

2010 ILLINOIS REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

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

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
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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
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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

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Program
- 2) Code Citation: 35 Ill. Adm. Code 1500
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1500.30	Amended Section
1500.55	Amended Section
1500.60	Amended Section
- 4) Statutory Authority: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking prescribes the civil penalties for persons who sell or transfer drycleaning solvent to an unlicensed drycleaner and who fail to properly and correctly complete the tax return and supporting schedules associated with the collection and remittance of the drycleaning solvent tax. The proposed rulemaking also amends the appeal process and references to the license late payment penalty as prescribed by Public Act 96-774.
- 6) Published studies or reports, and series of data, used to compose this rulemaking: No
- 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 pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

H. Patrick Eriksen
Drycleaner Environmental Response Trust Fund Council of Illinois

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PO Box 480
Bensenville, IL 60106-0480

630/741-0022

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses engaged in selling drycleaning solvents will be affected. The proposed regulations will require them to verify the drycleaner is licensed by the Fund Council prior to selling and/or delivering drycleaning solvent to the drycleaner and to properly and correctly complete the required tax return and supporting schedules. Failure to verify the license prior to a solvent delivery and failure to properly and correctly complete the required tax return and supporting schedules will result in assessment of a civil penalty. Most persons selling and/or delivering drycleaning solvent currently verify the license prior to the solvent delivery and properly and correctly complete the required tax returns. The proposed amendments to the appeal process will have minimal impact. There should be no effect on small municipalities or not-for-profit corporations.
- B) Reporting bookkeeping or other procedures required for compliance: Small business distributors of drycleaning solvent will need to document taxable solvent sales by drycleaning facility name, address and Fund issued license number.
- 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 Amendments begins on the next page:

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS
SUBTITLE N: DRYCLEANING
CHAPTER V: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS

PART 1500
GENERAL PROGRAM

Section

1500.10	General
1500.20	Definitions
1500.30	Drycleaning Facility License
1500.40	Drycleaner Remedial Account
1500.50	Drycleaner Facility Insurance Account
1500.55	Drycleaning Solvent Tax
1500.60	Appeals
1500.70	Forms

AUTHORITY: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20].

SOURCE: Emergency rule adopted at 24 Ill. Reg. 307, effective January 1, 2000, for a maximum of 150 days; emergency expired May 29, 2000; adopted at 24 Ill. Reg. 10162, effective June 26, 2000; amended at 28 Ill. Reg. 9051, effective June 21, 2004; amended at 30 Ill. Reg. 7939, effective April 13, 2006; amended at 30 Ill. Reg. 19631, effective December 12, 2006; amended at 31 Ill. Reg. 5756, effective March 27, 2007; amended at 32 Ill. Reg. 16406, effective September 26, 2008; amended at 34 Ill. Reg. _____, effective _____.

Section 1500.30 Drycleaning Facility License

- a) *On and after January 1, 1998, every active drycleaning facility must obtain a license from the Council. No person shall operate a drycleaning facility in this State without a license issued by the Council for that facility. (Section 60(a) of the Act)*
- b) *The Council shall issue initial and annual renewal licenses to an active drycleaning facility upon an applicant's submission of a completed application*

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prescribed by the Council (see Section 1500.60(a)) and proof of payment of the required fee to the Department of Revenue (Section 60(b) of the Act) by submittal of the DS-3 Form (prescribed by the Department of Revenue) subject to the following:

