requirements contained in this Section, it shall file a monthly report relating to the failed requirement to the Staff of the Illinois Commerce Commission, Telecommunication Division, with a statement of the reasons for ~~the~~sueh failure, within 15 business days after the end of each month in which ~~the~~sueh failure occurred.
- 4) The information to be reported pursuant to this Section shall include out of service troubles occurring on holidays or weekends.
- c) If a carrier knows entry to the dwelling is required in order to clear an out of service trouble report, the local exchange carrier shall provide reasonable notice to the affected customer of ~~the~~sueh premises visit and shall schedule an appointment to perform any such visit on a mutually agreed date and time (which shall be identified as occurring within a four hour window, such as a morning or afternoon or evening shift, or until June 30, 2004, between 8 A.M. and 4 P.M. on a particular day if the carrier uses the resold services, network or network elements of another carrier to provide services to the customer). When the repair

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

appointment cannot be met within the prescribed appointment window, the local exchange carrier shall notify the customer of the delay and the reason for [thesueh](#) delay 24 hours prior to its inability to keep the appointment, and shall then reschedule a date and time acceptable to the customer when the utility will be able to provide the requested service. The 24 hour notice period shall be construed to mean 24 hour notice by the end of each 4 hour window the day before the scheduled appointment or, until June 30, 2004, by 4 P.M. of the business day preceding the day of the scheduled appointment if the appointment has been scheduled, by a carrier that uses the resold services, network or network elements of another carrier to provide service to the customer, for between 8 A.M. and 4 P.M. of a particular day. Customer-caused delays or customer-missed appointments shall not be subject to the time restrictions of this subsection.

- d) Required toll-free numbers
 - 1) Each local exchange carrier shall provide to its customers the telephone number to call for repair service. Calls to repair service shall be available without charge. When trouble is apparently located in a connecting company, this trouble report shall be immediately referred to the connecting company.
 - 2) Each local exchange carrier shall provide its business office telephone number to its customers. Calls to the business office shall be available without charge.
- e) Repair service shall be available at all times for reporting service out of order. Arrangements shall be made to receive customer trouble reports 24 hours daily and to clear out of service trouble at all hours for customers who express an emergency need for service as long as clearing [thesueh](#) trouble is consistent with the personal safety of local exchange carrier personnel. For purposes of this subsection (e) only, an emergency need for service shall mean that without service there exists an immediate threat to life, limb, or property.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 730.550 Network Outages and Notification

- a) [Notification](#)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Each local exchange carrier shall inform the Commission ~~verbally~~ of any service interruption exceeding ~~15~~^{ten} minutes duration caused by a complete or partial central office failure or complete or partial isolation of an exchange due to toll circuit failure, including cut cables. The notification shall be made via telephone call to (217)558-6166 and shall consist of the following information:

A1) Affected Area Code/Prefix

B2) Exchange Name

C3) Company Name

D4) Cause of Interruption

E5) Outage Date and Time

F6) Restoral Date and Time

G7) Effect on 9-1-1 Service

H8) Name and Number of Person Reporting the Service Interruption.

2) Written Report

A follow-up written report shall be filed within 30 days, either via U.S. Postal Service, facsimile or e-mail.

3) Reporting Timeframes

A) Minor outages shall be reported within 24 hours or during the next normal business day, when more than 100 access lines experience an outage. Minor outages consist of loss of local or toll service affecting ~~fewer~~more than 10% but less than 50% of the customers and affecting more than 100 access lines in the affected exchange for a period of time not to exceed 12 hours.

B) Major outages shall be reported immediately via telephone call to (217)558-6166.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- C) Major outages consist of complete loss of local or toll service affecting ~~at least equal to or more than~~ 50% of the customers in the affected exchange or when any outage is expected to exceed 12 hours.
- D) All outages affecting 9-1-1 services shall be reported in accordance with 83 Ill. Adm. Code 725, Standards Applicable to 9-1-1 Emergency Systems. In particular, any cut cables or loss of host-remote links that result in the physical staffing of 9-1-1 call boxes are to be reported as soon as possible.
- b) Whenever it is necessary to interrupt customer service for the purpose of working on the distribution system or central office equipment, the work should be completed with minimal customer impact. The local exchange carrier shall use reasonable efforts to notify in advance public service customers (e.g., 9-1-1 entities, police, fire, hospitals) it reasonably believes may be most seriously affected by ~~thesuch~~ interruption. Any customer credits for interrupted service shall be made pursuant to 83 Ill. Adm. Code 732.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART G: BOUNDARIES

Section 730.705 Map Specifications

- a) A local exchange carrier boundary map filed after the effective date of this Part shall be in accordance with ~~an already existing~~ a certificate of service authority, a petition for a new certificate of service authority, or a notice submitted pursuant to 83 Ill. Adm. Code 730.711. ~~Any exchange boundary map revision that changes the boundary of the exchange shall be by petition (see 83 Ill. Adm. Code 200). A new certificate of service authority will be issued for any exchange in which area is to be added or withdrawn.~~
- b) Each map shall show the boundary lines of the area the local exchange carrier holds itself out to serve in connection with the exchange. Exchange boundary lines shall be located by appropriate measurement to an identifiable location if that portion of the boundary line is not otherwise located on section lines, waterways, railroads, or roads.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- c) The name of the local exchange carrier filing the map shall be placed at the left side of the top of the map, and the name of the exchange followed by the words "(Name of carrier) Exchange Area Boundary Map" shall be placed at the right side of the top of the map. The first filing of a map shall be designated by the word "Original" placed just below the words "(Name of carrier) Exchange Area Boundary Map". If the map is subsequently refiled, the words "First Revisions" shall be substituted for the word "Original," and on each subsequent refile the next higher number shall be substituted for the number preceding the word "Revision" on the last map filed. The date of the issuance of the new boundary map shall be placed under the word "Original" or "Revision". The docket number and the date of the order granting a Certificate of Service Authority shall also appear at the right side near the top of the map.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 730.710 Application for Certificate (Repealed)

~~Each application for a Certificate of Service Authority shall be accompanied by the appropriate exchange area boundary map(s) as exhibit(s) attached to the petition. Each local exchange carrier filing for a certificate covering an original or revised exchange area shall submit a verified statement that the original or revised boundary lines have been agreed to by any other local exchange carrier adjoining the boundary line to be established or changed.~~

(Source: Repealed at 34 Ill. Reg. _____, effective _____)

Section 730.711 Changes to Existing Boundaries

No telecommunications carrier shall make a change to any of its exchange area boundaries, except upon 45 days notice to any affected customers and 90 days notice to the Commission. These notices shall meet the following requirements:

- a) Notice to the Commission shall be filed with the Office of the Chief Clerk with a copy to the Chief Telephone Engineer. The Chief Telephone Engineer will have the notice posted to the Commission's web site within seven calendar days after receipt. This notice shall be accompanied by a new exchange area boundary map for any exchange area affected by the revision, with the new maps conforming to the provisions of Section 730.705. If there are any customers whose local exchange service will be affected by the proposal, then the Commission notice shall also be accompanied by a copy of the customer notice as well as the names,

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

addresses and telephone numbers of each customer being sent a copy of the notice. If the proposed revision affects the boundary line of more than one carrier, the notice shall also be accompanied by a verified statement that the revised boundary lines have been agreed to by the other local exchange carriers adjoining the boundary lines to be changed.

- b) Notice to Customers. The carrier shall provide notice to those customers located within the area being changed, and the notice shall be dated and sent by mail to the affected customers. The notice shall provide specific details as to the carrier's proposal, including what impact it will have on the customer's telephone number, calling areas and rates. The notice shall also specifically inform the customer that he or she has 45 days after the mailing of the dated notice to express opposition to, or support for, the proposed boundary change by calling the Commission's Chief Telephone Engineer at (217)524-5072.
- c) Proposed boundary changes shall go into effect after the stated 90 days notice, unless the Commission, upon its own motion or upon complaint, initiates an investigation of the proposed exchange area boundary. In such cases, the Commission may, after notice and hearing, prohibit the proposed exchange area boundary change if the Commission finds that the change would be contrary to the public interest.
- d) For any boundary change that will result in the elimination of an exchange in its entirety, the carrier shall file a petition with the Commission seeking the issuance of a new certificate of service authority.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 730.715 Service Outside Exchange Boundaries

- a) No telecommunications service will be established outside the exchange boundary of the exchange that normally would provide service except on an emergency temporary basis or after the serving local exchange carrier has filed a notice of proposed boundary change with the Commission receiving a Certificate of Service Authority.
- b) In cases where local exchange telecommunications service is provided outside the exchange boundary of the normal serving exchange without authorization of the Commission (other than foreign exchange service) and the location of the service

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

is in the exchange of another local exchange carrier certificated by the Commission, the service shall be discontinued as soon as facilities are made available from the exchange in which the service is located. The customer whose service is affected by this Section shall be given at least 90 days notice prior to the time service can be provided from the proper telephone exchange.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Closed Maximum Security Facility
- 2) Code Citation: 20 Ill. Adm. Code 505
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
505.10	Amend
505.15	Amend
505.40	Amend
505.60	Amend
505.70	Amend
505.80	Amend
505.110	Repeal
- 4) The specific statutory citation upon which the Part is based and authorized: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections [730 ILCS 5/3-2-2]
- 5) A complete description of the subjects and issues involved: Amendments to this rulemaking: require the Chief of Operations instead of the respective Deputy Director to review and approve or deny the transfer and continued placement at the Tamms Closed Maximum Security Facility; require that offenders who are in disciplinary segregation have a transfer review hearing within 21 working days after placement; provide an avenue for offenders to appeal their Tamms placement directly to the Chief Legal Counsel; and delete the telephone privilege restriction as Tamms' offender's telephone privileges will now comply with DR 535. Additionally the Section 505.110, Smoking and Tobacco Products, is being repealed as all facilities are now tobacco and smoke free.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: Randle, Michael P. (2009, September 3) Tamms Closed Maximum Security Unit: Overview and Ten Point Plan.
<http://conweb3/subsections/reports/other/Tamms%20CMAX%20Overview%20and%20Ten%20Point%20Plan.pdf>
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain any incorporation by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand any State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period which commences on the issue date of this publication of the *Illinois Register* to:

Beth Kiel, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277

Phone: 217/558-2200, extension 6511
beth.kiel@doc.illinois.gov

All written comments received after 45 days from the date of this publication will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated.

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

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
 CHAPTER I: DEPARTMENT OF CORRECTIONS
 SUBCHAPTER e: OPERATIONS

PART 505
 CLOSED MAXIMUM SECURITY FACILITY

Section

505.10	Applicability
505.15	Responsibilities
505.20	Definitions
505.30	Facility Designation
505.40	Placement at the Tamms Correctional Center
505.50	Transfer Review Committee
505.60	Transfer Review Hearing
505.70	Review of Administrative Detention Status
505.80	Rights and Privileges
505.90	Personal Property
505.100	Commissary
505.110	Smoking and Tobacco Products <u>(Repealed)</u>

AUTHORITY: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections [730 ILCS 5/3-2-2].

SOURCE: Adopted at 22 Ill. Reg. 1199, effective January 1, 1998; amended at 34 Ill. Reg. _____, effective _____.

Section 505.10 Applicability

This Part applies to correctional facilities within~~the Adult Division of~~ the Department of Corrections.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 505.15 Responsibilities

- a) Unless otherwise specified, the Director, a Chief, the Deputy Director ~~, Assistant Deputy Director,~~ or the Chief Administrative Officer may delegate responsibilities stated in this Part to another person or persons or designate

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

another person or persons to perform the duties specified.

- b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director, Chief, Deputy Director, ~~Assistant Deputy Director~~, or Chief Administrative Officer shall personally perform the duties. However, the Director, Chief, Deputy Director, ~~Assistant Deputy Director~~, or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 505.40 Placement at the Tamms Correctional Center

- a) ~~An offender~~A committed person may be assigned to the Tamms Correctional Center if the ~~offender~~committed person is in disciplinary segregation or is in or is being recommended for placement in administrative detention and the transfer is approved by the ~~Chief of Operations Deputy Director or the appropriate Assistant Deputy Director of the Adult Division~~.
- b) Among other matters, ~~an offender~~a committed person who the Department has determined has engaged in the following activities or who may be planning to engage in these activities may be referred for placement in the Tamms Correctional Center:
- 1) Escaping or attempting to escape;
 - 2) Assaulting staff, ~~offenders~~inmates or other persons, resulting in which caused death or serious bodily injury;
 - 3) Engaging in dangerous disturbances;
 - 4) Having influence in activities of a gang or other unauthorized organization;
 - 5) Engaging in non-consensual sexual conduct; or
 - 6) Possessing weapons.
- c) The transfer request may be either written or oral~~verbal~~ with confirmation in

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

writing. The written request, signed by the Chief Administrative Officer of the facility requesting the placement, shall include the recommendation and reasons for the request and shall be submitted to the Chief of Operations~~appropriate Assistant Deputy Director~~ for approval. Approval by the Chief of Operations~~Assistant Deputy Director~~ shall result in the offender~~committed person~~ being classified as maximum security, and those offender~~committed persons~~ who are in general population shall be placed in administrative detention.

- d) Placement in the Tamms Correctional Center shall be based upon the following considerations, including but not limited to:
- 1) The safety and security of the facility, the public, or any person;
 - 2) The offender's~~committed person's~~ disciplinary and behavioral history;
 - 3) Reports and recommendations concerning the offender~~committed person~~;
 - 4) The feasibility of a transfer to another facility;
 - 5) Medical concerns; and
 - 6) Mental health concerns.
- e) Offenders~~Committed persons~~ who are transferred to the Tamms Correctional Center who are not in disciplinary segregation at the time of the transfer and offender~~committed persons~~ who complete their term of disciplinary segregation while at the Tamms Correctional Center shall be provided a hearing before the Transfer Review Committee, in accordance with Section 505.60, to determine whether they should remain in administrative detention at the Tamms Correctional Center.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 505.60 Transfer Review Hearing

- a) Whenever possible, a transfer review hearing shall be conducted:
- 1) Within 10~~within ten~~ working days after~~of an offender's~~ placement~~committed person's~~ in the Tamms Correctional Center or expiration of the

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

~~offender's~~~~committed person's~~ term of disciplinary segregation.

2) Within 21 working days after an offender's placement in disciplinary segregation.

- b) The ~~offendere~~~~committed person~~ shall be afforded the opportunity to appear at the hearing, to make statements relevant to his or her placement in the Tamms Correctional Center, and to present relevant documents. The ~~offendere~~~~committed person~~ may also request that the Committee interview persons with relevant information.
- c) In determining whether to continue placement in administrative detention in the Tamms Correctional Center, the Committee may consider, among other matters, the factors set forth in Section 505.40(d).
- d) The Committee shall make recommendations to the Chief Administrative Officer of the Tamms Correctional Center. The Chief Administrative Officer shall approve or disapprove the Committee's recommendations and shall submit his or her recommendation to the ~~Chief of Operations~~~~appropriate Assistant Deputy Director~~ for a final decision. The ~~offendere~~~~committed person~~ shall be informed in writing of the final decision.
- e) Offenders may appeal their placement at the Tamms Correctional Center directly to:

Chief Legal Counsel
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 9277
Springfield IL 62794-9277

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 505.70 Review of Administrative Detention Status

- a) The Transfer Review Committee shall review the record of each ~~offendere~~~~committed person~~ in administrative detention at the Tamms Correctional Center every 90 days to determine whether continued placement is appropriate.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) The ~~offendereommitted person~~ need not be interviewed during these reviews.
 - 2) The Committee shall make written recommendations to the Chief Administrative Officer.
 - 3) If the Chief Administrative Officer recommends the ~~offendereommitted person~~ be transferred, the recommendation shall be forwarded to the ~~Chief of Operations~~appropriate Assistant Deputy Director for final approval.
- b) A hearing shall be held every year in accordance with Section 505.60 to determine whether continued placement in administrative detention in the Tamms Correctional Center is appropriate.
 - c) Other reviews set forth under 20 Ill. Adm. Code 504.660 shall not apply to ~~offenderseommitted persons~~ in administrative detention at the Tamms Correctional Center.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 505.80 Rights and Privileges

~~OffendersCommitted persons~~ assigned to the Tamms Correctional Center shall have the rights and privileges outlined in 20 Ill. Adm. Code 525₂ except ~~for visiting privileges as provided herein.~~

- a) ~~Telephone~~
~~Use of the telephone shall be prohibited except as required by law or as approved by the Chief Administrative Officer in an emergency.~~
 - b) ~~Visits~~
- a1) Except for legal visits, persons wishing to visit ~~an offendera-ommitted person~~ should submit a request sufficiently in advance to the Chief Administrative Officer of the Tamms Correctional Center. Visits must be approved in advance by the Chief Administrative Officer.
 - b2) All visits shall be non-contact.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

Section 505.110 Smoking and Tobacco Products (Repealed)

~~The Tamms Correctional Center shall be a smoke-free and tobacco-free prison. No cigarettes, smoking or smokeless tobacco, matches, lighters, or any other smoking materials shall be permitted into the facility.~~

(Source: Repealed at 34 Ill. Reg. _____, effective _____)

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Organization, Information, Rulemaking and Hearings
- 2) Code Citation: 2 Ill. Adm. Code 1620
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1620.5	Amend
1620.300	Amend
1620.360	Repeal
1620.440	Amend
1620.450	Amend
1620.460	Amend
1620.470	Amend
1620.480	Amend
1620.490	Amend
1620.610	Amend
1620.620	Repeal
1620.630	Repeal
1620.810	Amend
1620.830	Amend
1620.900	New Section
1620.1000	New Section
1620.1010	New Section
1620.1020	New Section
1620.1100	New Section
1620.1110	New Section
1620.1200	New Section
- 4) Statutory Authority: Section 20-15(1) of the State Officials and Employees Ethics Act [5 ILCS 430/20-15 (1)] and PA 96-555 and PA 96-795
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules further define terms, change required content Executive Inspectors Generals' policy manuals, remove the requirement that the Attorney General file a petition as well as a complaint with the Commission, expand mandatory discovery from the parties, update the revolving door prohibition notification and appeal procedures, adjust the information provided by Executive Inspectors General to the Commission, change ethics training requirements, provide procedures for Executive Inspectors General to send final reports to the Commission and for the Commission to make these reports public under certain circumstances, provide procedures for disciplinary hearings for employees accused of

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Ethics Act violations, and provide procedures for obtaining exemptions from Procurement Code conflicts of interest.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be forwarded to:

Chad Fornoff, Executive Director
Executive Ethics Commission
401 S. Spring Street
Wm. Stratton Building, Room 513
Springfield, IL 62706

217/558-1393

All written comments filed within 45 days after the date of publication of this Notice will be considered.

- 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

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 14) Regulatory Agenda on which this rulemaking was summarized: These proposed rules were not included on either of the 2 most recent agendas because: the amendments became necessary as a result of statutory changes, namely PA 96-555 and PA 96-795.

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

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER VI: EXECUTIVE ETHICS COMMISSION

PART 1620

ORGANIZATION, INFORMATION, RULEMAKING AND HEARINGS

SUBPART A: ORGANIZATION

Section	
1620.5	Definitions
1620.10	Composition of Executive Ethics Commission
1620.20	Officers
1620.30	Appointment of Executive Director
1620.40	Duties of Executive Director
1620.50	Duties of Staff

SUBPART B: INFORMATION

Section	
1620.110	Requests for Records
1620.120	Response to Requests for Records
1620.130	Appeal of a Denial
1620.140	Copies of Public Records – Fees

SUBPART C: RULEMAKING

Section	
1620.200	Rulemaking Procedures

SUBPART D: INVESTIGATIONS

Section	
1620.300	Conduct of Investigations
1620.310	State Officer or Employee Case Initiation Form
1620.320	Case Initiation Form – Contents
1620.330	Opening an Investigation File
1620.340	Referral to the Appropriate Executive Inspector General
1620.350	Investigations

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1620.360 Investigations Not Concluded Within Six Months (~~Repealed~~)

SUBPART E: HEARINGS

Section

1620.420 Attorney of Record
1620.430 Filing Requirements
1620.440 ~~Petition for Leave to File a~~ Complaint
1620.450 ~~Complaint~~~~Petition~~ – Required Provisions
1620.460 Service
1620.470 Objections
1620.480 Sufficiency of the ~~Complaint~~~~Petition~~
1620.490 Discovery
1620.500 Subpoenas
1620.510 Motions
1620.520 Hearings
1620.530 Decision of the Commission

SUBPART F: ~~REVOLVING DOOR PROHIBITION~~~~WAIVER~~

Section

1620.610 ~~Waiver of~~ Revolving Door Prohibition
1620.620 Waiver of Revolving Door Prohibition – Commission Procedure (~~Repealed~~)
1620.630 Finality of Decision (~~Repealed~~)
1620.640 Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee
1620.650 Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee – Commission Procedure

SUBPART G: GIFT BAN

Section

1620.700 Gift Ban

SUBPART H: MISCELLANEOUS FILINGS

Section

1620.800 Personnel Policies
1620.810 Quarterly ~~and Six-Month~~ ~~Status~~ Reports

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1620.820 Ex Parte Communications
1620.830 Designation of Ethics Officer

SUBPART I: ETHICS TRAININGSection

1620.900 Ethics Training

SUBPART J: RELEASE OF INVESTIGATION REPORTSSection

1620.1000 Investigation Reports Finding a Violation
1620.1010 Investigation Reports Finding No Violation
1620.1020 Release of Summary Reports

SUBPART K: DISCIPLINARY ACTIONSection

1620.1100 Disciplinary Action under the Ethics Act
1620.1110 Hearings to Contest Disciplinary Actions

SUBPART L: PROCUREMENT CODE CONFLICTS OF INTEREST EXEMPTIONSSection

1620.1200 Procurement Code Conflicts of Interest Exemptions

AUTHORITY: Implementing Sections 20-50 and 20-55 of the State Officials and Employees Ethics Act [5 ILCS 430/20-50 and 20-55] and authorized by Section 20-15 of the State Officials and Employees Ethics Act [5 ILCS 430/20-15].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 3340, effective February 23, 2005, for a maximum of 150 days; adopted at 29 Ill. Reg. 9619, effective July 1, 2005; amended at 32 Ill. Reg. 7099, effective July 1, 2008; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: ORGANIZATION

Section 1620.5 Definitions

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Act" or "[Ethics Act](#)" means the State Officials and Employees Ethics Act [5 ILCS 430].

"Chair" means the Chairperson of the Executive Ethics Commission as chosen in accordance with Section 20-5(e) of the Act.

"Commission" means the Executive Ethics Commission created by Section 20-5 of the Act.

"Commissioner" means a commissioner of the Executive Ethics Commission.

"Executive Inspector General" means one of the five appointees described in Section 20-10(b) of the Act.

"Officer" or "Employee" means a former or current officer or State employee of the executive branch [or of State public universities](#).

"Petition" means a petition for leave to file a complaint as described in Section 20-50 of the Act.

"Relationship" means any arrangement between a source and the officer or employee for employment, compensation or fees for services.

"Requestor" means a person requesting the Commission's waiver of the revolving door prohibition (see 5 ILCS 430/5-45).

"Source" means a requestor's prospective employer or source of compensation of fees for services, including the parent or subsidiary of the same.

["Ultimate Jurisdictional Authority" or "UJA" means those entities described in 5 ILCS 430/1-5.](#)

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART D: INVESTIGATIONS

Section 1620.300 Conduct of Investigations

- a) Policy and Procedures Manual

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) All investigations by an Executive Inspector General or his or her employees (collectively known as EIG) shall be conducted in accordance with procedures contained within this Part and within a policy and procedures manual developed by the EIG and approved by the Executive Ethics Commission. Approval shall be based on compliance with the Act, this Part and other applicable law. A policy and procedures manual should give direction to EIG employees that supplement the requirements of the Act and this Part.
 - 2) The policy and procedures manual described in subsection (c) shall be submitted for approval to the Executive Ethics Commission within 90 days after July 1, 2008. Any future amendments to the policy and procedures manual shall be subject to the Commission's approval. An updated policy and procedures manual for each EIG shall be posted on the EEC website. Portions of the policy and procedures manual that may compromise the integrity of investigations or confidential investigative techniques may be redacted by the EEC after consultation with the appropriate EIG.
- b) Waiver of Policy and Procedures Manual Provisions
- 1) Waiver by the Commission
Upon written petition by an Executive Inspector General and a finding that the waiver is, in the particular context, necessary to avoid compromising the integrity of an investigation, the Commission may grant a waiver of the subsection (c)(6) requirement that requests for documents or physical objects be in writing.
 - 2) Temporary Waiver by the Chair
The Chair of the Commission, or his or her designee, may likewise grant a waiver of the subsection (c)(6) requirement that requests for documents or physical objects be made in writing in response to an oral or written request by an EIG if the Chair or his or her designee finds that the waiver is, in the particular context, necessary to avoid compromising the integrity of an investigation, and provided that, within 72 hours after the waiver, the Executive Inspector General files a written request to the Commission. A waiver granted by the Chair pursuant to this subsection (b)(2) may be withdrawn by the Chair at any time if he or she no longer reasonably

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

believes that the waiver is necessary to avoid compromising the integrity of an investigation.