- 1) The annual license period is January 1 through December 31.
 - 2) The license fee and the DS-3 Form must be submitted to the Department of Revenue 60 days prior to issuance of a license.
 - 3) The Department of Revenue will return the applicant's copy of the DS-3 Form to confirm receipt of the appropriate license fee.
 - 4) The original DS-3 Form returned from the Department of Revenue must be submitted to the Council with the license application or renewal application. Applications submitted without the original DS-3 Form will be returned to the applicant.
 - 5) Upon receipt of a properly completed license application and an original DS-3 Form indicating the appropriate license fee has been received by the Department of Revenue, the Council will process the license application.
 - 6) License fees are non-refundable.
 - 7) Any drycleaning facility that begins operation on or after January 1, 2000 must obtain a license prior to operating the facility.
- c) *On or after January 1, 2007, the required annual fee for a license is as follows:*
- 1) *\$1,500 for a facility that uses:*
 - A) *50 gallons or less of chlorine-based or green drycleaning solvents annually; or*
 - B) *250 or less gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *500 gallons or less annually of hydrocarbon-based drycleaning*

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solvents in a drycleaning machine without a solvent reclaimer.
(Section 60(c)(1) of the Act)

- 2) \$2,250 for a facility that uses:
 - A) *more than 50 gallons but not more than 100 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 250 gallons but not more than 500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 500 gallons but not more than 1,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(2) of the Act)
- 3) \$3,000 for a facility that uses:
 - A) *more than 100 gallons but not more than 150 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 500 gallons but not more than 750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 1,000 gallons but not more than 1,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(3) of the Act)
- 4) \$3,750 for a facility that uses:
 - A) *more than 150 gallons but not more than 200 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 750 gallons but not more than 1,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

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- C) *more than 1,500 gallons but not more than 2,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(4) of the Act)*

- 5) \$4,500 for a facility that uses:
 - A) *more than 200 gallons but not more than 250 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 1,000 gallons but not more than 1,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 2,000 gallons but not more than 2,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(5) of the Act)*

- 6) \$5,000 for a facility that uses:
 - A) *more than 250 gallons but not more than 300 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 1,250 gallons but not more than 1,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 2,500 gallons but not more than 3,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(6) of the Act)*

- 7) \$5,000 for a facility that uses:
 - A) *more than 300 gallons but not more than 350 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 1,500 gallons but not more than 1,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

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- C) *more than 3,000 gallons but not more than 3,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(7) of the Act)*
- 8) \$5,000 for a facility that uses:
- A) *more than 350 gallons but not more than 400 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 1,750 gallons but not more than 2,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
- C) *more than 3,500 gallons but not more than 4,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(8) of the Act)*
- 9) \$5,000 for a facility that uses:
- A) *more than 400 gallons but not more than 450 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 2,000 gallons but not more than 2,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
- C) *more than 4,000 gallons but not more than 4,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(9) of the Act)*
- 10) \$5,000 for a facility that uses:
- A) *more than 450 gallons but not more than 500 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 2,250 gallons but not more than 2,500 gallons annually of hydrocarbon-based solvents used in a drycleaning machine*

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equipped with a solvent reclaimer; or

- C) *more than 4,500 gallons but not more than 5,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(10) of the Act)*
- 11) \$5,000 for a facility that uses:
- A) *more than 500 gallons but not more than 550 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 2,500 gallons but not more than 2,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
- C) *more than 5,000 gallons but not more than 5,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(11) of the Act)*
- 12) \$5,000 for a facility that uses:
- A) *more than 550 gallons but not more than 600 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 2,750 gallons but not more than 3,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
- C) *more than 5,500 gallons but not more than 6,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(12) of the Act)*
- 13) \$5,000 for a facility that uses:
- A) *more than 600 gallons of chlorine-based or green drycleaning*

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solvents annually; or

- B) *more than 3,000 gallons but not more than 3,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 6,000 gallons of hydrocarbon-based drycleaning solvents annually in a drycleaning machine without a solvent reclaimer. (Section 60(c)(13) of the Act)*
- 14) \$5,000 for a facility that uses:
- A) *more than 3,250 gallons but not more than 3,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine with a solvent reclaimer. (Section 60(c)(14) of the Act)*
 - B) *more than 3,500 gallons but not more than 3,750 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(15) of the Act)*
 - C) *more than 3,750 gallons but not more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(16) of the Act)*
- 15) \$5,000 for a facility that uses more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(17) of the Act)
- 16) If an applicant submits a license application to operate a facility beginning during a license year, the license fee for the first year shall be prorated as follows:
- A) For a license with an effective date on or after January 1 and before April 1, 100% of the fee is required.
 - B) For a license with an effective date on or after April 1 and before July 1, 75% of the fee is required.

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- C) For a license with an effective date on or after July 1 and before October 1, 50% of the fee is required.
 - D) For a license with an effective date on or after October 1 and before January 1 of the following year, 25% of the fee is required.
- d) *For purposes of this Section, the quantity of drycleaning solvents used annually shall be determined as follows:*
- 1) *In the case of an initial applicant, the quantity of drycleaning solvents that the applicant estimates will be used during his or her initial license year. A fee assessed under this subsection (d)(1) is subject to audited adjustment for that year; or*
 - 2) *In the case of a renewal applicant, the quantity of drycleaning solvents actually used in the preceding license year. (Section 60(c) of the Act) If the amount of drycleaning solvents actually used in the preceding license year cannot be readily calculated, the quantity of drycleaning solvents purchased in the preceding year shall be used to determine the annual license fee. The method used to determine the initial renewal license fee must be used for all subsequent license renewals.*
 - 3) In the case of an applicant who uses both chlorine-based and hydrocarbon-based solvents, the quantity of drycleaning solvents used annually shall be determined as follows:
 - A) using a multiplier of 10 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 10 gallons of hydrocarbon-based drycleaning solvents for facilities not using a drycleaning machine equipped with a solvent reclaimer.
 - B) using a multiplier of 5 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 5 gallons of hydrocarbon-based drycleaning solvents for facilities using a drycleaning machine equipped with a solvent reclaimer.

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- 4) In the case of an applicant who uses hydrocarbon-based solvents at a facility that has both drycleaning machines with and without a solvent reclaimer, the total usage will be determined by applying the number of drycleaning machines with a solvent reclaimer to the total number of drycleaning machines at the facility to arrive at a percentage of drycleaning machines with a solvent reclaimer. This percentage will be applied to the total gallons of hydrocarbon-based solvent used and multiplied by a factor of 2 to convert the gallonage to the equivalent of a drycleaning machine without a solvent reclaimer.
- e) *The Council may adjust licensing fees annually based on the change in the published Consumer Price Index – All Urban Consumers, U.S. city average, all items (CPI-U) for the 12 months preceding the month the Council adjusts the licensing fee or as otherwise determined by the Council. (Section 60(c) of the Act)*
- f) *A license issued under this Section shall expire one year after the date of issuance and may be renewed on reapplication to the Council and submission of proof of payment of the appropriate fee to the Department of Revenue in accordance with subsections (b) and (c). At least 30 days before payment of a renewal licensing fee is due, the Council shall attempt to:*
- 1) *notify the operator of each licensed drycleaning facility concerning the requirements of this Section; and*
 - 2) *submit a license fee payment form to the licensed operator of each drycleaning facility. (Section 60(d) of the Act)*
- g) *Any person who violates Section 60(a) of the Act by failing to pay the license fee when the fee is due may be assessed a civil penalty of \$5 per day for each day after the license fee is due and until the license fee is paid. (Section 69(b)(1)60(g) of the Act) Penalties totaling \$1,000 or more may be paid in 12 equal monthly installments upon execution by the drycleaner operator of a Council presented agreement. The Council may waive the late payment penalty, taking into consideration the following:*