- c) The policy and procedures manual shall include, but not be limited to, the following: ~~1) An EIG may conduct investigations only in response to information reported to the EIG and not upon his or her own prerogative.~~
- ~~1)2)~~ An EIG shall accept case initiation forms from State of Illinois employees and the general public in accordance with Section 1620.320.
- ~~2)3)~~ An EIG shall not investigate allegations of violations of State or federal law or this Part made against an EIG (including his or her employees). An EIG shall not investigate allegations of violations of State or federal law or of this Part if an EIG (including his or her employees) could be reasonably deemed to be a wrongdoer or suspect. Instead, in such cases, the EIG shall promptly refer all such allegations to the EEC for consideration of appointment of a Special Executive Inspector General.
- ~~3)4)~~ Within 30 calendar days after receipt of a case initiation form as described in Section 1620.320, the EIG shall do one of 5 things:
- A) Determine that no investigation is appropriate; or
 - B) Open an investigation file pursuant to Section 1620.330 and commence an investigation; or
 - C) Refer the case initiation form to the appropriate EIG, the Executive Ethics Commission or other appropriate body as described in Section 1620.340 and take no further action; or
 - D) Suspend the investigation pending review of the outcome of other proceedings; or
 - E) Refer the investigation to the Executive Ethics Commission for consideration of appointment of a Special Executive Inspector General.
- ~~4)5)~~ Each EIG shall disclose the opening of all investigation files, as described in Section 1620.330, in writing to the Executive Ethics Commission. The

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

disclosure shall identify the affected office, agency or agencies, the date the investigation was opened, and the investigation's unique tracking number. Reports on all investigations opened in a calendar month shall be submitted to the Commission on or before the 15th day of the following month.

- 5)6) All EIG requests for production of or viewing of documents or physical objects under office or agency control shall be made in writing; provided, however, that the Commission may exempt any EIG who functions wholly within a single office or agency from the application of this requirement upon joint petition by the EIG and the affected office or agency. A written request for documents or physical objects shall state that the recipient of the request, should he or she believe that the release of the subject matter of the request might violate existing rights or protections under State or federal law, has the right to seek a determination from the Commission relative to such rights or protections, if desired. An EIG may take reasonable steps to seal or otherwise insure the integrity of the requested documents or physical objects pending the Commission's determination. If security concerns demand the removal of sealed documents or physical objects, the EIG shall issue a subpoena before removal. The Commission shall consider the applicability of the right or protection asserted and issue a determination within five business days; provided, however that where delay for such a period could place an investigation in jeopardy, an EIG may request expedited consideration. The recipient and Commission shall maintain confidentiality about the request so as to minimize any risk of compromising the investigation. The recipient may assert any existing rights or protections under State or federal law with respect to the request, and such assertions made in good faith do not constitute failure to cooperate in an investigation.
- 6)7) An EIG desiring to interview any State officer or employee who is the subject of an EIG investigation and whom the EIG, based on the information available at the time of the interview, reasonably believes likely faces discipline shall notify the interviewee whether the underlying investigation is criminal or administrative in nature. If the underlying investigation is criminal in nature, the interviewee shall be presented a form that outlines the interviewee's rights during the interview, including the right to the presence of an attorney, union representative or coworker uninvolved in the investigation. If the underlying investigation is

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

administrative in nature, the interviewee shall be presented a form that outlines the interviewee's rights during the interview, including the right to presence of a union representative or coworker uninvolved in the investigation. In both criminal and administrative investigations, the interviewee shall sign the form, attesting only to the fact that the form was presented to the interviewee and he or she was given the opportunity to read it. All forms presented to interviewees shall be pre-approved by the Commission. If, at any point, an interview subject requests the presence of a person authorized by this subsection (c)(~~67~~), or an attorney, the interview shall be suspended and a new date and time set. Evidence obtained directly or indirectly in violation of this subsection (c) is not admissible in any proceeding before the Executive Ethics Commission.

~~7)8)~~ No EIG shall infringe upon the right of employees or officers to seek advice from their agency ethics officer on the interpretation and implementation of the Act, or to seek advice from private legal counsel.

~~8)9)~~ Conduct of Interview

- A) Interviews shall be conducted in a businesslike manner. The investigator shall avoid any personality clashes, acts of undue familiarity, abuse, or use of profanity. The investigator shall treat all persons interviewed with respect and not unduly embarrass, inconvenience, intimidate or degrade the interviewee.
- B) Any armed State employee present shall not use his or her firearms in any manner that might intimidate, unless he or she, or anyone else present in the room, is physically threatened.
- C) Interviewees enjoy all rights in the course of an interview protected by the Constitution of the United States and federal and State law.
- D) The duty to cooperate in investigations as provided at 5 ILCS 430/20-70 does not include restriction on those rights.
- E) In the event that the subject of an interview believes that the investigator has operated in violation of this Part, or in violation of applicable law, he or she may file a written objection with the Commission, setting forth with specificity the nature of the alleged

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

violation. Within 30 days after receiving the objection, the Commission shall issue a written finding either sustaining or overruling the objection, shall appoint a Special Executive Inspector General to discover more facts (by interviewing witnesses, etc.), or shall refer the issue to an appropriate law enforcement authority. If the Commission sustains the objection, it shall issue a copy of its finding to the EIG to whom the investigator reports, as well as make public a copy of its finding. Subjects of the complaint process described in this subsection (c)(~~89~~)(E) are entitled to due process of law.

~~9)10)~~ State employees who are subjects of EIG interviews and whom the EIG, based on the information available at the time of the interview, reasonably believes likely faces discipline, shall be presented a form that outlines their rights during the interview. The form shall also clearly indicate that the interviewee has the right to refuse to consent to have the interview recorded and the right to stop the recording of the interview at any time and that refusing to consent to have the interview recorded or to stop the recording at any time shall not constitute failure to cooperate in the investigation or otherwise subject the interviewee to any discipline. The form shall also indicate that the interviewee may request at any time that the interview be recorded. If the interviewee requests at any time that the interview be recorded, the interviewer shall honor this request, stop the interview and immediately provide the employee a request to record form. Upon execution of a request to record form, the interview and all future interviews of the subject shall be recorded by mechanical, digital or other means. All forms and recordings shall be preserved, unedited, in the investigation file. Nothing in this subsection (c)(~~910~~) shall be construed to require the recording of interviews other than pursuant to an appropriately executed request of the interviewee. The interviewee shall sign the form, attesting only to the fact that the form was presented to the interviewee and he or she was given the opportunity to read it.

~~10)11)~~ Upon completion of investigations, the EIG or his or her designee shall write a final report summarizing the background of the investigation, the allegations, investigative steps taken and conclusions drawn. The final report shall include a recommendation regarding appropriate action. An investigation is deemed completed for purposes of this Part when all processes of internal review of the investigation and of the final report

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

~~have terminated. 12) Each EIG shall report the closure of investigation files in writing to the Executive Ethics Commission. The disclosure shall identify the affected office, agency or agencies, the date the investigation was closed, and the investigation's unique tracking number. Reports on all investigations closed in a calendar month shall be submitted to the Commission on or before the 15th day of the following month. Other witnesses entitled to written notification of the completion of an investigation, including employees covered by certain collective bargaining agreements, shall be notified of the closing of the investigation in accordance with those agreements.~~

~~11)13)~~ The policy and procedures manual may contain additional policies or procedures not inconsistent with this Part, subject to Commission approval as outlined in subsection (a)(2).

- d) Any person may complain to the Commission, in writing, concerning an EIG's alleged violation of the Act or this Part. Upon receipt of a complaint, the Commission may notify the EIG and require him or her to provide information related to the investigation in order to determine whether any conduct has occurred that would require the Commission to appoint a Special Executive Inspector General pursuant to 5 ILCS 430/20-21. Under ~~thosesueh~~ circumstances, the Commission deems the EIG's disclosure of ~~thatsueh~~ information to the Commission to be "necessary" as provided at 5 ILCS 430/20-95(d).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1620.360 Investigations Not Concluded Within Six Months (Repealed)

- a) ~~Should an Executive Inspector General not complete the final report as described in Section 1620.300(c)(12) within 6 months after opening an investigation file as described in Section 1620.300(c)(4)(B), the Executive Inspector General shall, on the 15th day of the following month, submit a report to the Commission. The report shall indicate the investigation's unique tracking number, the date the investigation began, a description of the nature of the alleged misconduct and reasons for the delay in concluding the investigation. If an ultimate jurisdictional authority is a subject of the investigation reported under this Section, the EIG shall inform the Commission separately of this fact.~~

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- b) ~~The Executive Inspector General shall continue to report each investigation not concluded within 6 months on the 15th day of each month in accordance with subsection (a) until the investigation has been concluded. Each monthly report shall contain a personal verification by the EIG stating: "I have read this report and after thorough examination I believe that this report contains a complete and accurate listing of all investigations required by 2 Ill. Adm. 1620.360(a)."~~
- e) ~~Should the Commission find that the information provided in the reports from the Executive Inspector General is insufficient to determine whether a Special Executive Inspector General should be appointed in accordance with Section 20-21 of the Act [5 ILCS 430/20-21], the Commission may request additional information from the Executive Inspector General or may direct the Executive Inspector General to provide the Commission a complete copy of any investigation file. Under such circumstances, the Commission deems the EIG's disclosure of the additional information to the Commission to be "necessary" as provided at 5 ILCS 430/20-95(d).~~

(Source: Repealed at 34 Ill. Reg. _____, effective _____)

SUBPART E: HEARINGS

Section 1620.440 ~~Petition for Leave to File a Complaint~~

- a) Cases shall be commenced by the filing of ~~a petition for leave to file~~ a complaint with the Commission.
- b) The Executive Inspector General shall be designated as "the petitioner" and the person who is alleged to have violated the Act shall be designated as "the respondent".
- c) The form of the ~~complaint~~petition shall be captioned substantially as follows:

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

A. B., in (his/her) capacity as)
 Executive Inspector General for the)
 (constitutional officer),)
)
 Petitioner,)

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

v.	)	No. _____
)	
C. D.)	
)	
Respondent.)	

Petition for Leave to File a Complaint

d) The Commission shall assign each complaintpetition a unique tracking number and all subsequent filings in each case shall reference this tracking number.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1620.450 ComplaintPetition – Required Provisions

a)The complaintpetition shall set forth the jurisdiction of the Commission by identifying the respondent, the respondent's employer and the Section of the Act the respondent is alleged to have violated. The complaintpetition shall also set forth the alleged violation and the grounds that exist to support the petition.~~b)Accompanying each petition shall be a complaint upon which the Attorney General and the Executive Inspector General wish to proceed. The complaint shall set forth the elements contained in subsection (a), as well as facts that fully describe the alleged violation of the Act, including, but not limited to, dates, times, locations and relationships between the respondent and other relevant parties.~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1620.460 Service

After filing the ~~petition and~~ complaint, *the petitioner shall serve a file-stamped copy of both documents on all respondents and on each respondent's ultimate jurisdictional authority in the same manner as process is served under Part 2 (Process) of the Civil Practice Law of the Code of Civil Procedure [735 ILCS 5/Art. II, Part 2]. [5 ILCS 430/20-50(d)]* Petitioner shall file the proof of service with the Commission.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1620.470 Objections

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

A respondent may file objections to the ~~complaint~~~~petition~~ within 30 days after the ~~complaint~~~~notice of the petition~~ has been served on the respondent. [5 ILCS 430/20-50(e)] If the respondent fails to object to the ~~complaint~~~~petition~~, a general denial of the facts set forth in the ~~complaint~~~~petition~~ shall be considered filed.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1620.480 Sufficiency of the ~~Complaint~~~~Petition~~

- a) ~~At least 30 days after the complaint is served on all respondents, Within 60 days after the time for respondent to file an objection to the petition has expired,~~ the Commission shall meet in person or by telephone in a closed session to review the sufficiency of the ~~complaint~~~~petition~~.
- b) If the Commission finds that the ~~complaint~~~~petition~~ is sufficient, the Commission ~~will~~~~shall~~ grant the petition to file a complaint. ~~The Commission shall~~ notify the parties via certified mail, return receipt requested, of the decision ~~to grant the petition~~. The notice shall include a hearing date scheduled within ~~4~~~~four~~ weeks after the date of the notice, unless all the parties agree to a later date. [5 ILCS 430/20-50(f)] The Commission may grant, for good cause shown, a continuance of the hearing date contained in the notice.
- c) If the Commission finds that the ~~complaint~~~~petition~~ is insufficient for any reason, the Commission shall notify the parties via certified mail, return receipt requested, of the decision to ~~reject the complaint~~~~deny the petition~~. [5 ILCS 430/20-50(f)] The Commission may ~~reject the complaint~~~~deny the petition~~ with or without leave to refile. [~~5 ILCS 430/20-50(f)~~]

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1620.490 Discovery

- a) The parties shall not engage in discovery without leave of the Commission, but the Commission encourages the voluntary exchange of information by the parties.
- b) At least ~~2~~~~two~~ weeks prior to the scheduled hearing or at a date determined by the Chair or an administrative law judge, if any, each party must file with the Commission and disclose to the other party:

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) the names of all witnesses expected to testify at hearing;
 - 2) a summary of the witnesses' expected testimony;
 - 3) copies of all documents expected to be introduced into evidence at hearing;
 - 4) a description of any physical evidence expected to be introduced at hearing; ~~and~~
 - 5) any known evidence that is exculpatory or tends to negate the allegations contained in the complaint; ~~and-~~
 - 6) any statements or recordings of statements made by a respondent, or summaries of a respondent's interview.
- c) Any physical evidence expected to be introduced at hearing shall be made available to the other party for inspection at least ~~2~~two weeks prior to the scheduled hearing or at a date determined by the Chair or an administrative law judge, if any.
- d) All writings or electronic recordings in the possession of either party reflecting prior statements of an identified witness, ~~which statements are~~ related in any way to the subject matter of the witness' expected testimony, or to matters bearing on the witness' credibility, shall be filed with the Commission and be produced to the opposing party no later than one week prior to the commencement of the hearing or at a date determined by the Chair or administrative law judge, if any. If a statement is part of notes that were taken during the case investigation, the notes may be redacted to remove the author's thoughts, mental impressions or other work product.
- e) A party offering testimony or evidence that has not been disclosed in accordance with this Section has the burden to show that the evidence was not available at the time required by this Section and that the other party has not been unfairly prejudiced by the failure to disclose.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART F: REVOLVING DOOR PROHIBITION WAIVER

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 1620.610 ~~Waiver of Revolving Door Prohibition~~

- a) Within 6 months after the effective date of PA 96-555 (August 18, 2009), each executive branch constitutional officer shall adopt a policy delineating which State positions under his or her jurisdiction and control, by the nature of their duties, may have the authority to participate personally and substantially in the award of State contracts or in regulatory or licensing decisions. These policies shall be filed with the Commission and appropriate Executive Inspector General. [5 ILCS 430/5-45(c)]
- b) No later than June 1, 2010, and annually thereafter, each Executive Inspector General shall report to the Commission his or her determination of any additional State positions under his or her jurisdiction, not otherwise subject to the policies required by Section 5-45(c) of the Act, that are nonetheless subject to the notification requirement of Section 5-45(f) due to their involvement in the award of State contracts or in regulatory or licensing decisions. [5 ILCS 430/5-45(d)]
- c) Any State employee in a position subject to the policies required by subsection 5-45(c) or a determination of Section 5-45(d) of the Act, but who does not fall within the prohibition of Section 5-45(h), who is offered non-State employment during State employment or within a period of one year immediately after termination of State employment shall, prior to accepting such non-State employment, notify the appropriate Executive Inspector General. [5 ILCS 430/5-45(f)] The employee's notification to the appropriate Executive Inspector General must include:
- i) the employee's name;
 - ii) a description of the positions the employee held in State government in the last 12 months, including the title, responsibilities, and employing State agency or agencies;
 - iii) the title, description and responsibilities of the prospective employment position;
 - iv) the name, description, ownership, corporate structure including its parent and any subsidiaries, and contact information of the prospective employer;

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- v) a statement from the Ethics Officer or Officers of the State agency or agencies employing the employee in the last 12 months that identifies any contracts the prospective employer, or its parent or subsidiaries have had with the State agency or agencies in the last 12 months, the amounts of those contracts, any regulatory or licensing decisions made by the State agency or agencies in the last 12 months that applied to the prospective employer or its parent or subsidiary, whether the employee was involved in any regulatory, licensing or contracting decisions regarding the prospective employer or its parent or subsidiary within the last 12 months, and if the employee was involved, a description of that involvement. If the Ethics Officer is the employee seeking the determination or is unable for any reason to provide this statement, the Executive Inspector General may consider a statement provided by another appropriate employee or officer.
- d) Within 10 calendar days after receiving notification from an employee or officer in a position subject to policies required by subsection (a) of this Section, such Executive Inspector General shall make a determination as to whether the State employee is restricted from accepting such employment by Section 5-45(a) or (b) of the Act. Such a determination must be in writing, signed and dated by the Executive Inspector General, and delivered to the subject of the determination within 10 calendar days. [5 ILCS 430/5-45(f)]
- e) A copy of such a determination shall also be forwarded to the ultimate jurisdictional authority, the Attorney General and the Commission. [5 ILCS 430/5-45(g)] If an Executive Inspector General fails to make a determination within 10 calendar days after receiving a notification described in subsections (e) and (d), the EIG shall report this failure to the Attorney General and Commission immediately.
- f) An Executive Inspector General's determination may be appealed to the Commission by the person subject to the determination or the Attorney General no later than the 10th calendar day after the date of the determination. [5 ILCS 430/5-45(g)]
- 1) The appeal filed with the Commission shall contain a copy of the Executive Inspector General's written determination and a verified statement that explains the basis for arguing that the determination was in error. Copies of the appeal shall be sent to the relevant Executive

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Inspector General and shall also be sent to the subject of the determination, if filed by the Attorney General, or the Attorney General, if filed by the subject of the determination.

- 2) Any objection to the appeal by the subject of the determination or by the Attorney General shall be filed with the Commission within 5 calendar days after the filing, unless the Commission grants an extension of time.
 - 3) The Commission shall seek, accept and consider written public comments regarding a determination. A copy of the appeal will be posted on the Commission's web site and be posted at the Commission's offices, with instructions on how written public comments may be forwarded to the Commission for consideration. The Commission shall assess, in addition to any other relevant information, the effect of the prospective employment or relationship upon the decisions referred to in Section 5-45(a) or (b), based upon the totality of the participation by the former officer or employee in those decisions. [5 ILCS 5-45(g)]
 - 4) The Commission shall decide whether to uphold an Executive Inspector General's determination within 10 calendar days after receiving the appeal. Copies of the Commission's decision shall be sent to the former officer or employee, the Attorney General, the relevant Executive Inspector General, and the ultimate jurisdictional authority.
- g) Any employee or officer who receives offers of non-State employment during State employment or within a period of one year immediately after termination of State employment and who is concerned about the effect of accepting the employment offer vis-à-vis the revolving door prohibition may seek a determination as provided in this Section.

~~An officer or employee or the spouse or immediate family member living with such person may request the Commission to waive the revolving door prohibition (see 5 ILCS 430/5-45). The requestor shall file with the Commission a petition and 2 supporting statements.~~

- a) ~~The petition shall be verified and describe in detail:~~
 - 1) ~~the officer or employee's involvement in the decision to award any State contract to the source, and/or the officer or employee's involvement in any regulatory or licensing decision that directly applied to the source;~~

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 2) ~~the dates of the officer's or employee's involvement in these decisions;~~
 - 3) ~~the date that the requestor and the source first began discussing or negotiating a relationship; and~~
 - 4) ~~any other information that the requestor or Commission deems relevant.~~
- b) ~~The requestor shall also submit 2 statements in support of the petition.~~
- 1) ~~One statement shall be from the ethics officer of the State agency that employed the officer or employee at the time that the officer or employee had involvement with the source. If the ethics officer is the petitioner or otherwise has a conflict with this duty, the Commission may accept a statement from another appropriate agency officer or employee. The statement shall be verified and state that the ethics officer has read the requestor's petition, has made diligent inquiries into the underlying facts and circumstances surrounding the petition, believes the statements made in the petition are true and complete, and that the ethics officer knows of no reason why the Commission should not grant the requestor's petition. If the ethics officer is unable to make such attestation, he or she shall submit a written statement to the Commission setting forth the reasons why the attestation cannot be made.~~
 - 2) ~~The second statement shall be from the source. The statement shall be verified and state that the source, through its authorized representative, has read the requestor's petition, that the statements made in the petition are true and complete, and that the source knows of no reason why the Commission should not grant the requestor's petition.~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1620.620 Waiver of Revolving Door Prohibition – Commission Procedure
(Repealed)

~~Upon receipt of the requestor's petition, the Commission may:~~

- a) ~~grant the petition in a written finding that the officer's or employee's involvement in the decision to award any State contract to the source, or the officer's or~~

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

~~employee's involvement in a regulatory or licensing decision that directly applied to the source, was not affected by the requestor's prospective employment or relationship with the source;~~

- ~~b) deny the petition;~~
- ~~c) request additional written information from the requestor or other persons;~~
- ~~d) request oral testimony from the requestor or other persons;~~
- ~~e) conduct further inquiry related to the petition before the Commission; and/or~~
- ~~f) determine that the revolving door prohibition does not apply.~~

(Source: Repealed at 34 Ill. Reg. _____, effective _____)

Section 1620.630 Finality of Decision (Repealed)

~~A requestor may not file a request to reconsider the Commission's decision or a second petition for waiver of the revolving door prohibition without leave of the Commission.~~

(Source: Repealed at 34 Ill. Reg. _____, effective _____)

SUBPART H: MISCELLANEOUS FILINGS

Section 1620.810 Quarterly and Six-Month Status Reports

- a) Each Executive Inspector General shall file a quarterly activity report with the Commission that reflects investigative activity during the previous quarter on or before January 15, April 15, July 15 and October 15 of each year. The activity report shall include:
 - 1) The number of investigations opened during the preceding quarter, the affected offices or agencies, and the unique tracking number for new investigations.
 - 2) The number of investigations closed during the preceding quarter, the affected offices or agencies, and the unique tracking number for closed investigations.

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 3) *The status of each on-going investigation that remained open at the end of the quarter, the affected office, agency or agencies, the investigation's unique tracking number, the date opened, and a brief statement of the general nature of the investigation at the time the status report is filed. [5 ILCS 430/20-65(a)]*
 - 4) *A statement of the amount of public funds at risk of loss as a result of the alleged misconduct under investigation.*
 - 5) *A statement of whether the alleged misconduct may give rise to criminal penalties. If law enforcement was notified of the allegations, the report should indicate the date of the notification and the identity of the law enforcement entity notified. If law enforcement was not notified, the report should explain why notification has not occurred.*
 - 6) *Other information deemed necessary by the Commission to fulfill its duties.*
- a) ~~On January 15, April 15, July 15 and October 15 of each year, each Executive Inspector General shall submit reports to the Commission indicating:~~
- 1) ~~*the number of allegations received in the previous quarter;*~~
 - 2) ~~*the number of investigations initiated in the previous quarter;*~~
 - 3) ~~*the number of investigations concluded in the previous quarter;*~~
 - 4) ~~*the number of investigations pending as of the last day of the previous quarter;*~~
 - 5) ~~*the number of complaints forwarded to the Attorney General in the previous quarter;*~~
 - 6) ~~*the number of actions filed with the Commission in the previous quarter and the number of actions pending before the Commission on the last day of the previous quarter; and*~~

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- ~~7) *the number of actions pending before the Commission on the last day of the previous quarter. [5 ILCS 430/20-85]*~~
- b) On January 15, April 15, July 15 and October 15 of each year, *the Attorney General shall submit a report to the Commission indicating:*
- 1) *the number of complaints received from each Executive Inspector General since the date of the last report;*
 - 2) *the number of complaints for which the Attorney General has determined reasonable cause exists to believe that a violation has occurred since the date of the last report; and*
 - 3) *the number of complaints still under review by the Attorney General. [5 ILCS 430/20-86]*
- c) *If any investigation is not concluded within 6 months after its initiation, the appropriate Executive Inspector General shall file a 6-month report with the Commission by the 15th day of the month following it being open for 6 months. The 6-month report shall disclose:*
- 1) *The general nature of the allegation or information giving rise to the investigation (and present allegations or information being investigated, if different), the job title or job duties of the subjects of the investigation, and the investigation's unique tracking number.*
 - 2) *The date of the last alleged violation of this Act or other State law giving rise to the investigation.*
 - 3) *Whether the Executive Inspector General has found credible any allegations of criminal conduct.*
 - 4) *Whether the allegation has been referred to an appropriate law enforcement agency and the identity of the law enforcement agency to which those allegations were referred.*
 - 5) *If an allegation has not been referred to an appropriate law enforcement agency, the reason for the failure to complete the investigation within 6 months, a summary of the investigative steps taken, additional*

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

investigative steps contemplated at the time of the report, and an estimate of additional time necessary to complete the investigation. [5 ILCS 430/20-65(b)]

- 6) A statement of the amount of public funds at risk of loss as a result of the alleged misconduct under investigation, if the amount of loss is greater than \$5,000.
- 7) If an ultimate jurisdictional authority is a subject of the investigation reported under this Section, the EIG shall inform the Commission separately of this fact.
- 8) Any other information deemed necessary by the Executive Ethics Commission in determining whether to appoint a Special Executive Inspector General. The Commission may direct the Executive Inspector General to provide the Commission a complete copy of any investigation file. Under such circumstances, the Commission deems the EIG's disclosure of the additional information to the Commission to be "necessary" as provided at 5 ILCS 430/20-95(d).
- d) The Executive Inspector General shall continue to report each investigation not concluded within 6 months on the 15th day of each month, in accordance with subsection (c), until the investigation has been concluded. Each monthly report shall contain a personal verification by the EIG stating: "I have read this report and after thorough examination I believe that this report contains a complete and accurate listing of all investigations required by 2 Ill. Adm. Code 1620.810(c)."
- e) If an Executive Inspector General has referred an allegation to an appropriate law enforcement agency and continues to investigate the matter, the future reporting requirements of this Section are suspended. [5 ILCS 430/20-65(c)]
- f) All reports shall be provided to the Commission in paper form, electronically or both, as directed by the Commission.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 1620.830 Designation of Ethics Officer

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Each officer and the head of each State agency under the jurisdiction of the Executive Ethics Commission shall designate an ethics officer for the officer or State agency [5 ILCS 430/20-23].

- a) The designation of the ethics officer shall be in writing and shall be forwarded to the Executive Ethics Commission and to the appropriate Executive Inspector General.
- b) The Executive Ethics Commission and the appropriate Executive Inspector General shall be notified in writing of the ethics officer's name, business address, telephone number and e-mail address within ~~30~~10 business days after the appointment of a new~~replacement of any~~ ethics officer.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART I: ETHICS TRAININGSection 1620.900 Ethics Training

- a) On or before April 1 of each year, each ultimate jurisdictional authority (UJA) shall submit an annual report to the Commission that summarizes ethics training that was completed during the previous calendar year and lays out the plan for the ethics training programs in the coming year. [5 ILCS 430/5-10(b)]
- b) This report shall contain the following information:
 - 1) A copy of all materials used in the ethics training of employees and officers of the UJA during the previous year.
 - 2) The number of officers or employees completing ethics training in the previous year, identified by agency.
 - 3) The identity of any officers or employees who, for any reason, failed to complete required annual ethics training or initial ethics training during the previous year, and what disciplinary or administrative action the UJA has imposed or plans to impose in response to this failure.
 - 4) All ethics training materials to be used during that calendar year to train employees subject to the jurisdiction of that UJA. If these materials are

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

not available on April 1, they should be forwarded when available, but at least 2 weeks before training commences.

- 5) Other information deemed necessary by the Commission to fulfill its duties.

c) Certification of Training Sent to Ethics Officer

- 1) Upon completion of any ethics training program required by the Act, each officer and employee must certify in writing that the person has completed the training program. Each officer and employee must provide to his or her Ethics Officer a signed copy of the certification by the deadline for completion of the ethics training program. [5 ILCS 430/5-10(d)]
- 2) The certification shall state: "I certify that I have carefully read and reviewed the content of, and completed, the [insert name of training program]. Furthermore, I certify that I understand my failure to comply with the laws, rules, policies and procedures referred to within this training course may result in disciplinary action up to and including termination of State employment/appointment, administrative fines, and possible criminal prosecution, depending on the nature of the violation."
- 3) The certification required by this Part may be made in accordance with the Illinois Commerce Security Act [5 ILCS 175] or in a manner substantially similar to the requirements of that Act, and notice of this certification shall be forwarded electronically to the Ethics Officer for those employees whose ethics training is conducted electronically.

(Source: Added at 34 Ill. Reg. _____, effective _____)

SUBPART J: RELEASE OF INVESTIGATION REPORTS

Section 1620.1000 Investigation Reports Finding a Violation

If an Executive Inspector General, or the Attorney General as provided for in Section 20-50 or 20-51, upon the conclusion of an investigation, determines that reasonable cause exists to believe that a violation has occurred, then the Executive Inspector General or Attorney General, shall issue a summary report of the investigation. The report shall be delivered to the

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

appropriate *Ultimate Jurisdictional Authority* and to the head of each State agency affected by or involved in the investigation, if appropriate. [5 ILCS 430/20-50]

- a) The summary report of the investigation shall include the following:
 - 1) The unique tracking number of the investigation.
 - 2) A description of any allegations or other information received by the Executive Inspector General or Attorney General pertinent to the investigation.
 - 3) A summary of investigative steps taken. This summary need not disclose any confidential investigation techniques.
 - 4) A description of any alleged misconduct discovered in the course of the investigation.
 - 5) Recommendations for any corrective or disciplinary action to be taken in response to any alleged misconduct described in the report, including but not limited to discharge.
 - 6) Other information the Executive Inspector General or Attorney General deems relevant to the investigation or resulting recommendation. [5 ILCS 430/20-50(b)]
 - 7) The last known mailing addresses for all subjects or, if the subjects are represented by counsel, the mailing address for their counsel.
 - 8) The date of the last alleged violation of the Act or other State law, rule or policy giving rise to the investigation.
 - 9) Other information deemed necessary by the Commission to fulfill its duties.
- b) The appropriate *UJA* or agency head shall respond to the summary report within 20 days, in writing, to the Executive Inspector General or Attorney General, as appropriate. The response shall include a description of any corrective or disciplinary action to be imposed. [5 ILCS 430/20-50] If the appropriate *UJA* or agency fails to respond in writing within 20 days, the Executive Inspector General

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

or Attorney General shall inform the Commission of this failure within 5 business days.

- c) Within 30 days after receiving a response from the appropriate UJA or agency head, the Executive Inspector General or Attorney General, as appropriate, shall:
- 1) notify the Commission and the Attorney General that he or she believes that a complaint should be filed with the Commission and submit the summary report and supporting documents to the Attorney General; or
 - 2) deliver to the Commission a statement setting forth the basis for his or her decision not to file a complaint and a copy of the summary report and response from the UJA or agency head. [5 ILCS 430/20-50(c-5)]
- d) If, after reviewing the documents, the Commission believes that further investigation is warranted, the Commission may:
- 1) request that the Executive Inspector General provide additional information or conduct further investigation; or
 - 2) appoint a Special Executive Inspector General; or
 - 3) refer the summary report and response to the Attorney General for further investigation or review.
- e) If, after review, the Attorney General determines that reasonable cause exists to believe that a violation has occurred, then the Attorney General may file a complaint with the Commission. If the Attorney General concludes that there is insufficient evidence that a violation has occurred, the Attorney General shall notify the Commission and the appropriate Executive Inspector General. [5 ILCS 430/20-50(c-10)]

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 1620.1010 Investigation Reports Finding No Violation

If, upon the conclusion of an investigation, an Executive Inspector General or the Attorney General determines that there is insufficient evidence that a violation has occurred, the Executive

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Inspector General or Attorney General shall close the investigation and provide the Commission with a written statement. [5 ILCS 430/20-51]

- a) The statement shall contain:
- 1) The unique tracking number of the investigation.
 - 2) A description of any allegations or other information received by the Executive Inspector General or Attorney General pertinent to the investigation.
 - 3) A summary of investigative steps taken. This summary need not disclose any confidential investigation techniques.
 - 4) The facts or conclusions of law that form the basis for the Executive Inspector General's determination that no violation of the State Officials and Employees Ethics Act has occurred.
 - 5) Recommendations for any corrective action to be taken in response to any findings made in the report, if any.
 - 6) Other information the Executive Inspector General deems relevant to the investigation or resulting statement.
 - 7) Other information deemed necessary by the Commission to fulfill its duties.
- b) If, after reviewing the documents, the Commission believes that further investigation is warranted, the Commission may:
- 1) request that the Executive Inspector General provide additional information or conduct further investigation; or
 - 2) appoint a Special Executive Inspector General; or
 - 3) refer the allegations to the Attorney General for further investigation or review. [5 ILCS 430/20-51]

(Source: Added at 34 Ill. Reg. _____, effective _____)

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 1620.1020 Release of Summary Reports

- a) Upon receipt of a founded summary report finding a violation described in Section 1620.1000 that resulted in a suspension of at least 3 days or termination, or, at the discretion of the Commission, upon the receipt of any founded summary report, the Commission shall redact information that may reveal the identity of witnesses, complainants or informants. The Commission may also redact information to protect the identity of a person or any other information it believes should not be made public. [5 ILCS 430/20-52(b)]
- b) The Commission shall forward the version of the report and response it intends to make available to the public to the Attorney General, appropriate Executive Inspector General and respondents. Each may offer, within 15 days, the Commission suggestions for redaction or provide a response that shall be made public with the summary report. [5 ILCS 430/20-52(b)]
- c) After considering the suggestions for redaction, if any, but within 60 days after receiving the founded summary report, the Commission shall reassess what should be made available to the public and post it on the Commission's web site.
- d) The Commission may determine not to make the report or response available to the public if the Executive Inspector General or Attorney General certifies that releasing the report to the public will interfere with an ongoing investigation. [5 ILCS 430/20-52(c)]

(Source: Added at 34 Ill. Reg. _____, effective _____)

SUBPART K: DISCIPLINARY ACTION**Section 1620.1100 Disciplinary Action under the Ethics Act**

Disciplinary action under the Ethics Act against a person subject to the Personnel Code, the Secretary of State Merit Employment Code, the Comptroller Merit Employment Code, or the State Treasurer Employment Code is within the jurisdiction of the Executive Ethics Commission and not within the jurisdiction of those Acts. [5 ILCS 430/20-55(c)]

- a) An allegation of a violation of the Ethics Act shall set forth with particularity a statement of facts and a designation of the applicable provisions of the Ethics Act

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

that have been violated or not complied with. Allegations of Ethics Act violations shall be set forth separately from any other allegations of violations.

- b) Any appeal must be filed with the Commission within 15 days after the date on which the affected person knew, received written notice, or, through the use of reasonable diligence, should have known, of the alleged violation. The affected person shall simultaneously serve a copy of the appeal on the Director of the Department of Central Management Services (CMS) or the Secretary of State, Comptroller or Treasurer, as appropriate.
- c) The appeal shall state facts and argument to support the person's appeal. Relevant documents may be attached as exhibits.
- d) The CMS Director or the Secretary of State, Comptroller or Treasurer, as appropriate, may respond within 15 days after the appeal.
- e) Within 60 days after the receipt of the appeal and response, the Commission may set the matter for hearing if it concludes that substantial issues of fact or law exist, or issue its decision, so long as the penalty to be imposed is not removal, discharge, demotion or suspension for a period of more than 30 days within a 12-month period.
- f) If the penalty to be imposed is removal, discharge, demotion or suspension for a period of more than 30 days within a 12-month period, the Chair or Administrative Law Judge, if any, shall set the matter for hearing.
- g) While related allegations of non-Ethics Act violations are pending with other entities, the Commission may continue proceedings before it generally and suspend time periods described in this Part.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 1620.1110 Hearings to Contest Disciplinary Actions

Any hearings to contest disciplinary action for a violation of the Ethics Act against a person subject to the Personnel Code, the Secretary of State Merit Employment Code, the Comptroller Merit Employment Code, or the State Treasurer Employment Code pursuant to an agreement between an Executive Inspector General and a UJA shall be conducted by the Executive Ethics Commission and not under any of those Acts. [5 ILCS 430/20-55(d)]

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- a) If the penalty to be imposed on an affected person is removal, discharge, demotion or suspension for a period of more than 30 days within a 12-month period or, if the Commission determines that a hearing is appropriate pursuant to Section 1620.1100, the Chair or Administrative Law Judge, if any, shall set the matter for hearing.
- b) For purposes of such hearings, the agency has the burden of proof and is designated the Petitioner; the employee is designated the Respondent.
- c) Hearings and pre-hearing matters will be conducted in accordance with Sections 1620.490, 1620.500, 1620.510, 1620.520 and 1620.530.

(Source: Added at 34 Ill. Reg. _____, effective _____)

SUBPART L: PROCUREMENT CODE CONFLICTS OF INTEREST EXEMPTIONS**Section 1620.1200 Procurement Code Conflicts of Interest Exemptions**

An appropriate Chief Procurement Officer may file a request with the Executive Ethics Commission to exempt named individuals from the prohibitions of Section 50-13 of the Procurement Code when, in his or her judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced in that Section. [30 ILCS 500/50-20]

- a) The request shall be in writing and describe in detail the nature of the conflict and the reason or reasons why the individual should be exempted from Section 50-13 of the Procurement Code.
- b) Upon receipt of the request for an exemption, the Commission shall set a date, time and location for a public hearing at which any person may present written or oral testimony, and provide public notice of the hearing on its web site. The Commission shall also appoint a hearing officer to conduct the public hearing.
- c) The Chief Procurement Officer making the request for an exemption shall publish notice of the date, time and location of the hearing in the online electronic Illinois Procurement Bulletin at least 14 days prior to the hearing and provide notice to the individual subject to the waiver and to the Procurement Policy Board. [30 ILCS 500/50-20]

EXECUTIVE ETHICS COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- d) Within 60 days after the public hearing, the Commission shall release a decision that grants or denies the exemption. The decision shall include a statement setting forth the name of the individual and all the pertinent facts that would make that Section applicable, setting forth the reason for the exemption and declaring whether the individual was exempted from Section 50-13 of the Procurement Code. This decision shall be published in the Illinois Procurement Bulletin and, if the decision grants the exemption, also be filed with the Secretary of State and the Comptroller.

(Source: Added at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Maternal and Child Health Services Code
- 2) Code Citation: 77 Ill. Adm. Code 630
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
630.40	Amend
630.50	Amend
- 4) Statutory Authority: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45], the Phenylketonuria Testing Act [410 ILCS 240], the Autopsy Act [410 ILCS 505], the Infant Mortality Reduction Act [410 ILCS 220], the Problem Pregnancy Health Services and Care Act [410 ILCS 230], and the Illinois Family Case Management Act [410 ILCS 212], and authorized by Section 2310-25 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-25]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will incorporate language that the Department of Public Health is removing from 77 Ill. Adm. Code 640 regarding the High Risk Follow-up Program that the Department of Human Services administers and funds.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective (if applicable): This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Local health departments
 - B) Reporting, bookkeeping or other procedures required for compliance: Reporting
 - C) Types of professional skills necessary for compliance: Registered Nurses perform the services for the High Risk Follow-up Program.
- 14) Regulatory agenda on which this rulemaking was summarized: The proposed amendments were not included on the last two most recent regulatory agendas because: they were not anticipated at the time of filing.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER i: MATERNAL AND CHILD HEALTH

PART 630
MATERNAL AND CHILD HEALTH SERVICES CODE

SUBPART A: GENERAL

- Section
630.10 Legislative Base
630.20 Administration
630.25 Incorporated Materials

SUBPART B: PRENATAL AND NEWBORN CARE PROGRAM

- Section
630.30 Health Services for Women of Reproductive Age
630.40 Health Services for Children in the First Year of Life

SUBPART C: CHILD HEALTH CARE PROGRAM

- Section
630.50 Health Services for Children from One Year of Age to Early Adolescence
630.60 Health Services for Adolescents

SUBPART D: ADMINISTRATIVE REQUIREMENTS

- Section
630.70 Definitions
630.80 Standards
630.90 Records
630.100 Reports
630.110 In-Service Training
630.120 Evaluation
630.130 Use of Project Funds
630.140 Program Income
630.150 Eligibility for Services
630.160 Availability of Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

630.170	Utilization of Community Resources
630.180	Abortions and Sterilizations
630.190	Reasonable Cost
630.200	Preparation of Applications
630.210	Review under Administrative Review Law
630.220	Outreach and Case Management

630 .APPENDIX A	MCH Grant Proposal Review Form
630 .APPENDIX B	Illinois Department of Human Services Reimbursement Certification Form
630 .APPENDIX C	Instructions for Completing Reimbursement Certification Form
630 .APPENDIX D	Plans to Achieve Objectives
630 .APPENDIX E	Application and Plan for Human Services Program Grant

AUTHORITY: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45], the Phenylketonuria Testing Act [410 ILCS 240], the Autopsy Act [410 ILCS 505], the Infant Mortality Reduction Act [410 ILCS 220], the Problem Pregnancy Health Services and Care Act [410 ILCS 230], and the Illinois Family Case Management Act [410 ILCS 212], and authorized by Section 2310-25 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-25].

SOURCE: Adopted and codified at 6 Ill. Reg. 5566, effective April 20, 1982; amended at 7 Ill. Reg. 16422, effective November 23, 1983; amended at 14 Ill. Reg. 11219, effective July 1, 1990; amended at 15 Ill. Reg. 13874, effective September 27, 1991; amended at 17 Ill. Reg. 3013, effective February 22, 1993; amended at 18 Ill. Reg. 4384, effective March 5, 1994; recodified by changing Department of Public Health to Department of Human Services at 21 Ill. Reg. 9323; amended at 26 Ill. Reg. 14991, effective October 1, 2002; amended at 34 Ill. Reg. _____, effective _____.

SUBPART B: PRENATAL AND NEWBORN CARE PROGRAM

Section 630.40 Health Services For Children In The First Year Of Life

The Division of ~~Community Health and Prevention~~~~Family Health~~, State of Illinois Department of ~~Human Services~~~~Public Health~~, through its Maternal and Child Health Program may allocate funds for programs providing health services for infants in the first year of life in accord with the standards of the American Academy of Pediatrics set forth in Section 630.80(a)(5), and Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640). One or more of the following MCH services may be included in application proposals for Title V and State MCH Project grant

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

funds.

- a) Services in the ~~Neonatal Period~~neonatal period.
- 1) Evaluation of the newborn infant immediately after delivery and institution of appropriate support procedures.
 - 2) Complete physical examination, including length, weight, and head circumference, skin, head, eyes, ears, nose, mouth, thorax, lungs, cardiovascular system, abdomen, genitalia, musculoskeletal system, neuromuscular system and reflexes.
 - 3) Laboratory tests to screen for lead poisoning and genetically-determined diseases as defined in the Newborn Metabolic Screening and Treatment Code (77 Ill. Adm. Code 661).
 - 4) Diagnosis and treatment or referral and follow-up of general health problems.
 - 5) Preventive procedures to include:
 - A) Gonoccal eye infection prophylaxis.
 - B) Administration of vitamin K.
 - 6) Assessment for high risk conditions and appropriate consultation and/or referral within the Perinatal System including genetic evaluation and counseling services where appropriate.
 - 7) Nutritional assessment and services and supplementation as needed.
 - 8) Bonding and attachment support activities including provision for extended contact between parents and their infant immediately after delivery and, where desired by the parents, rooming-in arrangements or the equivalent.
 - 9) Arrangements for continuous, comprehensive pediatric care for the newborn following discharge from the hospital.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 10) Home health services.
- 11) Referral for Public Health nursing follow-up including those identified through the Adverse Pregnancy Outcome Reporting System.
- b) Services ~~During Balance~~ of ~~First Year~~ of ~~Life~~.
 - 1) Periodic health assessment to include:
 - A) History and systems review (general medical and social, family and genetic background, with items of inquiry determined by age, developmental stage, and likelihood of potential problems).
 - B) Complete physical examination to include:
 - i) Height and weight.
 - ii) Head circumference.
 - iii) Vision and hearing evaluation.
 - C) Assessment of Development and Behavior using age appropriate tools.
 - D) Screening and laboratory tests as indicated, including hemoglobin/hematocrit and tuberculin skin test; and, for infants at risk, such procedures as lead poisoning, parasite, and sickle cell screening for those children not screened in the newborn period.
 - E) Nutritional assessment, services and supplementation as needed (including provision of such supplements as iron and vitamin D, and adequacy of fluoride intake). For those clients on nonpublic supplies, water should be tested for nitrates by the Illinois Department of Public Health Laboratories.
 - 2) Immunizations according to state and nationally recognized standards.
 - 3) Diagnosis and treatment or referral and follow-up of general health problems, both acute and chronic.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 4) Home health services.
- 5) Counseling and anticipatory guidance with referrals and follow-up as needed regarding:
 - A) Infant development and behavior.
 - B) Maternal nutritional needs, especially if breast feeding, and infant nutritional needs and feeding practices.
 - C) Automobile restraints for infants, and general injury prevention concepts (especially home injuries and unintentional poisoning).
 - D) Infant stimulation and parenting skills, with appraisal to identify parents at risk of child abuse or neglect.
 - E) Need for and importance of immunizations.
 - F) Effect on children of parental smoking, use of alcohol and other drugs, and other health-damaging behaviors.
 - G) The importance of a source of continuous and comprehensive care for mother and child, including identification of available resources to help with such problems, as sudden illness or breast-feeding difficulties.
 - H) Recognition and management of illness.
 - I) Infant care skills.
 - J) Child care arrangements.
 - K) Using community health resources such as WIC, food stamps, welfare and social services that significantly affect health status.
 - L) Other relevant topics in response to parental concern.
- 6) Counseling and provision of appropriate treatment and/or referral to

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

appropriate services (including Early Intervention Programs for Infants and Toddlers with Handicaps, programs for children with special health care needs, home health and homemaker services) as needed for parents:

- A) who have health problems that seriously affect their capacity to care for the infant.
- B) whose infant is seriously ill.
- C) whose infant has a chronic illness or handicapping condition.
- D) whose infant is or is about to be hospitalized.

c) SIDS
Education, information and counseling services for all families whose infants die as a result of Sudden Infant Death Syndrome (SIDS), as well as training for those professionals who would be involved in a SIDS incident.

- 1) Coroners report suspected SIDS cases to Statewide SIDS Program within 72 hours.
- 2) Condolence letter and SIDS information sent to family.
- 3) Referral to local agency for family follow-up.
 - A) Family is contacted to schedule a home visit and the completed initial home visit report is returned to SIDS Program within two weeks.
 - B) Follow-up visit report form returned after subsequent visits or telephone contacts.
- 4) Counseling and/or referral to appropriate services or support groups as needed. (Parent support groups, mental health).
- 5) Workshops and/or in-services related to SIDS for professionals. Directed at, but not limited to, coroners, Emergency Medical Technicians, first responders, emergency room personnel, funeral home directors, clergy, social workers, and public health nurses.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- d) Local Health Nursing Follow-up for the High-Risk Mother
- 1) Purpose
Home visits to families of high-risk/pregnant and postpartum women have a two-fold purpose: assessment of the woman and the family/environment and facilitation of early intervention for identified problems.
 - 2) Agencies to Provide Services
 - A) All Local Health Departments should provide follow-up services to residents of their counties.
 - B) The Department may contract with a local health agency or county nurse to provide follow-up services to residents of areas without a Local Health Department.
 - 3) Eligibility for Services
Any pregnant or postpartum patient identified as high-risk by a Level III hospital and referred to a Local Health Department or other designated local health agency should be offered follow-up services. The patient may decline those services.
 - 4) Services To Be Provided
 - A) Home visits to high-risk pregnant women should be scheduled as often as the client's condition warrants or as requested by the attending physician. A post-discharge visit should be made as soon as possible after discharge. Additional visits may be made during the postpartum period (i.e., 6 weeks following the date of delivery) for pregnancy-related conditions as indicated or as requested by the attending physician. If additional visits are for chronic health conditions (e.g., chronic hypertension, CVA, advanced cardiac disease), the patient should be referred to the licensed home health agency in the area for long-term follow-up.
 - B) Local health agencies that provide services must adhere to the provisions of this Part.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

e) Local Health Nursing Follow-up for High-Risk Infants1) Purpose

The purpose of the infant follow-up program is to minimize disability in high-risk infants by identifying as early as possible conditions requiring further evaluation, diagnosis, and treatment and by assuring an environment that will promote optimal growth and development.

2) Agencies to Provide Services

A) All Local Health Departments should provide follow-up services to residents of their counties.

B) The Department may contract with a local health agency to provide follow-up services to residents of areas without a Local Health Department.

3) Eligibility for Services

Any infant eligible for the Adverse Pregnancy Outcomes Reporting System (APORS) and referred to a Local Health Department or other designated local health agency should be offered follow-up services. The family may decline those services.

4) Services To Be Provided

A) A minimum of 6 visits should be made by the follow-up nurse as soon as possible after newborn hospital discharge and at infant chronological ages 2, 6, 12, 18 and 24 months. Infants and their families having actual or potential health problems identified by the nurse should be visited more frequently for health monitoring, teaching, counseling and/or referral for appropriate services. Occasionally, when an infant is receiving services at the health department, a follow-up visit may be conducted by the nurse at that time.

B) Follow-up services should include:

i) Health history, including: prenatal and natal history; parental concerns; family history of genetic disease or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

unexplained mental retardation; compliance with medical regimen, if any, including medications, treatments and visits to the physician; infant care, including nutrition, elimination and sleep activity; and family/infant interaction, family coping and parental knowledge of injury prevention.

- ii) Physical assessment, developmental assessment, and age specific anticipatory guidance based on the American College of Obstetricians and Gynecologists guidelines or current recommendations of the State that are found in subsection (e)(5).
- iii) Based on the results of the health history and physical assessment, the nurse shall identify problems, make nursing diagnoses and arrange for intervention. Intervention may include: counseling the family as to the importance of regular primary health care by the family physician, pediatrician or clinic; encouraging scheduled return visits to the Perinatal Center; family teaching/counseling by the follow-up nurse; referral to the physician or other screening, diagnostic or support services depending on the nature of the problem; and follow-up on referrals.

- 5) Local health agencies must adhere to the provisions of this Part and the Department's High Risk Infant Tracking Supplement for Local Health Departments, which may be obtained from the Department's Division of Community Health and Prevention.

f) ~~Access-Related Services~~ related services:

- 1) Outreach services.
- 2) Translator and 24-hour emergency telephone services.
- 3) Child care services to facilitate obtaining needed health services.
- 4) Availability of services directly or through referral for handicapping conditions.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

5) Transportation.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART C: CHILD HEALTH CARE PROGRAM

Section 630.50 Health Services For Children From One Year Of Age To Early Adolescence

The Division of ~~Community Health and Prevention~~~~Family Health~~, State of Illinois Department of ~~Human Services~~~~Public Health~~, through its Maternal and Child Health Program may allocate funds for programs providing health services for children from one year of age to early adolescence which meet the standards of the American Academy of Pediatrics set forth in Section 630.80(a)(5). One or more of the following MCH services may be included in application proposals for Title II and State MCH Project grant funds. Some of the items apply primarily to either older or younger children (such as counseling regarding use of cigarettes by the child in the former case and initiation of the mumps, measles, and rubella immunization series in the latter).

- a) Health ~~Services~~~~services~~ for ~~Children~~~~children~~.
 - 1) Periodic health assessment to include:
 - A) History and systems review (general medical and social, family and genetic background, with items of inquiry determined by age, developmental stage, and likelihood of potential problems).
 - B) Psychosocial history, including peer and family relationships, and school progress and problems, out-of-school activities, and health-related habits.
 - C) Complete physical examination to include:
 - i) Height and weight, head circumference through the second year of life, skin, head and neck, thorax, lungs, cardiovascular system, abdomen, genitalia, musculoskeletal system, nervous system, and mental status.
 - ii) Sexual development.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- iii) Vision, hearing, and speech evaluation.
 - iv) Blood pressure starting at age 3.
 - v) Dental.
- D) Developmental and behavioral assessment using age appropriate tools.
- E) Screening and laboratory tests as indicated, including hemoglobin/hematocrit, blood lead analysis and tuberculin skin test (Mantoux) in children from high-risk groups or in areas of high endemic rates of tuberculosis; and, for children at risk, such procedures as parasite and sexually transmitted disease screening.
- F) Nutritional assessment, services and supplementation as needed (including provision of such supplements as iron and vitamin D, and fluoride if indicated). For those on nonpublic water supplies, testing for nitrates should be done by the Illinois Department of Public Health Laboratories.
- 2) Immunizations according to state and nationally recognized standards.
 - 3) Diagnosis and treatment or referral and follow-up of general health problems, both acute and chronic.
 - 4) Diagnosis and treatment or referral and follow-up of mental health problems, both acute and chronic, including emotional and learning disorders, behavioral disorders, alcohol and drug related problems, and problems with family and peer group relationships.
 - 5) Counseling and provision of support services as needed to children with chronic illnesses and/or handicapping conditions.
 - 6) Dental services, both preventive and therapeutic, including oral examination, prophylaxis, X-ray, sealants, and fluoride supplementation if indicated.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 7) Home health services.
- 8) Counseling and anticipatory guidance with referrals and follow-up as needed to child and/or parents as appropriate.
- A) Nutritional needs including food purchase and preparation, routine dietary needs, and the importance of a high quality diet.
 - B) Automobile restraints for children and general injury prevention concepts (especially home injuries, unintentional poisoning, and sports injuries).
 - C) Parenting skills, with specific appraisal to identify parents at risk of child abuse or neglect.
 - D) Need for and importance of immunizations.
 - E) Child care arrangements.
 - F) Dangers of use by children and effects of parental use on children of smoking, smokeless tobacco, alcohol and other drugs as well as other risk-taking behavior.
 - G) Physical activity and exercise.
 - H) Dental health.
 - I) Childhood antecedents of adult illness.
 - J) Child development (including sexual maturation and adjustment, and developmental and behavioral difficulties).
 - K) Environmental hazards.
 - L) Using community health resources such as WIC, food stamps, welfare and social services that bear significantly on health status.
 - M) Other relevant topics in response to child and/or parental concern.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 9) Counseling and provision of appropriate treatment services and/or referral to services (including Early Intervention Services for Infants and Toddlers, special education, services for crippled children, mental health services, home health and homemaker services) as needed for parents:
- A) who have health problems that seriously affect their capacity to care for the child.
 - B) whose child is seriously ill.
 - C) whose child has a chronic illness or handicapping condition, or a significant behavioral or emotional problem.
 - D) whose child is or is about to be hospitalized.

b) Local Health Nursing Follow-up for High-Risk Infants

1) Purpose

The purpose of the infant follow-up program is to minimize disability in high-risk infants by identifying as early as possible conditions requiring further evaluation, diagnosis and treatment and by assuring an environment that will promote optimal growth and development.

2) Agencies to Provide Services

A) All Local Health Departments should provide follow-up services to residents of their counties.

B) The Department may contract with a local health agency to provide follow-up services to residents of areas without a Local Health Department.

3) Eligibility for Services

Any infant eligible for the Adverse Pregnancy Outcomes Reporting System (APORS) and referred to a Local Health Department or other designated local health agency should be offered follow-up services. The family may decline those services.

4) Services To Be Provided

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- A) A minimum of 6 visits should be made by the follow-up nurse as soon as possible after newborn hospital discharge and at infant chronological ages 2, 6, 12, 18 and 24 months. Infants and their families having actual or potential health problems identified by the nurse should be visited more frequently for health monitoring, teaching, counseling and/or referral for appropriate services. Occasionally, when an infant is receiving services at the health department, a follow-up visit may be conducted by the nurse at that time.
- B) Follow-up services should include:
- i) Health history, including: prenatal and natal history; parental concerns; family history of genetic disease or unexplained mental retardation; compliance with medical regimen, if any, including medications, treatments and visits to the physician; infant care, including nutrition, elimination and sleep activity; and family/infant interaction, family coping and parental knowledge of injury prevention.
 - ii) Physical assessment, developmental assessment, and age specific anticipatory guidance based on the American College of Obstetricians and Gynecologists guidelines or current recommendations of the State that are found in subsection (b)(5).
 - iii) Based on the results of the health history and physical assessment, the nurse shall identify problems, make nursing diagnoses and arrange for intervention. Intervention may include: counseling the family as to the importance of regular primary health care by the family physician, pediatrician or clinic; encouraging scheduled return visits to the Perinatal Center; family teaching/counseling by the follow-up nurse; referral to the physician or other screening, diagnostic or support services depending on the nature of the problem; and follow-up on referrals.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

5) Local health agencies must adhere to the provisions of this Part and the Department's High Risk Infant Tracking Supplement for Local Health Departments, which may be obtained from the Department's Division of Community Health and Prevention.

~~c)b)~~ Access-Related Services~~related services.~~

- 1) Outreach services.
- 2) Translator and 24-hour emergency telephone services.
- 3) Child care services to facilitate obtaining needed health services.
- 4) Availability of services for the handicapped.
- 5) Transportation.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) Section Number: 300.670 Proposed Action:
Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: Part 300 regulates skilled nursing and intermediate care facilities, including the minimum standards for disaster preparedness, such as written plans for staff to follow, evacuating residents, fire drills, and reporting disasters to the Department.

Section 300.670 (Disaster Preparedness) is being amended to add minimum requirements for facilities to coordinate with local health authorities and emergency management agencies. Traditionally, facilities have conducted disaster preparedness independently of local health or emergency management authorities. These amendments will make working together easier for facilities and local authorities and will result in a better allocation of limited resources if a disaster occurs, with the safety of residents as the primary objective.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the Illinois Register.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
300.340	Amend	34 Ill. Reg. 7035; May 21, 2010
300.2920	Amend	34 Ill. Reg. 7035; May 21, 2010
300.3120	Amend	34 Ill. Reg. 7035; May 21, 2010
300.3220	Amend	34 Ill. Reg. 7035; May 21, 2010

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

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Long-term care facilities, local health departments, local emergency management agencies
- B) Reporting, bookkeeping or other procedures required for compliance: Filing
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.163	Alzheimer's Special Care Disclosure
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators (Repealed)
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
300.510	Administrator

SUBPART C: POLICIES

Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening and Request for Resident Criminal History Record Information
300.620	Admission, Retention and Discharge Policies
300.624	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
300.625	Identified Offenders
300.626	Discharge Planning for Identified Offenders
300.627	Transfer of an Identified Offender
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.661	Health Care Worker Background Check
300.662	Resident Attendants
300.663	Registry of Certified Nursing Assistants
300.665	Student Interns
300.670	Disaster Preparedness
300.680	Restraints
300.682	Nonemergency Use of Physical Restraints
300.684	Emergency Use of Physical Restraints

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

300.686	Unnecessary, Psychotropic, and Antipsychotic Drugs
300.690	Incidents and Accidents
300.695	Contacting Local Law Enforcement
300.696	Infection Control

SUBPART D: PERSONNEL

Section	
300.810	General
300.820	Categories of Personnel
300.830	Consultation Services
300.840	Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section	
300.1010	Medical Care Policies
300.1020	Communicable Disease Policies
300.1025	Tuberculin Skin Test Procedures
300.1030	Medical Emergencies
300.1035	Life-Sustaining Treatments
300.1040	Behavior Emergencies (Repealed)
300.1050	Dental Standards
300.1060	Vaccinations

SUBPART F: NURSING AND PERSONAL CARE

Section	
300.1210	General Requirements for Nursing and Personal Care
300.1220	Supervision of Nursing Services
300.1230	Staffing
300.1240	Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section	
300.1410	Activity Program
300.1420	Specialized Rehabilitation Services
300.1430	Work Programs

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 300.1440 Volunteer Program
- 300.1450 Language Assistance Services

SUBPART H: MEDICATIONS

Section

- 300.1610 Medication Policies and Procedures
- 300.1620 Compliance with Licensed Prescriber's Orders
- 300.1630 Administration of Medication
- 300.1640 Labeling and Storage of Medications
- 300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section

- 300.1810 Resident Record Requirements
- 300.1820 Content of Medical Records
- 300.1830 Records Pertaining to Residents' Property
- 300.1840 Retention and Transfer of Resident Records
- 300.1850 Other Resident Record Requirements
- 300.1860 Staff Responsibility for Medical Records
- 300.1870 Retention of Facility Records
- 300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section

- 300.2010 Director of Food Services
- 300.2020 Dietary Staff in Addition to Director of Food Services
- 300.2030 Hygiene of Dietary Staff
- 300.2040 Diet Orders
- 300.2050 Meal Planning
- 300.2060 Therapeutic Diets (Repealed)
- 300.2070 Scheduling Meals
- 300.2080 Menus and Food Records
- 300.2090 Food Preparation and Service
- 300.2100 Food Handling Sanitation
- 300.2110 Kitchen Equipment, Utensils, and Supplies

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section

- 300.2210 Maintenance
- 300.2220 Housekeeping
- 300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

- 300.2410 Furnishings
- 300.2420 Equipment and Supplies
- 300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section

- 300.2610 Codes
- 300.2620 Water Supply
- 300.2630 Sewage Disposal
- 300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section

- 300.2810 Applicability of these Standards
- 300.2820 Codes and Standards
- 300.2830 Preparation of Drawings and Specifications
- 300.2840 Site
- 300.2850 Administration and Public Areas
- 300.2860 Nursing Unit
- 300.2870 Dining, Living, Activities Rooms
- 300.2880 Therapy and Personal Care
- 300.2890 Service Departments
- 300.2900 General Building Requirements
- 300.2910 Structural
- 300.2920 Mechanical Systems
- 300.2930 Plumbing Systems

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section

300.3010 Applicability
300.3020 Codes and Standards
300.3030 Preparation of Drawings and Specifications
300.3040 Site
300.3050 Administration and Public Areas
300.3060 Nursing Unit
300.3070 Living, Dining, Activities Rooms
300.3080 Treatment and Personal Care
300.3090 Service Departments
300.3100 General Building Requirements
300.3110 Structural
300.3120 Mechanical Systems
300.3130 Plumbing Systems
300.3140 Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

Section

300.3210 General
300.3220 Medical and Personal Care Program
300.3230 Restraints (Repealed)
300.3240 Abuse and Neglect
300.3250 Communication and Visitation
300.3260 Resident's Funds
300.3270 Residents' Advisory Council
300.3280 Contract With Facility
300.3290 Private Right of Action
300.3300 Transfer or Discharge
300.3310 Complaint Procedures
300.3320 Confidentiality
300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section

300.3410	Application of Other Sections of These Minimum Standards (Repealed)
300.3420	Administrator (Repealed)
300.3430	Policies (Repealed)
300.3440	Personnel (Repealed)
300.3450	Resident Living Services Medical and Dental Care (Repealed)
300.3460	Resident Services Program (Repealed)
300.3470	Psychological Services (Repealed)
300.3480	Social Services (Repealed)
300.3490	Recreational and Activities Services (Repealed)
300.3500	Individual Treatment Plan (Repealed)
300.3510	Health Services (Repealed)
300.3520	Medical Services (Repealed)
300.3530	Dental Services (Repealed)
300.3540	Optometric Services (Repealed)
300.3550	Audiometric Services (Repealed)
300.3560	Podiatric Services (Repealed)
300.3570	Occupational Therapy Services (Repealed)
300.3580	Nursing and Personal Care (Repealed)
300.3590	Resident Care Services (Repealed)
300.3600	Record Keeping (Repealed)
300.3610	Food Service (Repealed)
300.3620	Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
300.3630	Design and Construction Standards (New and Existing Facilities) (Repealed)

SUBPART R: DAYCARE PROGRAMS

Section

300.3710	Day Care in Long-Term Care Facilities
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SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section

300.4000	Applicability of Subpart S
300.4010	Comprehensive Assessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4020	Reassessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 300.4030 Individualized Treatment Plan for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4040 General Requirements for Facilities Subject to Subpart S
- 300.4050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart S
- 300.4060 Discharge Plans for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4070 Work Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4080 Community-Based Rehabilitation Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4090 Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF
PUBLIC AID'S DEMONSTRATION PROGRAM FOR PROVIDING
SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section

- 300.6000 Applicability of Subpart T
- 300.6005 Quality Assessment and Improvement for Facilities Subject to Subpart T
- 300.6010 Comprehensive Assessments for Residents of Facilities Subject to Subpart T
- 300.6020 Reassessments for Residents of Facilities Subject to Subpart T
- 300.6030 Individualized Treatment Plan for Residents of Facilities Subject to Subpart T
- 300.6040 General Requirements for Facilities Subject to Subpart T
- 300.6045 Serious Incidents and Accidents in Facilities Subject to Subpart T
- 300.6047 Medical Care Policies for Facilities Subject to Subpart T
- 300.6049 Emergency Use of Restraints for Facilities Subject to Subpart T
- 300.6050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart T
- 300.6060 Discharge Plans for Residents of Facilities Subject to Subpart T
- 300.6070 Work Programs for Residents of Facilities Subject to Subpart T
- 300.6080 Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T
- 300.6090 Personnel for Providing Services to Residents of Facilities Subject to Subpart T
- 300.6095 Training and Continuing Education for Facilities Subject to Subpart T

SUBPART U: ALZHEIMER'S SPECIAL CARE UNIT OR CENTER PROVIDING
CARE TO PERSONS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIA

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

300.7000	Applicability
300.7010	Admission Criteria
300.7020	Assessment and Care Planning
300.7030	Ability-Centered Care
300.7040	Activities
300.7050	Staffing
300.7060	Environment
300.7070	Quality Assessment and Improvement
300.7080	Variances to Enhance Residents' Quality of Life
300.APPENDIX A	Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities (Repealed)
300.APPENDIX B	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
300.APPENDIX C	Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
300.APPENDIX D	Forms for Day Care in Long-Term Care Facilities
300.APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
300.APPENDIX F	Guidelines for the Use of Various Drugs
300.APPENDIX G	Facility Report
300.TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
300.TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
300.TABLE D	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2, 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813, effective June 6, 2007; amended at 33 Ill. Reg. 9356, effective June 17, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART C: POLICIES

Section 300.670 Disaster Preparedness

- a) For the purpose of this Section only, "disaster" means an occurrence, as a result of a natural force or mechanical failure such as water, wind or fire, or a lack of essential resources such as electrical power, that poses a threat to the safety and welfare of residents, personnel, and others present in the facility.
- b) Each facility shall have policies covering disaster preparedness, including a written plan for staff, residents and others to follow. The plan shall include, but not be limited to, the following:
 - 1) ~~Proper instruction in the use of fire extinguishers for all~~ All personnel employed on the premises; ~~shall be properly instructed in the use of fire extinguishers.~~
 - 2) A diagram of the evacuation route, which shall be posted and made familiar to all personnel employed on the premises; ~~-~~
 - 3) A written plan ~~shall be developed~~ for moving residents to safe locations within the facility in the event of a tornado warning or severe thunderstorm warning; and-
 - 4) ~~An~~ There shall be an established means of facility notification when the National Weather Service issues a tornado or severe thunderstorm warning that covers the area in which the facility is located. The notification

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

mechanism ~~shall~~must be other than commercial radio or television. Approved notification measures include being within range of local tornado warning sirens, an operable National Oceanic and Atmospheric Administration weather radio in the facility, or arrangements with local public safety agencies (police, fire, emergency management agency~~ESDA~~) to be notified if a warning is issued.

- c) Fire drills shall be held at least quarterly for each shift of facility personnel. Disaster drills for other than fire shall be held twice annually for each shift of facility personnel. Drills shall be held under varied conditions to:
- 1) Ensure that all personnel on all shifts are trained to perform assigned tasks;
 - 2) Ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment in the facility; and
 - 3) Evaluate the effectiveness of disaster plans and procedures.
- d) Fire drills shall include simulation of the evacuation of residents to safe areas during at least one drill each year on each shift.
- e) The facility shall provide~~There shall be special provisions~~ for the evacuation of physically handicapped persons, including those who are hearing or sight impaired.
- f) If~~Where~~ the welfare of the residents precludes an actual evacuation of an entire building, the facility shall conduct~~there must be~~ drills involving the evacuation of successive portions of the building under ~~such~~ conditions that~~as to~~ assure the capability of evacuating the entire building with the personnel usually available, should the need arise.
- g) A written evaluation of each drill shall be submitted to the facility administrator and shall be maintained for one year.
- h) A written plan shall be developed for temporarily relocating the residents for any disaster requiring relocation and at any time that the temperature in residents' bedrooms falls below 55°F. for 12 hours or more.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- i) Reporting of Disasters
- 1) Upon the occurrence of any disaster requiring hospital service, police, fire department or coroner, the facility administrator or designee ~~shall~~**must** provide a preliminary report to the Department either by using the nursing home hotline or by directly contacting the appropriate Department Regional Office during business hours. This preliminary report shall include, at a minimum:
- A) **The** name and location of **the** facility;
 - B) **The** type of disaster;
 - C) **The** number of injuries or deaths to residents;
 - D) **The** number of beds not usable due to the occurrence;
 - E) **An** estimate of the extent of damages to the facility;
 - F) **The** type of assistance needed, if any; **and**
 - G) **A list of** other State or local agencies notified about the problem.
- 2) If the disaster will not require direct Departmental assistance, the facility shall provide ~~a~~**the** preliminary report within 24 hours after the occurrence. Additionally, the facility shall submit a full written account to the Department within seven days after the occurrence, which includes the information specified in subsection (i)(1) of this Section and a statement of actions taken by the facility after the preliminary report.
- j) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare and comfort of all residents when the heat index/apparent temperature (see Section 300. Table D), as established by the National Oceanic and Atmospheric Administration, inside ~~the residents' living, dining, activities, or sleeping areas of~~ the facility exceeds ~~a heat index/apparent temperature of~~ 80°F.
- k) Coordination with Local Authorities

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Annually, each facility shall forward copies of all disaster policies and plans required under this Section to the local health authority and local emergency management agency having jurisdiction.
- 2) Annually, each facility shall forward copies of its emergency water supply agreements, required under Section 300.2610(b), to the local health authority and local emergency management agency having jurisdiction.
- 3) Each facility shall provide a description of its emergency source of electrical power, including the services connected to the source, to the local health authority and local emergency management agency having jurisdiction. The facility shall inform the local health authority and local emergency management agency at any time that the emergency source of power or services connected to the source are changed.
- 4) When requested by the local health authority and the local emergency management agency, the facility shall participate in emergency planning activities.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Sheltered Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 330
- 3) Section Number: 330.770 Proposed Action:
Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: Part 330 regulates sheltered care facilities, including the minimum standards for disaster preparedness, such as written plans for staff to follow, evacuating residents, fire drills, and reporting disasters to the Department.

Section 330.770 (Disaster Preparedness) is being amended to add minimum requirements for facilities to coordinate with local health authorities and emergency management agencies. Traditionally, facilities have conducted disaster preparedness independently of local health or emergency management authorities. These amendments will make working together easier for facilities and local authorities and will result in a better allocation of limited resources if a disaster occurs, with the safety of residents as the primary objective.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the Illinois Register.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
330.340	Amend	34 Ill. Reg. 7071; May 21, 2010
330.3170	Amend	34 Ill. Reg. 7071; May 21, 2010
330.3720	Amend	34 Ill. Reg. 7071; May 21, 2010
330.4220	Amend	34 Ill. Reg. 7071; May 21, 2010

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

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Long-term care facilities, local health departments, local emergency management agencies
- B) Reporting, bookkeeping or other procedures required for compliance: Filing
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 330
SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.163	Alzheimer's Special Care Disclosure
330.165	Criteria for Adverse Licensure Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to be Made Available to the Public By the Department
330.230	Information to be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitoring and Receivership
330.271	Presentation of Findings
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators (Repealed)
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.315	Supported Congregate Living Arrangement Demonstration
330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
330.510	Administrator

SUBPART C: POLICIES

Section	
330.710	Resident Care Policies
330.715	Request for Resident Criminal History Record Information
330.720	Admission and Discharge Policies
330.724	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
330.725	Identified Offenders
330.726	Discharge Planning for Identified Offenders
330.727	Transfer of an Identified Offender
330.730	Contract Between Resident and Facility
330.740	Residents' Advisory Council
330.750	General Policies
330.760	Personnel Policies
330.765	Initial Health Evaluation for Employees
330.770	Disaster Preparedness
330.780	Incidents and Accidents
330.785	Contacting Local Law Enforcement
330.790	Infection Control
330.795	Language Assistance Services

SUBPART D: PERSONNEL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section

- 330.910 Personnel
- 330.911 Health Care Worker Background Check
- 330.913 Nursing and Personal Care Assistants (Repealed)
- 330.916 Student Interns (Repealed)
- 330.920 Consultation Services
- 330.930 Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section

- 330.1110 Medical Care Policies
- 330.1120 Personal Care
- 330.1125 Life Sustaining Treatments
- 330.1130 Communicable Disease Policies
- 330.1135 Tuberculin Skin Test Procedures
- 330.1140 Behavior Emergencies (Repealed)
- 330.1145 Restraints
- 330.1150 Emergency Use of Physical Restraints
- 330.1155 Unnecessary, Psychotropic, and Antipsychotic Drugs
- 330.1160 Vaccinations

SUBPART F: RESTORATIVE SERVICES

Section

- 330.1310 Activity Program
- 330.1320 Work Programs
- 330.1330 Written Policies for Restorative Services
- 330.1340 Volunteer Program

SUBPART G: MEDICATIONS

Section

- 330.1510 Medication Policies
- 330.1520 Administration of Medication
- 330.1530 Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section

- 330.1710 Resident Record Requirements
- 330.1720 Content of Medical Records
- 330.1730 Records Pertaining to Residents' Property
- 330.1740 Retention and Transfer of Resident Records
- 330.1750 Other Resident Record Requirements
- 330.1760 Retention of Facility Records
- 330.1770 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

- 330.1910 Director of Food Services
- 330.1920 Dietary Staff in Addition to Director of Food Services
- 330.1930 Hygiene of Dietary Staff
- 330.1940 Diet Orders
- 330.1950 Meal Planning
- 330.1960 Therapeutic Diets (Repealed)
- 330.1970 Scheduling of Meals
- 330.1980 Menus and Food Records
- 330.1990 Food Preparation and Service
- 330.2000 Food Handling Sanitation
- 330.2010 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section

- 330.2210 Maintenance
- 330.2220 Housekeeping
- 330.2230 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

- 330.2410 Furnishings
- 330.2420 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section

330.2610	Codes
330.2620	Water Supply
330.2630	Sewage Disposal
330.2640	Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR
NEW SHELTERED CARE FACILITIES

Section

330.2810	Applicable Requirements (Repealed)
330.2820	Applicability of These Standards
330.2830	Submission of a Program Narrative
330.2840	New Constructions, Additions, Conversions, and Alterations
330.2850	Preparation and Submission of Drawings and Specifications
330.2860	First Stage Drawings
330.2870	Second Stage Drawings
330.2880	Architectural Drawings
330.2890	Structural Drawings
330.3000	Mechanical Drawings
330.3010	Electrical Drawings
330.3020	Additions to Existing Structures
330.3030	Specifications
330.3040	Building Codes
330.3050	Site
330.3060	General Building Requirements
330.3070	Administration
330.3080	Corridors
330.3090	Bath and Toilet Rooms
330.3100	Living, Dining, Activity Rooms
330.3110	Bedrooms
330.3120	Special Care Room
330.3130	Kitchen
330.3140	Laundry
330.3150	Housekeeping, Service, and Storage
330.3160	Plumbing
330.3170	Heating
330.3180	Electrical

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART N: FIRE PROTECTION STANDARDS FOR
NEW SHELTERED CARE FACILITIES

Section

330.3310	Applicable Requirements (Repealed)
330.3320	Applicability of These Standards
330.3330	Fire Protection
330.3340	Fire Department Service and Water Supply
330.3350	General Building Requirements
330.3360	Exit Facilities and Subdivision of Floor Areas
330.3370	Stairways, Vertical Openings, and Doorways
330.3380	Corridors
330.3390	Exit Lights and Directional Signs
330.3400	Hazardous Areas and Combustible Storage
330.3410	Fire Alarm and Detection System
330.3420	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.3430	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR
EXISTING SHELTERED CARE FACILITIES

Section

330.3610	Site
330.3620	General Building Requirements
330.3630	Administration
330.3640	Corridors
330.3650	Bath and Toilet Rooms
330.3660	Living, Dining, and Activity Rooms
330.3670	Bedrooms
330.3680	Special Care Room
330.3690	Kitchen
330.3700	Laundry Room
330.3710	Housekeeping and Service Rooms and Storage Space
330.3720	Plumbing and Heating
330.3730	Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR
EXISTING SHELTERED CARE FACILITIES

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section

330.3910	Fire Protection
330.3920	Fire Department Service and Water Supply
330.3930	Occupancy and Fire Areas
330.3940	Exit Facilities and Subdivision of Floor Areas
330.3950	Stairways, Vertical Openings, and Doorways
330.3960	Exit and Fire Escape Lights and Directional Signs
330.3970	Hazardous Areas and Combustible Storage
330.3980	Fire Alarm and Detection System
330.3990	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.4000	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

Section

330.4210	General
330.4220	Medical and Personal Care Program
330.4230	Restraints (Repealed)
330.4240	Abuse and Neglect
330.4250	Communication and Visitation
330.4260	Resident's Funds
330.4270	Residents' Advisory Council
330.4280	Contract With Facility
330.4290	Private Right of Action
330.4300	Transfer or Discharge
330.4310	Complaint Procedures
330.4320	Confidentiality
330.4330	Facility Implementation

SUBPART R: DAY CARE PROGRAMS

Section

330.4510	Day Care in Long-Term Care Facilities
330.APPENDIX A	Interpretation, Components, and Illustrative Services for Sheltered Care Facilities (Repealed)
330.APPENDIX B	Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
330.APPENDIX C	Forms for Day Care in Long-Term Care Facilities

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 330.APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation
(Repealed)
- 330.APPENDIX E Guidelines for the Use of Various Drugs
- 330.TABLE A Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 552, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 10125, effective July 15, 1996; amended at 20 Ill. Reg. 12160, effective September 10, 1996; amended at 22 Ill. Reg. 4078, effective February 13, 1998; amended at 22 Ill. Reg. 7203, effective April 15, 1998; amended at 22 Ill. Reg. 16594, effective September 18, 1998; amended at 23 Ill. Reg. 1085, effective January 15, 1999; amended at 23 Ill. Reg. 8064, effective July 15, 1999; amended at 24 Ill. Reg. 17304, effective November 1, 2000; amended at 25 Ill. Reg. 4901, effective April 1,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

2001; amended at 26 Ill. Reg. 4859, effective April 1, 2002; amended at 26 Ill. Reg. 10559, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2202, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5473, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5886, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14218, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15880, effective September 25, 2003; amended at 27 Ill. Reg. 18130, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3541, effective November 15, 2003; amended at 28 Ill. Reg. 11195, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11879, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15156, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12891, effective August 2, 2005; amended at 30 Ill. Reg. 1439, effective January 23, 2006; amended at 30 Ill. Reg. 5260, effective March 2, 2006; amended at 31 Ill. Reg. 6072, effective April 3, 2007; amended at 31 Ill. Reg. 8828, effective June 6, 2007; amended at 33 Ill. Reg. 9371, effective June 17, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART C: POLICIES

Section 330.770 Disaster Preparedness

- a) For the purpose of this Section only, "disaster" means an occurrence, as a result of a natural force or mechanical failure such as water, wind or fire, or a lack of essential resources such as electrical power, that poses a threat to the safety and welfare of residents, personnel, and others present in the facility.
- b) Each facility shall have policies covering disaster preparedness, including a written plan for staff, residents and others to follow. The plan shall include, but not be limited to, the following:
 - 1) Proper instruction in the use of fire extinguishers for all ~~All~~ personnel employed on the premises; ~~shall be properly instructed in the use of fire extinguishers.~~
 - 2) A diagram of the evacuation route, which shall be posted and made familiar to all personnel employed on the premises;:-
 - 3) A written plan ~~shall be developed~~ for moving residents to safe locations

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

within the facility in the event of a tornado warning or severe thunderstorm warning; ~~and-~~

- 4) ~~An~~ ~~There shall be an~~ established means of facility notification when the National Weather Service issues a tornado or severe thunderstorm warning that covers the area in which the facility is located. The notification mechanism ~~shall~~ ~~must~~ be other than commercial radio or television. Approved notification measures include being within range of local tornado warning sirens, an operable National Oceanic and Atmospheric Administration weather radio in the facility, or arrangements with local public safety agencies (police, fire, emergency management agency ~~ESDA~~) to be notified if a warning is issued.
- c) Fire drills shall be held at least quarterly for each shift of facility personnel. Disaster drills for other than fire shall be held twice annually for each shift of facility personnel. Drills shall be held under varied conditions to:
 - 1) Ensure that all personnel on all shifts are trained to perform assigned tasks;
 - 2) Ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment in the facility; and
 - 3) Evaluate the effectiveness of disaster plans and procedures.
- d) Fire drills shall include simulation of the evacuation of residents to safe areas during at least one drill each year on each shift.
- e) The facility shall provide ~~There shall be special provisions~~ for the evacuation of physically handicapped persons, including those who are hearing or sight impaired.
- f) ~~If~~ ~~Where~~ the welfare of the residents precludes an actual evacuation of an entire building, the facility shall conduct ~~there must be~~ drills involving the evacuation of successive portions of the building under ~~such~~ conditions that ~~as to~~ assure the capability of evacuating the entire building with the personnel usually available, should the need arise.
- g) A written evaluation of each drill shall be submitted to the facility administrator

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

and shall be maintained for one year.

- h) A written plan shall be developed for temporarily relocating the residents for any disaster requiring relocation and at any time that the temperature in residents' bedrooms falls below 55°F. for 12 hours or more.
- i) Reporting of Disasters
 - 1) Upon the occurrence of any disaster requiring hospital service, police, fire department or coroner, the facility administrator or designee ~~shall~~must provide a preliminary report to the Department either by using the nursing home hotline or by directly contacting the appropriate Department Regional Office during business hours. This preliminary report shall include, at a minimum:
 - A) The name and location of the facility;
 - B) The type of disaster;
 - C) The number of injuries or deaths to residents;
 - D) The number of beds not usable due to the occurrence;
 - E) An estimate of the extent of damages to the facility;
 - F) The type of assistance needed, if any; and
 - G) A list of other State or local agencies notified about the problem.
 - 2) If the disaster will not require direct Departmental assistance, the facility shall provide ~~at~~the preliminary report within 24 hours after the occurrence. Additionally, the facility shall submit a full written account to the Department within seven days after the occurrence, which includes the information specified in subsection (i)(1) of this Section and a statement of action taken by the facility after the preliminary report.
- j) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare and comfort of all residents when the heat index/apparent temperature (see Section 330. Table A), as established by

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

the National Oceanic and Atmospheric Administration, inside ~~the residents' living, dining, activities, or sleeping areas of~~ the facility exceeds a heat index/apparent temperature of 80°F.

k) Coordination with Local Authorities

- 1) Annually, each facility shall forward copies of all disaster policies and plans required under this Section to the local health authority and local emergency management agency having jurisdiction.
- 2) Annually, each facility shall forward copies of its emergency water supply agreements, required under Section 330.2610, to the local health authority and local emergency management agency having jurisdiction.
- 3) Each facility shall provide a description of its emergency source of electrical power, including the services connected to the source, to the local health authority and local emergency management agency having jurisdiction. The facility shall inform the local health authority and local emergency management agency at any time that the emergency source of power or services connected to the source are changed.
- 4) When requested by the local health authority and the local emergency management agency, the facility shall participate in emergency planning activities.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Veterans' Homes Code
- 2) Code Citation: 77 Ill. Adm. Code 340
- 3) Section Number: 340.1320 Proposed Action:
Amend
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: Part 340 regulates veterans' homes, including the minimum standards for disaster preparedness, such as written plans for staff to follow, evacuating residents, fire drills, and reporting disasters to the Department.

Section 340.1320 (Disaster Preparedness) is being amended to add minimum requirements for facilities to coordinate with local health authorities and emergency management agencies. Traditionally, facilities have conducted disaster preparedness independently of local health or emergency management authorities. These amendments will make working together easier for facilities and local authorities and will result in a better allocation of limited resources if a disaster occurs, with the safety of residents as the primary objective.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
340.1010	Amend	34 Ill. Reg. 7097; May 21, 2010
340.1550	Amend	34 Ill. Reg. 7097; May 21, 2010
340.2000	Amend	34 Ill. Reg. 7097; May 21, 2010

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

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Veterans' homes, local health departments, local emergency management agencies
- B) Reporting, bookkeeping or other procedures required for compliance: Filing
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 340
ILLINOIS VETERANS' HOMES CODE

SUBPART A: GENERAL PROVISIONS

Section

340.1000	Definitions
340.1010	Incorporated and Referenced Materials
340.1110	General Requirements
340.1115	Federal Veterans' Regulations
340.1120	Application for License
340.1125	Alzheimer's Special Care Disclosure
340.1130	Criteria for Adverse Licensure Actions
340.1140	Denial of Initial License
340.1150	Revocation or Denial of Renewal of License
340.1160	Inspections, Surveys, Evaluations, and Consultations
340.1170	Presentation of Findings by the Department
340.1190	Ownership Disclosure
340.1200	Monitor and Receivership
340.1210	Determination of a Violation
340.1220	Determination of the Level of a Violation
340.1230	Plans of Correction and Reports of Correction
340.1240	Calculation of Penalties
340.1245	Conditions for Assessment of Penalties
340.1250	Reduction or Waiver of Penalties
340.1255	Supported Congregate Living Arrangement Demonstration
340.1260	Waivers

SUBPART B: POLICIES AND FACILITY RECORDS

Section

340.1300	Facility Policies
340.1305	Request for Resident Criminal History Record Information
340.1310	Admission, Retention and Discharge Policies
340.1314	Criminal History Background Checks for Persons Who Were Residents on May

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

10, 2006

340.1315	Identified Offenders
340.1316	Discharge Planning for Identified Offenders
340.1317	Transfer of an Identified Offender
340.1320	Disaster Preparedness
340.1330	Incidents and Accidents
340.1335	Infection Control
340.1340	Facility Record Requirements
340.1350	Personnel Policies
340.1360	Initial Health Evaluation for Employees
340.1370	Administrator
340.1375	Personnel Requirements
340.1376	Registry of Certified Nursing Assistants
340.1377	Health Care Worker Background Check
340.1378	Resident Attendants
340.1380	Contacting Local Law Enforcement

SUBPART C: RESIDENT RIGHTS

Section	
340.1400	Implementation of Resident Rights and Facility Responsibilities
340.1410	General
340.1420	Contract Between Resident and Facility
340.1430	Residents' Advisory Council
340.1440	Abuse and Neglect
340.1450	Communication and Visitation
340.1460	Resident's Funds
340.1470	Transfer or Discharge
340.1480	Complaint Procedures
340.1490	Private Right of Action

SUBPART D: HEALTH SERVICES

Section	
340.1500	Medical Care Policies
340.1505	Medical, Nursing and Restorative Services
340.1510	Communicable Disease Policies
340.1520	Tuberculin Skin Test Procedures
340.1530	Physician Services

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

340.1535	Dental Programs
340.1540	Life-Sustaining Treatments
340.1550	Obstetrical and Gynecological Care
340.1560	Nursing Personnel
340.1570	Personal Care
340.1580	Restraints
340.1590	Nonemergency Use of Physical Restraints
340.1600	Emergency Use of Physical Restraints
340.1610	Unnecessary, Psychotropic, and Antipsychotic Drugs
340.1620	Medication Administration (Repealed)
340.1630	Self-Administration of Medication (Renumbered)
340.1640	Vaccinations
340.1645	Language Assistance Services

SUBPART E: MEDICATIONS

Section

340.1650	Medication Policies and Procedures
340.1655	Compliance with Licensed Prescriber's Orders
340.1660	Administration of Medication
340.1665	Control of Medication
340.1670	Labeling and Storage of Medication
340.1675	Self-Administration of Medication

SUBPART F: RESIDENT LIVING SERVICES

Section

340.1700	Recreational and Activity Programs
340.1710	Social Services
340.1720	Work Programs
340.1730	Volunteer Program

SUBPART G: RESIDENT RECORDS

Section

340.1800	Resident Record Requirements
340.1810	Content of Medical Records
340.1820	Records Pertaining to Resident's Property
340.1830	Retention, Transfer, and Inspection of Records

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

340.1840 Confidentiality of Resident's Records

SUBPART H: FOOD SERVICE

Section

340.1900 Food Service Staff
340.1910 Diet Orders
340.1920 Meal Planning
340.1930 Therapeutic Diets (Repealed)
340.1940 Menus and Food Records
340.1950 Food Preparation and Service
340.1960 Kitchen Equipment, Utensils and Supplies

SUBPART I: PHYSICAL PLANT SERVICES,
FURNISHINGS, EQUIPMENT AND SUPPLIES

Section

340.2000 Maintenance
340.2010 Water Supply, Sewage Disposal and Plumbing
340.2020 Housekeeping
340.2030 Laundry Services
340.2040 Furnishings
340.2050 Equipment and Supplies

340.TABLE A Heat Index Table/Apparent Temperature

340.TABLE B Guidelines for the Use of Various Drugs

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a maximum of 150 days; emergency rule expired November 18, 1994; adopted at 19 Ill. Reg. 5679, effective April 3, 1995; emergency amendment at 20 Ill. Reg. 496, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10045, effective July 15, 1996; amended at 20 Ill. Reg. 12013, effective September 10, 1996; amended at 22 Ill. Reg. 3959, effective February 13, 1998; amended at 22 Ill. Reg. 7162, effective April 15, 1998; amended at 23 Ill. Reg. 1038, effective January 15, 1999; amended at 23 Ill. Reg. 7931, effective July 15, 1999; amended at 24 Ill. Reg. 17225, effective November 1, 2000; amended at 25 Ill. Reg. 4869, effective April 1, 2001; amended at 26 Ill. Reg. 4870, effective April 1, 2002; amended at 26 Ill. Reg. 10589, effective July 1, 2002; emergency

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

amendment at 27 Ill. Reg. 2222, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; amended at 27 Ill. Reg. 5903, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14230, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15904, effective September 25, 2003; amended at 27 Ill. Reg. 18148, effective November 15, 2003; amended at 28 Ill. Reg. 11209, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11931, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15208, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12924, effective August 2, 2005; amended at 30 Ill. Reg. 1452, effective January 23, 2006; amended at 30 Ill. Reg. 5303, effective March 2, 2006; amended at 31 Ill. Reg. 6098, effective April 3, 2007; amended at 31 Ill. Reg. 8841, effective June 6, 2007; amended at 33 Ill. Reg. 9384, effective June 17, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART B: POLICIES AND FACILITY RECORDS

Section 340.1320 Disaster Preparedness

- a) For the purpose of this Section only, "disaster" means an occurrence, as a result of a natural force or mechanical failure such as water, wind or fire, or a lack of essential resources such as electrical power, that poses a threat to the safety and welfare of residents, personnel, and others present in the facility.
- b) Each facility shall have policies covering disaster preparedness, including a written plan for staff, residents and others to follow. The plan shall include, but not be limited to, the following:
 - 1) Proper instruction in the use of fire extinguishers for all personnel employed on the premises; ~~shall be properly instructed in the use of fire extinguishers.~~
 - 2) A diagram of the evacuation route, which shall be posted and made familiar to all personnel employed on the premises; ~~;~~
 - 3) A written plan ~~shall be developed~~ for moving residents to safe locations within the facility in the event of tornado warning or severe thunderstorm warning; and ~~;~~
 - 4) An ~~There shall be an~~ established means of facility notification when the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

National Weather Service issues a tornado or severe thunderstorm warning that covers the area in which the facility is located. The notification mechanism ~~shall~~must be other than commercial radio or television. Approved notification measures include being within range of local tornado warning sirens, an operable National Oceanic and Atmospheric Administration weather radio in the facility, or arrangements with local public safety agencies (police, fire, emergency management agency~~ESDA~~) to be notified if a warning is issued.

- c) Fire drills shall be held at least quarterly for each shift of facility personnel. Disaster drills for other than fire shall be held twice annually for each shift of facility personnel. Drills shall be held under varied conditions to:
- 1) Ensure that all personnel on all shifts are trained to perform assigned tasks;
 - 2) Ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment in the facility; and
 - 3) Evaluate the effectiveness of disaster plans and procedures.
- d) Fire drills shall include simulation of the evacuation of residents to safe areas during at least one drill each year on each shift.
- e) The facility shall provide~~There shall be special provisions~~ for the evacuation of physically handicapped persons, including those who are hearing or sight impaired.
- f) If~~Where~~ the welfare of the residents precludes an actual evacuation of an entire building, the facility shall conduct~~there must be~~ drills involving the evacuation of successive portions of the building under such conditions ~~that~~as to assure the capability of evacuating the entire building with the personnel usually available, should the need arise.
- g) A written evaluation of each drill shall be submitted to the facility administrator and shall be maintained for one~~a~~ year.
- h) A written plan shall be developed for temporarily relocating the residents for any disaster requiring relocation and at any time that the temperature in residents'

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

bedrooms falls below 55° F. for 12 hours or more.

i) Reporting of Disasters

1) Upon the occurrence of any disaster requiring hospital service, police, fire department or coroner, the facility administrator or designee ~~shall~~must provide a preliminary report to the Department either by using the nursing home hotline or by directly contacting the appropriate Department Regional Office during business hours. This preliminary report shall include, at a minimum:

- A) The name and location of the facility;
- B) The type of disaster;
- C) The number of injuries or deaths to residents;
- D) The number of beds not usable due to the ~~occurrence~~disaster;
- E) An estimate of the extent of damages to the facility;
- F) The type of assistance needed, if any; and
- G) A list of other State or local agencies notified about the problem.

2) If the disaster will not require direct Departmental assistance, the facility shall provide ~~a~~the preliminary report within 24 hours after the occurrence. Additionally, the facility shall submit a full written account to the Department within seven days after the occurrence, which includes the information specified in subsection (i)(1) of this Section and a statement of actions taken by the facility after the preliminary report.

j) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare and comfort of all residents when the heat index/apparent temperature (see Section 340. Table A), as established by the National Oceanic and Atmospheric Administration, inside ~~the residents' living, dining, activities, or sleeping areas of~~ the facility exceeds ~~a heat index/apparent temperature of~~ 80° F.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

k) Coordination with Local Authorities

- 1) Annually, each facility shall forward copies of all disaster policies and plans required under this Section to the local health authority and local emergency management agency having jurisdiction.
- 2) Annually, each facility shall forward copies of its emergency water supply agreements, required under Section 340.2010, to the local health authority and local emergency management agency having jurisdiction.
- 3) Each facility shall provide a description of its emergency source of electrical power, including the services connected to the source, to the local health authority and local emergency management agency having jurisdiction. The facility shall inform the local health authority and local emergency management agency at any time that the emergency source of power or services connected to the source are changed.
- 4) When requested by the local health authority and the local emergency management agency, the facility shall participate in emergency planning activities.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 350
- 3) Section Number: 350.690 Proposed Action: Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: Part 350 regulates facilities that provide intermediate care for the developmentally disabled, including the minimum standards for disaster preparedness, such as written plans for staff to follow, evacuating residents, fire drills, and reporting disasters to the Department.

Section 350.690 (Disaster Preparedness) is being amended to add minimum requirements for facilities to coordinate with local health authorities and emergency management agencies. Traditionally, facilities have conducted disaster preparedness independently of local health or emergency management authorities. These amendments will make working together easier for facilities and local authorities and will result in a better allocation of limited resources if a disaster occurs, with the safety of residents as the primary objective.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the Illinois Register.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
350.340	Amend	34 Ill. Reg. 7115; May 21, 2010
350.2720	Amend	34 Ill. Reg. 7115; May 21, 2010
350.3020	Amend	34 Ill. Reg. 7115; May 21, 2010
350.3220	Amend	34 Ill. Reg. 7115; May 21, 2010

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

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Facilities that serve the developmentally disabled, local health departments, local emergency management agencies
- B) Reporting, bookkeeping or other procedures required for compliance: Filing
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators (Repealed)
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.315	Supported Congregate Living Arrangement Demonstration
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
350.510	Administrator

SUBPART C: POLICIES

Section	
350.610	Management Policies
350.620	Resident Care Policies
350.625	Determination of Need Screening and Request for Resident Criminal History Record Information
350.630	Admission, Retention and Discharge Policies
350.634	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
350.635	Identified Offenders
350.636	Discharge Planning for Identified Offenders
350.637	Transfer of an Identified Offender
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.681	Health Care Worker Background Check
350.682	Resident Attendants
350.683	Registry of Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Incidents and Accidents

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

350.750 Contacting Local Law Enforcement
350.760 Infection Control

SUBPART D: PERSONNEL

Section
350.810 Personnel
350.820 Consultation Services
350.830 Personnel Policies (Repealed)

SUBPART E: RESIDENT LIVING SERVICES

Section
350.1010 Service Programs
350.1020 Psychological Services
350.1030 Social Services
350.1040 Speech Pathology and Audiology Services
350.1050 Recreational and Activities Services
350.1055 Volunteer Program
350.1060 Training and Habilitation Services
350.1070 Training and Habilitation Staff
350.1080 Restraints
350.1082 Nonemergency Use of Physical Restraints
350.1084 Emergency Use of Physical Restraints
350.1086 Unnecessary, Psychotropic, and Antipsychotic Drugs
350.1088 Language Assistance Services

SUBPART F: HEALTH SERVICES

Section
350.1210 Health Services
350.1220 Physician Services
350.1223 Communicable Disease Policies
350.1225 Tuberculin Skin Test Procedures
350.1230 Nursing Services
350.1235 Life-Sustaining Treatments
350.1240 Dental Services
350.1250 Physical and Occupational Therapy Services
350.1260 Vaccinations

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART G: MEDICATIONS

Section

- 350.1410 Medication Policies and Procedures
- 350.1420 Compliance with Licensed Prescriber's Orders
- 350.1430 Administration of Medication
- 350.1440 Labeling and Storage of Medications
- 350.1450 Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

- 350.1610 Resident Record Requirements
- 350.1620 Content of Medical Records
- 350.1630 Confidentiality of Resident's Records
- 350.1640 Records Pertaining to Residents' Property
- 350.1650 Retention and Transfer of Resident Records
- 350.1660 Other Resident Record Requirements
- 350.1670 Staff Responsibility for Medical Records
- 350.1680 Retention of Facility Records
- 350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

- 350.1810 Director of Food Services
- 350.1820 Dietary Staff in Addition to Director of Food Services
- 350.1830 Hygiene of Dietary Staff
- 350.1840 Diet Orders
- 350.1850 Meal Planning
- 350.1860 Therapeutic Diets (Repealed)
- 350.1870 Scheduling Meals
- 350.1880 Menus and Food Records
- 350.1890 Food Preparation and Service
- 350.1900 Food Handling Sanitation
- 350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section

- 350.2010 Maintenance
- 350.2020 Housekeeping
- 350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

- 350.2210 Furnishings
- 350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

- 350.2410 Codes
- 350.2420 Water Supply
- 350.2430 Sewage Disposal
- 350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

- 350.2610 Applicability of These Standards
- 350.2620 Codes and Standards
- 350.2630 Preparation of Drawings and Specifications
- 350.2640 Site
- 350.2650 Administration and Public Areas
- 350.2660 Nursing Unit
- 350.2670 Dining, Living, Activities Rooms
- 350.2680 Therapy and Personal Care
- 350.2690 Service Departments
- 350.2700 General Building Requirements
- 350.2710 Structural
- 350.2720 Mechanical Systems
- 350.2730 Plumbing Systems
- 350.2740 Electrical Systems

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

- Section
- 350.2910 Applicability
- 350.2920 Codes and Standards
- 350.2930 Preparation of Drawings and Specifications
- 350.2940 Site
- 350.2950 Administration and Public Areas
- 350.2960 Nursing Unit
- 350.2970 Living, Dining, Activities Rooms
- 350.2980 Treatment and Personal Care
- 350.2990 Service Department
- 350.3000 General Building Requirements
- 350.3010 Structural
- 350.3020 Mechanical Systems
- 350.3030 Plumbing Systems
- 350.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

- Section
- 350.3210 General
- 350.3220 Medical and Personal Care Program
- 350.3230 Restraints (Repealed)
- 350.3240 Abuse and Neglect
- 350.3250 Communication and Visitation
- 350.3260 Resident's Funds
- 350.3270 Residents' Advisory Council
- 350.3280 Contract With Facility
- 350.3290 Private Right of Action
- 350.3300 Transfer or Discharge
- 350.3310 Complaint Procedures
- 350.3320 Confidentiality
- 350.3330 Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section

350.3710	Applicability of Other Provisions of this Part
350.3720	Administration
350.3730	Admission and Discharge Policies
350.3740	Personnel
350.3750	Consultation Services and Nursing Services
350.3760	Medication Policies
350.3770	Food Services
350.3780	Codes and Standards
350.3790	Administration and Public Areas
350.3800	Bedrooms
350.3810	Nurses Station
350.3820	Bath and Toilet Rooms
350.3830	Utility Rooms
350.3840	Living, Dining, Activity Rooms
350.3850	Therapy and Personal Care
350.3860	Kitchen
350.3870	Laundry Room
350.3880	General Building Requirements
350.3890	Corridors
350.3900	Special Care Room
350.3910	Exit Facilities and Subdivision of Floor Areas
350.3920	Stairways, Vertical Openings and Doorways
350.3930	Hazardous Areas and Combustible Storage
350.3940	Mechanical Systems
350.3950	Heating, Cooling, and Ventilating Systems
350.3960	Plumbing Systems
350.3970	Electrical Systems
350.3980	Fire Alarm and Detection System
350.3990	Emergency Electrical System
350.4000	Fire Protection
350.4010	Construction Types
350.4020	Equivalencies
350.4030	New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Section

350.4210	Day Care in Long-Term Care Facilities
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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

350.APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350.APPENDIX B	Federal Requirements Regarding Residents' Rights (Repealed)
350.APPENDIX C	Seismic Zone Map
350.APPENDIX D	Forms For Day Care in Long-Term Care Facilities
350.APPENDIX E	Guidelines for the Use of Various Drugs
350.TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350.TABLE D	Food Service Sanitation Rules, 77 Illinois Admin. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of 16 Beds or Less
350.TABLE E	Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
350.TABLE F	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill. Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. 17254, effective November 1, 2000; amended at 25 Ill. Reg. 4879, effective April 1, 2001; amended at 25 Ill. Reg. 6499, effective May 15, 2001; amended at 26 Ill. Reg. 4878, effective April 1, 2002; amended at 26 Ill. Reg. 10611, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2238, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5489, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5924, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14237, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15924, effective September 25, 2003; amended at 27 Ill. Reg. 18160, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3552, effective November 15, 2003; amended at 28 Ill. Reg. 7653, effective May 24, 2004; amended at 28 Ill. Reg. 11217, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11971, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15247, effective September 23, 2005, for the remainder of the maximum 150 days; emergency expired December 8, 2005; amended at 29 Ill. Reg. 12954, effective August 2, 2005; amended at 30 Ill. Reg. 1460, effective January 23, 2006; amended at

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

30 Ill. Reg. 5338, effective March 2, 2006; amended at 30 Ill. Reg. 13876, effective August 7, 2006; amended at 31 Ill. Reg. 6119, effective April 3, 2007; amended at 31 Ill. Reg. 8850, effective June 6, 2007; amended at 33 Ill. Reg. 9393, effective June 17, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART C: POLICIES

Section 350.690 Disaster Preparedness

- a) For the purpose of this Section only, "disaster" means an occurrence, as a result of a natural force or mechanical failure such as water, wind or fire, or a lack of essential resources such as electrical power, that poses a threat to the safety and welfare of residents, personnel, and others present in the facility.
- b) Each facility shall have policies covering disaster preparedness, including a written plan for staff, residents and others to follow. The plan shall include, but not be limited to, the following:
 - 1) ~~Proper instruction in the use of fire extinguishers for all~~ All personnel employed on the premises; ~~shall be properly instructed in the use of fire extinguishers.~~
 - 2) A diagram of the evacuation route, which shall be posted and made familiar to all personnel employed on the premises; ~~;~~
 - 3) A written plan ~~shall be developed~~ for moving residents to safe locations within the facility in the event of a tornado warning or severe thunderstorm warning; ~~and-~~
 - 4) ~~An~~ There shall be an established means of facility notification when the National Weather Service issues a tornado or severe thunderstorm warning that covers the area in which the facility is located. The notification mechanism ~~shall~~ must be other than commercial radio or television. Approved notification measures include being within range of local tornado warning sirens, an operable National Oceanic and Atmospheric Administration weather radio in the facility, or arrangements with local public safety agencies (police, fire, emergency management agency ESDA) to be notified if a warning is issued.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- c) Fire drills shall be held at least quarterly for each shift of facility personnel. Disaster drills for other than fire shall be held twice annually for each shift of facility personnel. Drills shall be held under varied conditions to:
- 1) Ensure that all personnel on all shifts are trained to perform assigned tasks;
 - 2) Ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment in the facility; and
 - 3) Evaluate the effectiveness of disaster plans and procedures.
- d) Fire drills shall include simulation of the evacuation of residents to safe areas during at least one drill each year on each shift.
- e) The facility shall provide~~There shall be special provisions~~ for the evacuation of physically handicapped persons, including those who are hearing or sight impaired.
- f) ~~If~~Where the welfare of the residents precludes an actual evacuation of an entire building, the facility shall conduct~~there must be~~ drills involving the evacuation of successive portions of the building under ~~such~~ conditions that~~as to~~ assure the capability of evacuating the entire building with the personnel usually available, should the need arise.
- g) A written evaluation of each drill shall be submitted to the facility administrator and shall be maintained for one year.
- h) A written plan shall be developed for temporarily relocating the residents for any disaster requiring relocation and at any time that the temperature in residents' bedrooms falls below 55°F. for 12 hours or more.
- i) Reporting of Disasters
- 1) Upon the occurrence of any disaster requiring hospital service, police, fire department or coroner, the facility administrator or designee ~~shall~~must provide a preliminary report to the Department either by using the nursing home hotline or by directly contacting the appropriate Department Regional Office during business hours. This preliminary report shall

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

include, at a minimum:

- A) The name and location of the facility;
 - B) The type of disaster;
 - C) The number of injuries or deaths to residents;
 - D) The number of beds not usable due to the occurrence;
 - E) An estimate of the extent of damages to the facility;
 - F) The type of assistance needed, if any; and
 - G) A list of other State or local agencies notified about the problem.
- 2) If the disaster will not require direct Departmental assistance, the facility shall provide at the preliminary report within 24 hours after the occurrence. Additionally, the facility shall submit a full written account to the Department within seven days after the occurrence, which includes the information specified in subsection (i)(1) of this Section and a statement of action taken by the facility after the preliminary report.
- j) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare, and comfort of all residents when the heat index/apparent temperature, as established by the National Oceanic and Atmospheric Administration (see Section 350. Table F), inside ~~the residents' living, dining, activities, or sleeping areas of~~ the facility exceeds ~~a heat index/apparent temperature of~~ 80°F.
- k) Coordination with Local Authorities
- 1) Annually, each facility shall forward copies of all disaster policies and plans required under this Section to the local health authority and local emergency management agency having jurisdiction.
 - 2) Annually, each facility shall forward copies of its emergency water supply agreements, required under Section 350.2410(b), to the local health authority and local emergency management agency having jurisdiction.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 3) Each facility shall provide a description of its emergency source of electrical power, including the services connected to the source, to the local health authority and local emergency management agency having jurisdiction. The facility shall inform the local health authority and local emergency management agency at any time that the emergency source of power or services connected to the source are changed.
- 4) When requested by the local health authority and local emergency management agency, the facility shall participate in emergency planning activities.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 390
- 3) Section Number: 390.690 Proposed Action: Amend
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: Part 390 regulates facilities that provide long-term care to residents under 22 years old, including the minimum standards for disaster preparedness, such as written plans for staff to follow, evacuating residents, fire drills, and reporting disasters to the Department.

Section 390.690 (Disaster Preparedness) is being amended to add minimum requirements for facilities to coordinate with local health authorities and emergency management agencies. Traditionally, facilities have conducted disaster preparedness independently of local health or emergency management authorities. These amendments will make working together easier for facilities and local authorities and will result in a better allocation of limited resources if disaster occurs, with the safety of residents as the primary objective.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the Illinois Register.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation</u>
390.340	Amend	34 Ill. Reg. 7149; May 21, 2010
390.2720	Amend	34 Ill. Reg. 7149; May 21, 2010
390.3020	Amend	34 Ill. Reg. 7149; May 21, 2010
300.3220	Amend	34 Ill. Reg. 7149; May 21, 2010

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

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Under age 22 facilities, local health departments, local emergency management agencies
- B) Reporting, bookkeeping or other procedures required for compliance: Filing
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse Licensure Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to Be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.271	Presentation of Findings
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators (Repealed)
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.315	Supported Congregate Living Arrangement Demonstration
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
390.500	Administrator

SUBPART C: POLICIES

Section	
390.610	Management Policies
390.620	Resident Care Policies
390.625	Pre-admission Assessment and Request for Criminal History Record Information (Repealed)
390.630	Admission, Retention and Discharge Policies
390.635	Identified Offenders (Repealed)
390.636	Discharge Planning for Identified Offenders (Repealed)
390.637	Transfer of an Identified Offender (Repealed)
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.681	Health Care Worker Background Check
390.682	Resident Attendants
390.683	Registry of Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Incidents and Accidents
390.750	Contacting Local Law Enforcement
390.760	Infection Control

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART D: PERSONNEL

- Section
- 390.810 General
- 390.820 Categories of Personnel
- 390.830 Consultation Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

- Section
- 390.1010 Service Programs
- 390.1020 Medical Services
- 390.1025 Life-Sustaining Treatments
- 390.1030 Physician Services
- 390.1035 Tuberculin Skin Test Procedures
- 390.1040 Nursing Services
- 390.1050 Dental Care Services
- 390.1060 Physical and Occupational Therapy Services
- 390.1070 Psychological Services
- 390.1080 Social Services
- 390.1090 Speech Pathology and Audiology Services
- 390.1100 Recreational and Activity Services
- 390.1110 Educational Services
- 390.1120 Work Activity and Prevocational Training Services
- 390.1130 Communicable Disease Policies
- 390.1140 Vaccinations
- 390.1150 Language Assistance Services

SUBPART F: RESTRAINTS AND BEHAVIOR MANAGEMENT

- Section
- 390.1310 Restraints
- 390.1312 Nonemergency Use of Physical Restraints
- 390.1314 Emergency Use of Physical Restraints
- 390.1316 Unnecessary, Psychotropic, and Antipsychotic Drugs
- 390.1320 Behavior Management
- 390.1330 Behavior Emergencies (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART G: MEDICATIONS

Section

- 390.1410 Medication Policies and Procedures
- 390.1420 Compliance with Licensed Prescriber's Orders
- 390.1430 Administration of Medication
- 390.1440 Labeling and Storage of Medications
- 390.1450 Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

- 390.1610 Resident Record Requirements
- 390.1620 Content of Medical Records
- 390.1630 Confidentiality of Resident's Records
- 390.1640 Records Pertaining to Residents' Property
- 390.1650 Retention and Transfer of Resident Records
- 390.1660 Other Resident Record Requirements
- 390.1670 Staff Responsibility for Medical Records
- 390.1680 Retention of Facility Records
- 390.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

- 390.1810 Director of Food Services
- 390.1820 Dietary Staff in Addition to Director of Food Services
- 390.1830 Hygiene of Dietary Staff
- 390.1840 Diet Orders
- 390.1850 Meal Planning
- 390.1860 Infant and Therapeutic Diets
- 390.1870 Scheduling Meals
- 390.1880 Menus and Food Records
- 390.1890 Food Preparation and Service
- 390.1900 Preparation of Infant Formula
- 390.1910 Food Handling Sanitation
- 390.1920 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section

390.2010 Maintenance
390.2020 Housekeeping
390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

390.2210 Furnishings
390.2220 Equipment and Supplies
390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

390.2410 Codes
390.2420 Water Supply
390.2430 Sewage Disposal
390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section

390.2610 Applicability of these Standards
390.2620 Codes and Standards
390.2630 Preparation of Drawings and Specifications
390.2640 Site
390.2650 Administration and Public Areas
390.2660 Nursing Unit
390.2670 Dining, Play, Activity/Program Rooms
390.2680 Therapy and Personal Care
390.2690 Service Departments
390.2700 General Building Requirements
390.2710 Structural
390.2720 Mechanical Systems
390.2730 Plumbing Systems
390.2740 Electrical Systems

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section

390.2910	Applicability
390.2920	Codes and Standards
390.2930	Preparation of Drawings and Specifications
390.2940	Site
390.2950	Administration and Public Areas
390.2960	Nursing Unit
390.2970	Play, Dining, Activity/Program Rooms
390.2980	Treatment and Personal Care
390.2990	Service Department
390.3000	General Building Requirements
390.3010	Structural
390.3020	Mechanical Systems
390.3030	Plumbing Systems
390.3040	Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section

390.3210	General
390.3220	Medical and Personal Care Program
390.3230	Restraints (Repealed)
390.3240	Abuse and Neglect
390.3250	Communication and Visitation
390.3260	Resident's Funds
390.3270	Residents' Advisory Council
390.3280	Contract With Facility
390.3290	Private Right of Action
390.3300	Transfer or Discharge
390.3310	Complaint Procedures
390.3320	Confidentiality
390.3330	Facility Implementation

SUBPART P: DAY CARE PROGRAMS

Section

390.3510	Day Care in Long-Term Care Facilities
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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

390.APPENDIX A	Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repealed)
390.APPENDIX B	Forms for Day Care in Long-Term Care Facilities
390.APPENDIX C	Guidelines for the Use of Various Drugs
390.TABLE A	Infant Feeding
390.TABLE B	Daily Nutritional Requirements By Age Group
390.TABLE C	Sound Transmissions Limitations
390.TABLE D	Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
390.TABLE E	Sprinkler Requirements
390.TABLE F	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 15, 1996; amended at 20 Ill. Reg. 12101, effective September 10, 1996; amended at 22 Ill. Reg. 4062, effective February 13, 1998; amended at 22 Ill. Reg. 7188, effective April 15, 1998; amended at 22 Ill. Reg. 16576, effective September 18, 1998; amended at 23 Ill. Reg. 1069, effective January 15, 1999; amended at 23 Ill. Reg. 8021, effective July 15, 1999; amended at 24 Ill. Reg. 17283, effective November 1, 2000; amended at 25 Ill. Reg. 4890, effective April 1, 2001; amended at 26 Ill. Reg. 4890, effective April 1, 2002; amended at 26 Ill. Reg. 10645, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2258, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5509, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5947, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14250, effective August 15, 2003, for a maximum of 150 days; emergency expired January 12, 2004; amended at 27 Ill. Reg. 15949, effective September 25, 2003; amended at 27 Ill. Reg. 18204, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3565, effective November 15, 2003; amended at 28 Ill. Reg. 11231, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 12025, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15301, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12988, effective August 2, 2005; amended at 30 Ill. Reg. 1473, effective January 23, 2006; amended at 30 Ill. Reg. 5383, effective March 2, 2006; amended at 31 Ill. Reg. 6145, effective April 3, 2007; amended at 31 Ill. Reg. 8864, effective June 6, 2007; amended at 33 Ill. Reg. 9406, effective June 17, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART C: POLICIES

Section 390.690 Disaster Preparedness

- a) For the purpose of this Section only, "disaster" means an occurrence, as a result of a natural force or mechanical failure such as water, wind or fire, or a lack of essential resources such as electrical power, that poses a threat to the safety and welfare of residents, personnel, and others present in the facility.
- b) Each facility shall have policies covering disaster preparedness, including a written plan for staff, residents and others to follow. The plan shall include, but

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

not be limited to, the following:

- 1) ~~Proper instruction in the use of fire extinguishers for all~~ Proper instruction in the use of fire extinguishers for all personnel employed on the premises; ~~shall be properly instructed in the use of fire extinguishers.~~
 - 2) A diagram of the evacuation route, which shall be posted and made familiar to all personnel employed on the premises; ~~and~~
 - 3) A written plan ~~shall be developed~~ for moving residents to safe locations within the facility in the event of a tornado warning or severe thunderstorm warning; ~~and~~
 - 4) ~~An~~ There shall be an established means of facility notification when the National Weather Service issues a tornado or severe thunderstorm warning that covers the area within which the facility is located. The notification mechanism ~~shall~~ must be other than commercial radio or television. Approved notification measures include being within range of local tornado warning sirens, an operable National Oceanic and Atmospheric Administration weather radio in the facility, or arrangements with local public safety agencies (police, fire, emergency management agency ~~ESDA~~) to be notified if a warning is issued.
- c) Fire drills shall be held at least quarterly for each shift of facility personnel. Disaster drills for other than fire shall be held twice annually for each shift of facility personnel. Drills shall be held under varied conditions to:
- 1) Ensure that all personnel on all shifts are trained to perform assigned tasks;
 - 2) Ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment in the facility; and
 - 3) Evaluate the effectiveness of disaster plans and procedures.
- d) Fire drills shall include simulation of the evacuation of residents to safe areas during at least one drill each year on each shift.
- e) The facility shall provide ~~There shall be special provisions~~ for the evacuation of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

physically handicapped persons, including those who are hearing or sight impaired.

- f) ~~If~~Where the welfare of the residents precludes an actual evacuation of an entire building, the facility shall conduct~~there must be~~ drills involving the evacuation of successive portions of the building under ~~such~~ conditions ~~that as to~~ assure the capability of evacuating the entire building with the personnel usually available, should the need arise.
- g) A written evaluation of each drill shall be submitted to the facility administrator and shall be maintained for one year.
- h) A written plan shall be developed for temporarily relocating the residents for any disaster requiring relocation and at any time that the temperature in residents' bedrooms falls below 55°F. for 12 hours or more.
- i) Reporting of Disasters
 - 1) Upon the occurrence of any disaster requiring hospital service, police, fire department or coroner, the facility administrator or designee ~~shall~~must provide a preliminary report to the Department either by using the nursing home hotline or by directly contacting the appropriate Department Regional Office during business hours. This preliminary report shall include, at a minimum:
 - A) The name and location of the facility;
 - B) The type of disaster;
 - C) The number of injuries or deaths to residents;
 - D) The number of beds not usable due to the occurrence;
 - E) An estimate of the extent of damages to the facility;
 - F) The type of assistance needed, if any; and
 - G) A list of other State or local agencies notified about the problem.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 2) If the disaster will not require direct Departmental assistance, the facility shall provide ~~at~~the preliminary report within 24 hours after the occurrence. Additionally, the facility shall submit a full written account to the Department within seven days after the occurrence, which includes the information specified in subsection (i)(1) of this Section and a statement of action taken by the facility after the preliminary report.
- j) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare, and comfort of all residents when the heat index/apparent temperature (see Section 390. Table F), as established by the National Oceanic and Atmospheric Administration, inside ~~the residents' living, dining, activities, or sleeping areas of~~ the facility exceeds ~~a heat index/apparent temperature of~~ 80°F.
- k) Coordination with Local Authorities
- 1) Annually, each facility shall forward copies of all disaster policies and plans required under this Section to the local health authority and local emergency management agency having jurisdiction.
 - 2) Annually, each facility shall forward copies of its emergency water supply agreements required under Section 390.2410(b), to the local health authority and local emergency management agency having jurisdiction.
 - 3) Each facility shall provide a description of its emergency source of electrical power, including the services connected to the source, to the local health authority and the local emergency management agency having jurisdiction. The facility shall inform the local health authority and local emergency management agency at any time that the emergency source of power or services connected to the source are changed.
 - 4) When requested by the local health authority and local emergency management agency, the facility shall participate in emergency planning activities.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.5020 Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 5/505
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the regulation dealing with extensions of time to file returns to reflect the new withholding provisions for pass-through entities, to remove unnecessary references to specific forms, and to delete an erroneous citation of a federal income tax regulation regarding late payment penalties.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
100.8000	New Section	34 Ill. Reg. 6339; May 7, 2010
100.8010	New Section	34 Ill. Reg. 6339; May 7, 2010
100.9750	Amendment	34 Ill. Reg. 6566; May 14, 2010
100.3200	Amendment	
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses will receive updated guidance on the procedures for extensions of time to file returns.
 - 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 Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section	
100.2405	Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
100.2410	Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
100.2430	Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies
100.2450	IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
100.2455	Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
100.2470	Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
100.2480	Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
100.2490	Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section	
100.2580	Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
100.2590	Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section	
100.2655	Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
100.2680	Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND
APPORTIONMENT OF BASE INCOME

Section

100.3000	Terms Used in Article 3 (IITA Section 301)
100.3010	Business and Nonbusiness Income (IITA Section 301)
100.3015	Business Income Election (IITA Section 1501)
100.3020	Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section

100.3100	Compensation (IITA Section 302)
100.3110	State (IITA Section 302)
100.3120	Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3200	Taxability in Other State (IITA Section 303)
100.3210	Commercial Domicile (IITA Section 303)
100.3220	Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3310	Business Income of Persons Other Than Residents (IITA Section 304) – In General
100.3320	Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
100.3330	Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
100.3340	Business Income of Persons Other Than Residents (IITA Section 304)
100.3350	Property Factor (IITA Section 304)
100.3360	Payroll Factor (IITA Section 304)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.3370	Sales Factor (IITA Section 304)
100.3371	Sales Factor for Telecommunications Services
100.3380	Special Rules (IITA Section 304)
100.3390	Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3400	Apportionment of Business Income of Financial Organizations for Taxable Years Ending Prior to December 31, 2008 (IITA Section 304(c))
100.3405	Apportionment of Business Income of Financial Organizations for Taxable Years Ending on or after December 31, 2008 (IITA Section 304(c))
100.3420	Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
100.3500	Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

100.4500	Carryovers of Tax Attributes (IITA Section 405)
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SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

100.5000	Time for Filing Returns: Individuals (IITA Section 505)
100.5010	Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020	Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030	Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040	Innocent Spouses
100.5050	Frivolous Returns
100.5060	Reportable Transactions
100.5070	List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions
100.5080	Registration of Tax Shelters (IITA Section 1405.5)

SUBPART O: COMPOSITE RETURNS

Section

100.5100	Composite Returns: Eligibility
100.5110	Composite Returns: Responsibilities of Authorized Agent
100.5120	Composite Returns: Individual Liability
100.5130	Composite Returns: Required forms and computation of Income

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest
100.5160	Composite Returns: Credits on Separate Returns
100.5170	Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.5180	Composite Returns: Overpayments and Underpayments

SUBPART P: COMBINED RETURNS

Section	
100.5200	Filing of Combined Returns
100.5201	Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section	
100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7035	Nonresident Partners, Subchapter S Corporation Shareholders, and Trust Beneficiaries (IITA Section 709.5)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section

- 100.7100 Withholding Exemption (IITA Section 702)
- 100.7110 Withholding Exemption Certificate (IITA Section 702)
- 100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section

- 100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

- 100.7300 Returns and Payments of Income Tax Withheld from Wages (IITA Sections 704 and 704A)
- 100.7310 Returns Filed and Payments Made on Annual Basis (IITA Section 704)
- 100.7320 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld Prior to January 1, 2008 (IITA Section 704)
- 100.7325 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld On or After January 1, 2008 (IITA Section 704A)
- 100.7330 Payment of Tax Required to be Shown Due on a Return (IITA Sections 704 and 704A)
- 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)
- 100.7350 Domestic Service Employment (IITA Sections 704 and 704A)
- 100.7360 Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
- 100.7370 Penalty and Interest Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)

SUBPART U: COLLECTION AUTHORITY

Section

- 100.9000 General Income Tax Procedures (IITA Section 901)
- 100.9010 Collection Authority (IITA Section 901)
- 100.9020 Child Support Collection (IITA Section 901)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART V: NOTICE AND DEMAND

Section
100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section
100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section
100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section
100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section
100.9500 Access to Books and Records (IITA Section 913)
100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510 Taxpayer Representation and Practice Requirements
100.9520 Conduct of Investigations and Hearings (IITA Section 914)
100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section
100.9600 Administrative Review Law (IITA Section 1201)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART BB: DEFINITIONS

Section	
100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9730	Investment Partnerships (IITA Section 1501(a)(11.5))
100.9750	Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section	
100.9800	Letter Ruling Procedures

SUBPART DD: MISCELLANEOUS

Section	
100.9900	Tax Shelter Voluntary Compliance Program
100.APPENDIX A	Business Income Of Persons Other Than Residents
100.TABLE A	Example of Unitary Business Apportionment
100.TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. _____, effective _____.

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)

- a) Tentative Payments. An extension of time to file a return permitted under this Section is not to be construed as an extension by the Department of the time for payment of tax due on such return.
- b) Automatic Illinois Extensions. The Department will grant an automatic extension of 6 months (7 months for corporations) to file any Illinois income tax return except [returns due under Article 7 of the IITA](#) ~~Form IL-941~~. No application form need be filed by a taxpayer to obtain this extension. If a balance of tentative tax is due, the taxpayer should transmit the payment with the appropriate form (~~Form IL-505-I and Form IL-505-B~~) by the original filing due date in order to avoid the penalty for underpayment of tax (IITA Section 1005) and statutory interest (IITA Section 1003).
- c) Additional Extensions Beyond the Automatic Extension Period. The Department will approve an extension of more than 6 months (7 months for corporations) if an

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

extension of more than 6 months is granted by the Internal Revenue Service. For corporations the additional Illinois extension will be one month beyond any approved federal extension of longer than 6 months. For all other taxpayers, the additional extension will be for the length of time approved by the Internal Revenue Service. All taxpayers must attach a copy of the approved federal extension to their return when it is filed.

d) Penalty and Interest on Underpayment of Tax

1) IITA Section 1005 Penalty

A penalty of 6% per annum on any tax underpayment shall be assessed if the amount of tax required to be shown on a return is not paid on or before the date required for filing the return (determined without regard to any extension of time to file) for returns due prior to January 1, 1994. For returns due on and after January 1, 1994, without regard to extensions, the penalty shall be determined in the manner and at the rate prescribed by the UPIA, Uniform Penalty and Interest Act [35 ILCS 735/3] ("the UPIA") and 86 Ill. Adm. Code 700. However, (as specified in the Internal Revenue Code Regulations, 26 CFR 301.6651-1(c)(3)), no penalty will be assessed if the amount of the underpayment is 10% or less of the amount of tax required to be shown on the return and the taxpayer pays such amount due by the extended due date.

- 2) IITA Section 1003 Interest. Interest at the rate of 9% per annum (or at such adjusted rate as is established under 26 USCIRC Section 6621(b)) will be assessed for the period from the due date of the return to the date of payment for any amount of tax not paid on or before the due date (determined without regard to any extension) for returns due before January 1, 1994. For returns due on and after January 1, 1994, without regard to extensions, the penalty shall be determined in the manner and at the rate prescribed by the UPIA, Uniform Penalty and Interest Act [35 ILCS 735/3] ("the UPIA") and 86 Ill. Adm. Code 700.

e) Late Filing Penalty

- 1) The Department will not assess IITA Section 1001 late filing penalty for the period of any extension provided by the IITA and this regulation.
- 2) For returns due prior to January 1, 1994, *in case of failure to file any tax*

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

return required under this Act on the date prescribed therefor (determined with regard to any extensions of time for filing), unless it is shown that such failure is due to reasonable cause (as defined in ~~Section 6651 of the Internal Revenue Code~~, 26 USC 6651) there shall be added as a penalty to the amount required to be shown as tax on such return 7.5% of the amount of such tax if the failure is not for more than one month, with an additional 7.5% for each additional month or fraction thereof during which such failure continues, not exceeding 37.5% in the aggregate. (Section 1001 of the IITA, effective until January 1, 1994):

- 3) For returns due on and after January 1, 1994, without regard to extensions, in case of failure to file any tax return required under this Act on the date prescribed therefor, (determined with regard to any extensions of time for filing) there shall be added as a penalty the amount prescribed by Section 3-3 of the UPIA, Uniform Penalty and Interest Act. (Section 1001 of the IITA, effective January 1, 1994)

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.APPENDIX A TABLE I	Amendment
310.APPENDIX A TABLE R	Amendment
310.APPENDIX A TABLE W	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table I to reflect the Memorandum of Understanding (MOU) between the American Federation of State, County and Municipal Employees (AFSCME) and the State of Illinois signed April 16, 2010. The MOU assigns the Laundry Manager I title positions at the Department of Veterans' Affairs to the RC-009 bargaining unit and pay grade RC-009-23, effective November 20, 2009.

Section 310.Appendix A Table R is amended to reflect the MOU between AFSCME and the State of Illinois signed April 16, 2010. The MOU assigns the Sign Shop Foreman title positions at the Department of Transportation to the RC-042 bargaining unit and pay grade RC-042-07, effective November 6, 2009.

Section 310.Appendix A Table W is amended to reflect the corrected MOU between AFSCME and the State of Illinois signed April 20, 2010. The corrected MOU assigns the Gaming Senior Special Agent, Gaming Special Agent and Gaming Special Agent Trainee to the RC-062 bargaining unit and pay grades RC-062-023Q, RC-062-19Q, and RC-062-14Q, respectively, effective March 17, 2010. The Gaming Senior Special Agent, Gaming Special Agent and Gaming Special Agent Trainee classifications were established and approved by the Civil Service Commission effective April 1, 2010.
- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].
- 6) Effective Date: May 14, 2010
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Table I, the Laundry Manager I title, title code and pay grade assignment are added to the title table.

In Section 310.Appendix A Table R, the Sign Shop Foreman title, title code and pay grade assignment are added to the title table.

In Section 310.Appendix A Table W, the Gaming Senior Special Agent, Gaming Special Agent and Gaming Special Agent Trainee titles, title codes and pay grade assignments are added to the title table.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: May 14, 2010
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
310.47	Amendment	34 Ill. Reg. 2832; March 5, 2010
310.Appendix A Table D	Amendment	34 Ill. Reg. 2832; March 5, 2010
310.Appendix A Table E	Amendment	34 Ill. Reg. 2832; March 5, 2010
310.Appendix A Table F	Amendment	34 Ill. Reg. 2832; March 5, 2010
310.Appendix A Table Q	Amendment	34 Ill. Reg. 2832; March 5, 2010
310.Appendix A Table X	Amendment	34 Ill. Reg. 2832; March 5, 2010
310.20	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.40	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.47	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.50	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.80	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.90	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.100	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.110	Repealed	34 Ill. Reg. 3910; April 2, 2010
310.130	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.210	Amendment	34 Ill. Reg. 3910; April 2, 2010

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.220	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.260	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.280	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.410	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.440	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.455	Repealed	34 Ill. Reg. 3910; April 2, 2010
310.490	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.500	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.530	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table A	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table B	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table C	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table D	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table E	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table F	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table G	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table H	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table I	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table J	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table K	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table M	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table N	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table O	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table P	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table Q	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table R	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table S	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table T	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table U	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table V	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table W	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table X	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table Y	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table Z	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table AA	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix A Table AB	Amendment	34 Ill. Reg. 3910; April 2, 2010
310.Appendix D	Amendment	34 Ill. Reg. 3910; April 2, 2010

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding these peremptory amendments shall be directed to:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-7964
Fax: 217/524-4570
CMS.PayPlan@Illinois.gov

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hiring Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.270	Legislated Rate
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

310.TABLE A RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)

310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' –

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

	ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Repealed)
310.APPENDIX C	Medical Administrator Rates (Repealed)
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE I RC-009 (Institutional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Activity Program Aide I	00151	RC-009	03
Activity Program Aide II	00152	RC-009	05
Apparel/Dry Goods Specialist I	01231	RC-009	05
Apparel/Dry Goods Specialist II	01232	RC-009	09
Apparel/Dry Goods Specialist III	01233	RC-009	23
Clinical Laboratory Associate	08200	RC-009	08
Clinical Laboratory Phlebotomist	08213	RC-009	06
Clinical Laboratory Technician I	08215	RC-009	16
Clinical Laboratory Technician II	08216	RC-009	22
Cook I	09601	RC-009	07
Cook II	09602	RC-009	14
Educator Aide	13130	RC-009	19
Facility Assistant Fire Chief	14430	RC-009	21
Facility Fire Safety Coordinator	14435	RC-009	21
Facility Firefighter	14439	RC-009	16
Florist II	15652	RC-009	19
Institutional Maintenance Worker	21465	RC-009	10
Laboratory Assistant	22995	RC-009	02
Laboratory Associate I	22997	RC-009	16
Laboratory Associate II	22998	RC-009	22
<u>Laundry Manager I</u>	<u>23191</u>	<u>RC-009</u>	<u>23</u>
Licensed Practical Nurse I	23551	RC-009	16
Licensed Practical Nurse II	23552	RC-009	21
Locksmith	24300	RC-009	27
Mental Health Technician I	27011	RC-009	05
Mental Health Technician II	27012	RC-009	09
Mental Health Technician III	27013	RC-009	12
Mental Health Technician IV	27014	RC-009	14
Mental Health Technician V	27015	RC-009	17
Mental Health Technician VI	27016	RC-009	18
Mental Health Technician Trainee I	27021	RC-009	01
Musician	28805	RC-009	12
Pest Control Operator	31810	RC-009	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Physical Therapy Aide I	32191	RC-009	04
Physical Therapy Aide II	32192	RC-009	10
Physical Therapy Aide III	32193	RC-009	17
Rehabilitation Workshop Instructor I	38192	RC-009	12
Rehabilitation Workshop Instructor II	38193	RC-009	20
Residential Care Worker	38277	RC-009	20
Residential Care Worker Trainee	38279	RC-009	11
Security Therapy Aide I	39901	RC-009	24
Security Therapy Aide II	39902	RC-009	25
Security Therapy Aide III	39903	RC-009	26
Security Therapy Aide IV	33904	RC-009	27
Security Therapy Aide Trainee	39905	RC-009	13
Social Service Aide I	41281	RC-009	12
Social Service Aide II	41282	RC-009	17
Social Service Aide Trainee	41285	RC-009	02
Support Service Coordinator I	44221	RC-009	15
Support Service Coordinator II	44222	RC-009	22
Support Service Lead	44225	RC-009	07
Support Service Worker	44238	RC-009	04
Transportation Officer	45830	RC-009	25
Veterans Nursing Assistant – Certified	47750	RC-009	12

Effective July 1, 2009
Bargaining Unit: RC-009

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
01	B	2321	2376	2433	2488	2556	2616	2678	2743	2856	2970
01	Q	2413	2469	2529	2585	2655	2720	2784	2850	2970	3089
02	B	2373	2431	2488	2556	2623	2682	2758	2819	2939	3058
02	Q	2466	2527	2585	2655	2724	2788	2866	2930	3056	3178
03	B	2390	2449	2508	2585	2669	2753	2840	2930	3049	3172
03	Q	2485	2543	2605	2687	2774	2861	2955	3046	3171	3297

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

04	B	2434	2492	2551	2616	2681	2753	2824	2889	3010	3131
04	Q	2530	2590	2651	2720	2787	2861	2935	3003	3132	3257
05	B	2451	2510	2570	2649	2733	2819	2909	3002	3123	3249
05	Q	2546	2607	2672	2755	2844	2930	3027	3122	3248	3378
06	B	2503	2565	2627	2696	2768	2846	2918	2999	3126	3251
06	Q	2601	2664	2727	2802	2879	2960	3037	3118	3251	3381
07	B	2558	2617	2682	2765	2834	2917	2996	3075	3207	3335
07	Q	2657	2721	2788	2873	2949	3036	3116	3200	3342	3475
08	B	2571	2635	2696	2772	2854	2934	3012	3098	3239	3368
08	Q	2673	2736	2802	2882	2968	3050	3134	3222	3372	3508
09	B	2578	2642	2707	2791	2881	2971	3068	3169	3306	3437
09	Q	2680	2746	2814	2903	2994	3091	3191	3299	3442	3579
10	B	2637	2700	2765	2846	2925	3011	3094	3184	3332	3466
10	Q	2739	2805	2873	2960	3041	3133	3217	3315	3470	3609
11	B	2642	2707	2772	2860	2944	3037	3120	3208	3360	3494
11	Q	2746	2814	2882	2976	3061	3160	3244	3343	3499	3640
12	B	2654	2719	2787	2876	2968	3063	3160	3266	3409	3545
12	Q	2760	2828	2899	2990	3087	3186	3289	3404	3551	3693
13	B	2722	2790	2860	2949	3043	3137	3238	3333	3490	3630
13	Q	2831	2902	2976	3067	3167	3264	3370	3471	3637	3783
14	B	2727	2795	2867	2957	3057	3150	3256	3368	3517	3657
14	Q	2837	2908	2981	3076	3178	3279	3391	3508	3666	3813

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

15	B	2789	2858	2930	3021	3122	3220	3328	3425	3591	3734
15	Q	2901	2974	3046	3141	3247	3353	3468	3567	3744	3894
16	B	2811	2881	2952	3060	3150	3254	3357	3461	3638	3784
16	Q	2921	2994	3071	3182	3279	3390	3496	3606	3798	3950
17	B	2814	2883	2955	3049	3150	3253	3365	3478	3652	3798
17	Q	2923	2996	3074	3171	3279	3389	3506	3626	3813	3965
18	B	2838	2909	2982	3077	3184	3288	3400	3515	3681	3827
18	Q	2953	3027	3103	3203	3315	3425	3543	3664	3842	3995
19	B	2879	2950	3024	3137	3239	3345	3454	3561	3749	3899
19	Q	2992	3069	3144	3264	3372	3484	3598	3713	3913	4070
20	B	2902	2974	3049	3160	3264	3377	3487	3601	3819	3972
20	Q	3018	3094	3171	3289	3401	3517	3635	3756	3989	4148
21	B	2982	3059	3135	3243	3345	3459	3576	3698	3900	4058
21	Q	3103	3181	3262	3377	3484	3603	3728	3862	4072	4235
22	B	3027	3103	3184	3301	3409	3536	3652	3787	3990	4149
22	Q	3148	3229	3315	3437	3551	3687	3813	3951	4167	4333
23	B	3099	3179	3260	3380	3497	3631	3755	3878	4091	4254
23	Q	3223	3308	3395	3522	3647	3787	3922	4048	4275	4445
24	B	3104	3185	3266	3386	3509	3642	3774	3908	4118	4285
24	Q	3230	3316	3404	3528	3658	3801	3938	4085	4309	4481
25	B	3365	3455	3548	3690	3834	4000	4150	4314	4565	4747
25	Q	3506	3599	3699	3854	4005	4178	4339	4509	4772	4963

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

26	B	3496	3593	3691	3856	4016	4185	4353	4517	4781	4971
26	Q	3645	3748	3855	4024	4195	4374	4550	4719	4998	5199
27	B	3664	3765	3871	4036	4212	4386	4559	4729	5000	5201
27	Q	3823	3932	4044	4218	4403	4584	4763	4943	5222	5431

Effective January 1, 2010
Bargaining Unit: RC-009

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
01	B	2367	2424	2482	2538	2607	2668	2732	2798	2913	3029
01	Q	2461	2518	2580	2637	2708	2774	2840	2907	3029	3151
02	B	2420	2480	2538	2607	2675	2736	2813	2875	2998	3119
02	Q	2515	2578	2637	2708	2778	2844	2923	2989	3117	3242
03	B	2438	2498	2558	2637	2722	2808	2897	2989	3110	3235
03	Q	2535	2594	2657	2741	2829	2918	3014	3107	3234	3363
04	B	2483	2542	2602	2668	2735	2808	2880	2947	3070	3194
04	Q	2581	2642	2704	2774	2843	2918	2994	3063	3195	3322
05	B	2500	2560	2621	2702	2788	2875	2967	3062	3185	3314
05	Q	2597	2659	2725	2810	2901	2989	3088	3184	3313	3446
06	B	2553	2616	2680	2750	2823	2903	2976	3059	3189	3316
06	Q	2653	2717	2782	2858	2937	3019	3098	3180	3316	3449
07	B	2609	2669	2736	2820	2891	2975	3056	3137	3271	3402
07	Q	2710	2775	2844	2930	3008	3097	3178	3264	3409	3545

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

08	B	2622	2688	2750	2827	2911	2993	3072	3160	3304	3435
08	Q	2726	2791	2858	2940	3027	3111	3197	3286	3439	3578
09	B	2630	2695	2761	2847	2939	3030	3129	3232	3372	3506
09	Q	2734	2801	2870	2961	3054	3153	3255	3365	3511	3651
10	B	2690	2754	2820	2903	2984	3071	3156	3248	3399	3535
10	Q	2794	2861	2930	3019	3102	3196	3281	3381	3539	3681
11	B	2695	2761	2827	2917	3003	3098	3182	3272	3427	3564
11	Q	2801	2870	2940	3036	3122	3223	3309	3410	3569	3713
12	B	2707	2773	2843	2934	3027	3124	3223	3331	3477	3616
12	Q	2815	2885	2957	3050	3149	3250	3355	3472	3622	3767
13	B	2776	2846	2917	3008	3104	3200	3303	3400	3560	3703
13	Q	2888	2960	3036	3128	3230	3329	3437	3540	3710	3859
14	B	2782	2851	2924	3016	3118	3213	3321	3435	3587	3730
14	Q	2894	2966	3041	3138	3242	3345	3459	3578	3739	3889
15	B	2845	2915	2989	3081	3184	3284	3395	3494	3663	3809
15	Q	2959	3033	3107	3204	3312	3420	3537	3638	3819	3972
16	B	2867	2939	3011	3121	3213	3319	3424	3530	3711	3860
16	Q	2979	3054	3132	3246	3345	3458	3566	3678	3874	4029
17	B	2870	2941	3014	3110	3213	3318	3432	3548	3725	3874
17	Q	2981	3056	3135	3234	3345	3457	3576	3699	3889	4044
18	B	2895	2967	3042	3139	3248	3354	3468	3585	3755	3904
18	Q	3012	3088	3165	3267	3381	3494	3614	3737	3919	4075

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

19	B	2937	3009	3084	3200	3304	3412	3523	3632	3824	3977
19	Q	3052	3130	3207	3329	3439	3554	3670	3787	3991	4151
20	B	2960	3033	3110	3223	3329	3445	3557	3673	3895	4051
20	Q	3078	3156	3234	3355	3469	3587	3708	3831	4069	4231
21	B	3042	3120	3198	3308	3412	3528	3648	3772	3978	4139
21	Q	3165	3245	3327	3445	3554	3675	3803	3939	4153	4320
22	B	3088	3165	3248	3367	3477	3607	3725	3863	4070	4232
22	Q	3211	3294	3381	3506	3622	3761	3889	4030	4250	4420
23	B	3161	3243	3325	3448	3567	3704	3830	3956	4173	4339
23	Q	3287	3374	3463	3592	3720	3863	4000	4129	4361	4534
24	B	3166	3249	3331	3454	3579	3715	3849	3986	4200	4371
24	Q	3295	3382	3472	3599	3731	3877	4017	4167	4395	4571
25	B	3432	3524	3619	3764	3911	4080	4233	4400	4656	4842
25	Q	3576	3671	3773	3931	4085	4262	4426	4599	4867	5062
26	B	3566	3665	3765	3933	4096	4269	4440	4607	4877	5070
26	Q	3718	3823	3932	4104	4279	4461	4641	4813	5098	5303
27	B	3737	3840	3948	4117	4296	4474	4650	4824	5100	5305
27	Q	3899	4011	4125	4302	4491	4676	4858	5042	5326	5540

(Source: Amended by preemptory rulemaking at 34 Ill. Reg. 7528, effective May 14, 2010)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE R RC-042 (Residual Maintenance Workers, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Building/Grounds Laborer	05598	RC-042	01
Building/Grounds Lead I	05601	RC-042	04
Building/Grounds Lead II	05602	RC-042	05
Building/Grounds Maintenance Worker	05613	RC-042	02
Building/Grounds Supervisor	05605	RC-042	07
Intermittent Laborer (Maintenance) (Hourly)	21687	RC-042	01H
Race Track Maintainer I	37551	RC-042	03
Race Track Maintainer II	37552	RC-042	06
Refrigeration & Air Conditioning Repairer	38119	RC-042	07
<u>Sign Shop Foreman</u>	<u>41000</u>	<u>RC-042</u>	<u>07</u>

Effective July 1, 2009
Bargaining Unit: RC-042

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
01	B	2806	2987	3061	3165	3267	3385	3496	3605	3796	3948
01	Q	2917	3105	3184	3297	3405	3527	3645	3760	3964	4122
01	S	2984	3169	3247	3362	3470	3594	3714	3831	4033	4194
01H	B	17.20	18.31	18.76	19.40	20.03	20.75	21.43	22.10	23.27	24.20
01H	Q	17.88	19.03	19.52	20.21	20.87	21.62	22.34	23.05	24.30	25.27
01H	S	18.29	19.43	19.90	20.61	21.27	22.03	22.77	23.49	24.72	25.71
02	B	3005	3103	3184	3301	3409	3536	3652	3787	3990	4149
02	Q	3124	3229	3315	3437	3551	3687	3813	3951	4167	4333
02	S	3190	3295	3379	3503	3618	3758	3885	4025	4241	4411
03	B	3051	3217	3304	3425	3556	3688	3823	3967	4186	4354

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

03	Q	3173	3351	3441	3567	3707	3853	3993	4140	4375	4550
03	S	3239	3418	3507	3636	3778	3926	4064	4216	4451	4629
04	B	3068	3217	3304	3425	3556	3688	3823	3967	4186	4354
04	Q	3191	3351	3441	3567	3707	3853	3993	4140	4375	4550
04	S	3254	3418	3507	3636	3778	3926	4064	4216	4451	4629
05	B	3280	3487	3581	3740	3894	4046	4212	4368	4631	4815
05	Q	3417	3635	3737	3901	4064	4227	4403	4565	4837	5032
05	S	3484	3704	3807	3974	4135	4303	4477	4638	4914	5110
06	B	3383	3487	3581	3740	3894	4046	4212	4368	4631	4815
06	Q	3525	3635	3737	3901	4064	4227	4403	4565	4837	5032
06	S	3592	3704	3807	3974	4135	4303	4477	4638	4914	5110
07	B	3424	3487	3581	3740	3894	4046	4212	4368	4631	4815
07	Q	3566	3635	3737	3901	4064	4227	4403	4565	4837	5032
07	S	3635	3704	3807	3974	4135	4303	4477	4638	4914	5110

Effective January 1, 2010
Bargaining Unit: RC-042

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
01	B	2862	3047	3122	3228	3332	3453	3566	3677	3872	4027
01	Q	2975	3167	3248	3363	3473	3598	3718	3835	4043	4204
01	S	3044	3232	3312	3429	3539	3666	3788	3908	4114	4278
01H	B	17.54	18.68	19.14	19.79	20.43	21.17	21.86	22.54	23.74	24.69
01H	Q	18.24	19.41	19.91	20.62	21.29	22.06	22.79	23.51	24.78	25.77
01H	S	18.66	19.81	20.30	21.02	21.70	22.47	23.22	23.96	25.22	26.23

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

02	B	3065	3165	3248	3367	3477	3607	3725	3863	4070	4232
02	Q	3186	3294	3381	3506	3622	3761	3889	4030	4250	4420
02	S	3254	3361	3447	3573	3690	3833	3963	4106	4326	4499
03	B	3112	3281	3370	3494	3627	3762	3899	4046	4270	4441
03	Q	3236	3418	3510	3638	3781	3930	4073	4223	4463	4641
03	S	3304	3486	3577	3709	3854	4005	4145	4300	4540	4722
04	B	3129	3281	3370	3494	3627	3762	3899	4046	4270	4441
04	Q	3255	3418	3510	3638	3781	3930	4073	4223	4463	4641
04	S	3319	3486	3577	3709	3854	4005	4145	4300	4540	4722
05	B	3346	3557	3653	3815	3972	4127	4296	4455	4724	4911
05	Q	3485	3708	3812	3979	4145	4312	4491	4656	4934	5133
05	S	3554	3778	3883	4053	4218	4389	4567	4731	5012	5212
06	B	3451	3557	3653	3815	3972	4127	4296	4455	4724	4911
06	Q	3596	3708	3812	3979	4145	4312	4491	4656	4934	5133
06	S	3664	3778	3883	4053	4218	4389	4567	4731	5012	5212
07	B	3492	3557	3653	3815	3972	4127	4296	4455	4724	4911
07	Q	3637	3708	3812	3979	4145	4312	4491	4656	4934	5133
07	S	3708	3778	3883	4053	4218	4389	4567	4731	5012	5212

(Source: Amended by peremptory rulemaking at 34 Ill. Reg. 7528, effective May 14, 2010)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accountant Supervisor	00135	RC-062	18
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22
Behavioral Analyst Associate	04355	RC-062	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Behavioral Analyst I	04351	RC-062	17
Behavioral Analyst II	04352	RC-062	19
Business Administrative Specialist	05810	RC-062	16
Business Manager	05815	RC-062	18
Buyer	05900	RC-062	18
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child Support Specialist I	07198	RC-062	16
Child Support Specialist II	07199	RC-062	17
Child Support Specialist Trainee	07200	RC-062	12
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option I	07241	RC-062	12
Children and Family Service Intern – Option II	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20
Conservation Grant Administrator III	09313	RC-062	22

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17
Correctional Counselor III	09663	RC-062	19
Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Data Processing Supervisor I	11435	RC-062	11
Data Processing Supervisor II	11436	RC-062	14
Data Processing Supervisor III	11437	RC-062	18
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietary Manager I	12501	RC-062	16
Dietary Manager II	12502	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21
Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Economic Development Representative I	12931	RC-062	17
Economic Development Representative II	12932	RC-062	19
Educator – Provisional	13105	RC-062	12

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Employment Security Field Office Supervisor	13600	RC-062	20
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19
Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Executive I	13851	RC-062	18
Executive II	13852	RC-062	20
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Fire Protection Specialist I	15351	RC-062	16
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22
Forensic Scientist Trainee	15897	RC-062	15
Gaming Senior Special Agent	17191	RC-062	23
Gaming Special Agent	17192	RC-062	19
Gaming Special Agent Trainee	17195	RC-062	14

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13
Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Resources Representative	19692	RC-062	17
Human Resources Specialist	19693	RC-062	20
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Casework Manager	19788	RC-062	20
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17
Industrial and Community Development Representative II	21052	RC-062	19
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Internal Security Investigator I, not Department of Corrections	21731	RC-062	18
Internal Security Investigator II, not Department of Corrections	21732	RC-062	21
Juvenile Justice Youth and Family Specialist, Option 1	21991	RC-062	18
Juvenile Justice Youth and Family Specialist, Option 2	21992	RC-062	20
KidCare Supervisor	22003	RC-062	20
Labor Conciliator	22750	RC-062	20
Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14
Land Reclamation Specialist II	23132	RC-062	17
Liability Claims Adjuster I	23371	RC-062	14
Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Administrator I	26811	RC-062	18
Mental Health Administrator II	26812	RC-062	20
Mental Health Recovery Support Specialist I	26921	RC-062	17
Mental Health Recovery Support Specialist II	26922	RC-062	18
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14
Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15
Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician I	30961	RC-062	12
Pension and Death Benefits Technician II	30962	RC-062	19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Plumbing Consultant (Department of Public Health)	32910	RC-062	22
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Quality Control Supervisor	35900	RC-062	19
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Coordinator	36750	RC-062	18
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21
Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
Public Service Administrator, Option 7			
Gaming Board and Department of Revenue	37015	RC-062	24
Public Service Administrator, Options 8B and 8Y	37015	RC-062	23
Public Service Administrator, Option 8Z	37015	RC-062	19
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Rehabilitation Workshop Supervisor III	38196	RC-062	16
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Residential Services Supervisor	38280	RC-062	15
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Retirement System Disability Specialist	38310	RC-062	19
Revenue Audit Supervisor (IL)	38369	RC-062	25
Revenue Audit Supervisor (states other than IL, CA or NJ)	38369	RC-062	27
Revenue Audit Supervisor (CA or NJ)	38369	RC-062	29
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL, CA or NJ)	38371	RC-062	19
Revenue Auditor I (CA or NJ)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL, CA or NJ)	38372	RC-062	22
Revenue Auditor II (CA or NJ)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL, CA or NJ)	38373	RC-062	24
Revenue Auditor III (CA or NJ)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL, CA or NJ)	38375	RC-062	13
Revenue Auditor Trainee (CA or NJ)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17
Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL,	38425	RC-062	25

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

CA or NJ)			
Revenue Computer Audit Specialist (CA or NJ)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23
Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II (IL)	38572	RC-062	14
Revenue Tax Specialist II (states other than IL, CA or NJ)	38572	RC-062	17
Revenue Tax Specialist II (CA or NJ)	38572	RC-062	19
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
Site Assistant Superintendent I	41071	RC-062	15
Site Assistant Superintendent II	41072	RC-062	17
Site Interpretive Coordinator	41093	RC-062	13
Site Services Specialist I	41117	RC-062	15
Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15
Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
Staff Development Technician II	41782	RC-062	15
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22
Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12
Workers Compensation Insurance Compliance Investigator	49640	RC-062	20

NOTE: For the Revenue Audit Supervisor, Revenue Auditor I, II and III, Revenue Auditor Trainee, Revenue Computer Audit Specialist and Revenue Tax Specialist II position classification titles only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the employee's residence or position location (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

Effective July 1, 2009
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
09	B	2722	2790	2860	2949	3043	3137	3238	3333	3490	3630
09	Q	2831	2902	2976	3067	3167	3264	3370	3471	3637	3783
09	S	2898	2966	3038	3131	3231	3331	3438	3538	3706	3855
10	B	2811	2881	2952	3060	3150	3254	3357	3461	3638	3784
10	Q	2921	2994	3071	3182	3279	3390	3496	3606	3798	3950
10	S	2987	3059	3134	3246	3346	3456	3563	3678	3869	4024
11	B	2912	2987	3061	3165	3267	3385	3496	3605	3796	3948
11	Q	3029	3105	3184	3297	3405	3527	3645	3760	3964	4122
11	S	3094	3169	3247	3362	3470	3594	3714	3831	4033	4194
12	B	3027	3103	3184	3301	3409	3536	3652	3787	3990	4149
12	Q	3148	3229	3315	3437	3551	3687	3813	3951	4167	4333
12	S	3212	3295	3379	3503	3618	3758	3885	4025	4241	4411
12H	B	18.63	19.10	19.59	20.31	20.98	21.76	22.47	23.30	24.55	25.53
12H	Q	19.37	19.87	20.40	21.15	21.85	22.69	23.46	24.31	25.64	26.66
12H	S	19.77	20.28	20.79	21.56	22.26	23.13	23.91	24.77	26.10	27.14
13	B	3138	3217	3304	3425	3556	3688	3823	3967	4186	4354
13	Q	3266	3351	3441	3567	3707	3853	3993	4140	4375	4550
13	S	3332	3418	3507	3636	3778	3926	4064	4216	4451	4629

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

14	B	3267	3356	3445	3576	3716	3878	4020	4172	4416	4592
14	Q	3405	3495	3591	3728	3880	4048	4201	4361	4615	4798
14	S	3470	3562	3658	3802	3950	4122	4274	4436	4687	4874
14H	B	20.10	20.65	21.20	22.01	22.87	23.86	24.74	25.67	27.18	28.26
14H	Q	20.95	21.51	22.10	22.94	23.88	24.91	25.85	26.84	28.40	29.53
14H	S	21.35	21.92	22.51	23.40	24.31	25.37	26.30	27.30	28.84	29.99
15	B	3395	3487	3581	3740	3894	4046	4212	4368	4631	4815
15	Q	3537	3635	3737	3901	4064	4227	4403	4565	4837	5032
15	S	3603	3704	3807	3974	4135	4303	4477	4638	4914	5110
16	B	3548	3645	3749	3917	4091	4260	4439	4616	4888	5083
16	Q	3699	3805	3913	4091	4275	4454	4637	4824	5111	5316
16	S	3772	3877	3987	4165	4351	4531	4712	4900	5181	5388
17	B	3709	3817	3929	4109	4299	4481	4663	4852	5140	5346
17	Q	3872	3985	4099	4296	4493	4680	4871	5070	5371	5587
17	S	3944	4058	4173	4371	4569	4758	4946	5143	5450	5667
18	B	3901	4014	4134	4333	4536	4742	4934	5133	5439	5657
18	Q	4073	4193	4319	4533	4741	4957	5159	5364	5686	5913
18	S	4144	4270	4391	4604	4815	5031	5234	5441	5758	5989
19	B	4107	4228	4357	4579	4795	5017	5229	5447	5778	6010
19	J	4107	4228	4357	4579	4795	5017	5229	5447	5778	6010
19	Q	4293	4422	4553	4786	5008	5247	5465	5694	6037	6279
19	S	4369	4498	4630	4862	5085	5321	5541	5771	6112	6357
20	B	4343	4471	4603	4836	5061	5301	5533	5762	6111	6356
20	Q	4538	4672	4811	5053	5291	5542	5780	6022	6389	6644
20	S	4611	4747	4887	5128	5364	5616	5855	6096	6461	6719
21	B	4584	4720	4861	5112	5358	5608	5864	6108	6489	6748
21	U	4584	4720	4861	5112	5358	5608	5864	6108	6489	6748
21	Q	4791	4931	5080	5343	5598	5862	6128	6385	6781	7052

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

21	S	4865	5006	5156	5415	5673	5937	6203	6458	6856	7131
22	B	4845	4992	5139	5407	5671	5939	6215	6472	6875	7150
22	Q	5064	5215	5369	5651	5929	6206	6493	6766	7184	7471
22	S	5137	5290	5447	5724	6003	6279	6569	6843	7261	7551
23	B	5139	5292	5451	5740	6034	6321	6612	6899	7333	7627
23	Q	5369	5532	5700	6001	6309	6605	6911	7211	7662	7968
23	S	5447	5608	5774	6074	6382	6680	6985	7284	7737	8045
24	B	5469	5632	5802	6110	6431	6738	7050	7368	7830	8143
24	J	5469	5632	5802	6110	6431	6738	7050	7368	7830	8143
24	Q	5713	5888	6065	6388	6720	7043	7366	7700	8184	8511
24	S	5788	5961	6140	6460	6793	7117	7442	7776	8257	8587
25	B	5828	6004	6184	6522	6866	7209	7551	7895	8401	8738
25	J	5828	6004	6184	6522	6866	7209	7551	7895	8401	8738
25	Q	6093	6272	6461	6816	7173	7535	7894	8251	8780	9132
25	S	6165	6352	6537	6891	7247	7608	7966	8323	8855	9210
26	B	6159	6348	6599	6960	7329	7701	8060	8422	8966	9324
26	U	6159	6348	6599	6960	7329	7701	8060	8422	8966	9324
27	B	6511	6708	7044	7427	7820	8216	8601	8987	9568	9951
27	J	6511	6708	7044	7427	7820	8216	8601	8987	9568	9951
27	U	6511	6708	7044	7427	7820	8216	8601	8987	9568	9951
28	B	6833	7038	7392	7793	8205	8622	9025	9430	10041	10443
29	U	7170	7387	7757	8178	8610	9049	9471	9896	10536	10957

**Effective January 1, 2010
Bargaining Unit: RC-062**

**Pay Pay
Grade Plan**

S T E P S

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

	Code	1b	1a	1	2	3	4	5	6	7	8
09	B	2776	2846	2917	3008	3104	3200	3303	3400	3560	3703
09	Q	2888	2960	3036	3128	3230	3329	3437	3540	3710	3859
09	S	2956	3025	3099	3194	3296	3398	3507	3609	3780	3932
10	B	2867	2939	3011	3121	3213	3319	3424	3530	3711	3860
10	Q	2979	3054	3132	3246	3345	3458	3566	3678	3874	4029
10	S	3047	3120	3197	3311	3413	3525	3634	3752	3946	4104
11	B	2970	3047	3122	3228	3332	3453	3566	3677	3872	4027
11	Q	3090	3167	3248	3363	3473	3598	3718	3835	4043	4204
11	S	3156	3232	3312	3429	3539	3666	3788	3908	4114	4278
12	B	3088	3165	3248	3367	3477	3607	3725	3863	4070	4232
12	Q	3211	3294	3381	3506	3622	3761	3889	4030	4250	4420
12	S	3276	3361	3447	3573	3690	3833	3963	4106	4326	4499
12H	B	19.00	19.48	19.99	20.72	21.40	22.20	22.92	23.77	25.05	26.04
12H	Q	19.76	20.27	20.81	21.58	22.29	23.14	23.93	24.80	26.15	27.20
12H	S	20.16	20.68	21.21	21.99	22.71	23.59	24.39	25.27	26.62	27.69
13	B	3201	3281	3370	3494	3627	3762	3899	4046	4270	4441
13	Q	3331	3418	3510	3638	3781	3930	4073	4223	4463	4641
13	S	3399	3486	3577	3709	3854	4005	4145	4300	4540	4722
14	B	3332	3423	3514	3648	3790	3956	4100	4255	4504	4684
14	Q	3473	3565	3663	3803	3958	4129	4285	4448	4707	4894
14	S	3539	3633	3731	3878	4029	4204	4359	4525	4781	4971
14H	B	20.50	21.06	21.62	22.45	23.32	24.34	25.23	26.18	27.72	28.82
14H	Q	21.37	21.94	22.54	23.40	24.36	25.41	26.37	27.37	28.97	30.12
14H	S	21.78	22.36	22.96	23.86	24.79	25.87	26.82	27.85	29.42	30.59
15	B	3463	3557	3653	3815	3972	4127	4296	4455	4724	4911
15	Q	3608	3708	3812	3979	4145	4312	4491	4656	4934	5133
15	S	3675	3778	3883	4053	4218	4389	4567	4731	5012	5212

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

16	B	3619	3718	3824	3995	4173	4345	4528	4708	4986	5185
16	Q	3773	3881	3991	4173	4361	4543	4730	4920	5213	5422
16	S	3847	3955	4067	4248	4438	4622	4806	4998	5285	5496
17	B	3783	3893	4008	4191	4385	4571	4756	4949	5243	5453
17	Q	3949	4065	4181	4382	4583	4774	4968	5171	5478	5699
17	S	4023	4139	4256	4458	4660	4853	5045	5246	5559	5780
18	B	3979	4094	4217	4420	4627	4837	5033	5236	5548	5770
18	Q	4154	4277	4405	4624	4836	5056	5262	5471	5800	6031
18	S	4227	4355	4479	4696	4911	5132	5339	5550	5873	6109
19	B	4189	4313	4444	4671	4891	5117	5334	5556	5894	6130
19	J	4189	4313	4444	4671	4891	5117	5334	5556	5894	6130
19	Q	4379	4510	4644	4882	5108	5352	5574	5808	6158	6405
19	S	4456	4588	4723	4959	5187	5427	5652	5886	6234	6484
20	B	4430	4560	4695	4933	5162	5407	5644	5877	6233	6483
20	Q	4629	4765	4907	5154	5397	5653	5896	6142	6517	6777
20	S	4703	4842	4985	5231	5471	5728	5972	6218	6590	6853
21	B	4676	4814	4958	5214	5465	5720	5981	6230	6619	6883
21	U	4676	4814	4958	5214	5465	5720	5981	6230	6619	6883
21	Q	4887	5030	5182	5450	5710	5979	6251	6513	6917	7193
21	S	4962	5106	5259	5523	5786	6056	6327	6587	6993	7274
22	B	4942	5092	5242	5515	5784	6058	6339	6601	7013	7293
22	Q	5165	5319	5476	5764	6048	6330	6623	6901	7328	7620
22	S	5240	5396	5556	5838	6123	6405	6700	6980	7406	7702
23	B	5242	5398	5560	5855	6155	6447	6744	7037	7480	7780
23	Q	5476	5643	5814	6121	6435	6737	7049	7355	7815	8127
23	S	5556	5720	5889	6195	6510	6814	7125	7430	7892	8206
24	B	5578	5745	5918	6232	6560	6873	7191	7515	7987	8306
24	J	5578	5745	5918	6232	6560	6873	7191	7515	7987	8306
24	Q	5827	6006	6186	6516	6854	7184	7513	7854	8348	8681

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

24	S	5904	6080	6263	6589	6929	7259	7591	7932	8422	8759
25	B	5945	6124	6308	6652	7003	7353	7702	8053	8569	8913
25	J	5945	6124	6308	6652	7003	7353	7702	8053	8569	8913
25	Q	6215	6397	6590	6952	7316	7686	8052	8416	8956	9315
25	S	6288	6479	6668	7029	7392	7760	8125	8489	9032	9394
26	B	6282	6475	6731	7099	7476	7855	8221	8590	9145	9510
26	U	6282	6475	6731	7099	7476	7855	8221	8590	9145	9510
27	B	6641	6842	7185	7576	7976	8380	8773	9167	9759	10150
27	J	6641	6842	7185	7576	7976	8380	8773	9167	9759	10150
27	U	6641	6842	7185	7576	7976	8380	8773	9167	9759	10150
28	B	6970	7179	7540	7949	8369	8794	9206	9619	10242	10652
29	U	7313	7535	7912	8342	8782	9230	9660	10094	10747	11176

(Source: Amended by peremptory rulemaking at 34 Ill. Reg. 7528, effective May 14, 2010)

ILLINOIS RACING BOARD

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: 603.160
- 4) Date Proposal Published in Illinois Register: June 19, 2009; 33 Ill. Reg. 8135
- 5) Date Adoption Published in Illinois Register: August 25, 2009; 33 Ill. Reg. 12571
- 6) Summary and Purpose of Expedited Correction: When 603.160(d) was adopted, the Board failed to change the references in 603.160(e)(1) and (2) from (d)(3) to (e)(3).
- 7) Information and questions regarding this request shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 W. Randolph St.
Suite 7-701
Chicago, IL 60601

312/814-5017

ILLINOIS RACING BOARD

REQUEST FOR EXPEDITED CORRECTION

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603

MEDICATION

Section

603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.75	Environmental Contaminants
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests
603.190	Erythropoietin and Darbepoietin Antibody Testing Program
603.200	Out of Competition Testing
603.210	Anabolic Steroids

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

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August

ILLINOIS RACING BOARD

REQUEST FOR EXPEDITED CORRECTION

1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. 1478, effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended at 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. _____, effective August 25, 2009.

Section 603.160 Penalties

- a) Any person who administers or conspires to administer any foreign substance to any horse in violation of this Part shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed.
- b) Penalties for violations of this Part shall be based on the following criteria:
 - 1) the nature of the foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;
 - 2) the accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;
 - 3) the age and experience of the violator;
 - 4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - 5) what action, if any, was taken by the violator to avoid the violation;
 - 6) the purse of the race.

ILLINOIS RACING BOARD

REQUEST FOR EXPEDITED CORRECTION

- c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board shall consider all relevant factors including, but not limited to those specified in this Part.
- d) In harness racing, any trainer suspended for a violation of this Part shall, upon notice of the violation, submit to the Stewards a current stable list on a form provided by the Board.
- 1) The horses on the stable list shall be placed on the Steward's List unless:
 - A) The owner of each horse on the stable list secures the services of a trainer approved by the Stewards; and
 - B) The approved trainer stables the horses on the stable list on the grounds of an organization licensee for the full term of the penalized trainer's suspension;
 - 2) Horses on the stable list shall be permitted to leave to race in other racing jurisdictions or for medical reasons.
- e) Penalties for Class 4 and 5 drug violations:
- 1) Class 4 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 2343 Alexandria Drive, Suite 200, Lexington KY 40504; April 2005; this incorporation includes no later amendments or editions). Except as provided in Sections 603.60 and 603.70 of this Part, upon finding of a Class 4 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection ~~(e)~~(d)(3).
 - 2) Class 5 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances. Except as provided in Sections 603.75 and 603.60(c) of this Part, upon finding of a Class 5 substance, the trainer shall be subject to a fine and/or

ILLINOIS RACING BOARD

REQUEST FOR EXPEDITED CORRECTION

license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection ~~(e)(4)~~(3).

- 3) In determining a disqualification and purse redistribution under this subsection (e), the Stewards shall use the following criteria:
 - A) A recommendation by the Board veterinarian and/or Board chemist regarding the significance of the concentration of the drug or metabolite present and the estimated withdrawal time.
 - B) A recommendation by industry experts, including equine pharmacologists and equine physiologists, regarding the effect of the drug on the horse in the concentration found and/or estimated withdrawal times.
 - C) Repeat violations of these medication and prohibited substance rules by the same trainer or with respect to the same horse.
 - D) Prior violations of similar rules in other racing jurisdictions by the same trainer or with respect to the same horse.
 - E) The criteria set forth in subsection (b).
- 4) The provisions of this subsection (e) shall be applied retroactively when substantively applicable, including all actions pending before the Board, without regard to when the cause of action accrued; provided, however, that this subsection (e)(4) shall not operate to affect rights of individuals that have fully vested prior to April 23, 2007.

(Source: Expedited Correction at 34 Ill. Reg. _____, effective August 25, 2009)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

ILLINOIS STUDENT ASSISTANCE COMMISSION

Heading of the Part: Forensic Science Grant Program (Repealer)

Code Citation: 23 Ill. Adm. Code 2742

Section Numbers: 2742.10 2742.20 2742.30 2742.40

Date Originally Published in the Illinois Register: 1/22/10
34 Ill. Reg. 1374

At its meeting on May 11, 2010, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that, if ISAC believes the Forensic Science Grant Program will not be funded, it seek repeal of the underlying statute as well.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERALLY ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

ENVIRONMENTAL PROTECTION AGENCY

Heading of the Part: Procedures for Collection of Air Pollution Site Fees

Code Citation: 35 Ill. Adm. Code 251

Section Numbers: 251.201 251.210 251.301

Date Originally Published in the Illinois Register: 1/22/10
34 Ill. Reg. 1251

At its meeting on May 11, 2010, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that EPA be more timely in updating its rules to reflect statutory changes.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 11, 2010 through May 17, 2010 and have been scheduled for review by the Committee at its June 15, 2010 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
6/25/10	<u>Department of Public Health</u> , Physical Fitness Facility Medical Emergency Preparedness Code (77 Ill. Adm. Code 527)	7/24/09 33 Ill. Reg. 10947	6/15/10
6/26/10	<u>Secretary of State</u> , Enhanced Skills Driving Schools (92 Ill. Adm. Code 1065)	2/19/10 34 Ill. Reg. 2680	6/15/10
6/27/10	<u>Department of Agriculture</u> , Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (8 Ill. Adm. Code 270)	2/16/10 34 Ill. Reg. 2372	6/15/10
6/30/10	<u>Department of Human Services</u> , Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)	1/29/10 34 Ill. Reg. 1512	6/15/10

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 34, Issue 22 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

14 - 523	.....	7340
83 - 300	.....	7349
83 - 730	.....	7360
20 - 505	.....	7386
2 - 1620	.....	7394
77 - 630	.....	7428
77 - 300	.....	7445
77 - 330	.....	7461
77 - 340	7475
77 - 350	7485
77 - 390	7500
86 - 100	7513

PEREMPTORY RULES

80 - 310	5/14/2010	7528
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**REQUEST FOR EXPEDITED
CORRECTION**

11 - 603	7570
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**JOINT COMMITTEE ON
ADMINISTRATIVE RULES
STATEMENTS OF RECOMMENDATION**

23 - 2742	7575
35 - 251	7576

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