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- 1) For calendar years 1998, 1999, and 2000, if the drycleaner owner/operator did not receive one of the initial license notification mailings sent by the Illinois Department of Revenue or the Fund during the period of 1997 through 1999;
 - 2) If additional license fees are owed due to the incorrect calculation of the annual solvent usage or purchase information and the understatement of the solvent volume was not significant, and the additional license fee is paid in a reasonable time frame; or
 - 3) Other reasonable factors.
- h) A license can be transferred from the drycleaning facility operator to a new operator of the same drycleaning facility upon completion of a license transfer form prescribed by the Council and signed by the license holder and transferee. If the drycleaning facility has an active insurance policy issued by the Council, the license can only be transferred if the insurance policy is also transferred.
- i) If a drycleaning facility operator terminates the operation of a licensed drycleaning facility at a specific location, the operator can be re-licensed for a new drycleaning facility location without payment of an additional license fee provided the existing drycleaning facility license is terminated.
- j) Recordkeeping. Owners and operators of drycleaning facilities must maintain all records required to obtain a license from the Council for a minimum of 3 years from the date of initial or renewal licensure. These records include the application, licensing fee payment documentation, solvent invoices, solvent logs, ownership information, late fee payments and any other information that may have been needed to issue and renew the license.

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

Section 1500.55 Drycleaning Solvent Tax

- a) *On or after January 1, 1998, a tax is imposed on the use of a drycleaning solvent by a person engaged in the business of operating a drycleaning facility in this State at the rate of:*

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- 1) \$10 per gallon of perchloroethylene or other chlorinated drycleaning solvent used in drycleaning operations;
 - 2) \$2 per gallon of petroleum-based drycleaning solvent; and
 - 3) \$1.75 per gallon of green solvents, unless the green solvent is used at a virgin facility, in which case the rate is \$.35 per gallon. All drycleaning solvents shall be considered chlorinated solvents unless the Council determines that the solvents are petroleum-based solvents or green solvents. (Section 65(a) of the Act)
- b) In determining if a drycleaning solvent is a green solvent, the manufacturer and/or distributor of the solvent must present to the Council the solvent's material safety data sheet, the material safety data sheet of the detergents used in conjunction with the solvent, and such other information the Council deems necessary to determine if the solvent should be classified as a green solvent.
- c) In accordance with this Section, the Council has determined the following solvents should be classified as a green solvent:
- 1) Carbon Dioxide (CO₂)
 - 2) Propylene Glycol Ether DPnB
 - 3) Green Earth
- d) On or before the 25th day of the 1st month following the end of the calendar quarter, a seller of drycleaning solvents who has collected a tax pursuant to the Act during the previous calendar quarter, or a purchaser or end user of drycleaning solvents required to submit the tax directly to the Department, shall file a DS-1 Form and DS-7 Form (prescribed by the Department of Revenue) with the Department of Revenue. The Department of Revenue shall report quarterly to the Council the volume of drycleaning solvent purchased for the quarter by each licensed drycleaner. Each seller of drycleaning solvent maintaining a place of business in this State who is required or authorized to collect the tax imposed by the Act shall pay to the Department the amount of the tax at the time when he or she is required to file his or her return for the period during which the tax was collected. Purchasers or end users remitting the tax directly to the Department

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shall file a DS-1 Form with the Department of Revenue and pay the tax so incurred by the purchaser or end user during the preceding calendar quarter. Except as provided in this Section, the seller of drycleaning solvents filing the return under this Section shall, at the time of filing the return, pay to the Department the amount of tax imposed by the Act less a discount of 1.75%, or \$5 per calendar year, whichever is greater. Failure to timely file the returns and provide to the Department the data requested under the Act will result in disallowance of the reimbursement discount. (Section 65(f) of the Act) Failure to timely file the returns and provide the required information requested by the Department of Revenue on the DS-1 Form or the DS-7 Form or failure to properly and correctly complete the returns and all supporting schedules will also result in assessment of a civil penalty of \$500 per return.

- e) On and after January 1, 1998, no person shall knowingly sell or transfer drycleaning solvent to an operator of a drycleaning facility that is not licensed by the Council under Section 60 of the Act. (Section 65(h) of the Act) Any person who violates Section 65(d) or Section 65(h) of the Act by selling or delivering drycleaning solvent to an unlicensed drycleaner will be assessed a \$500 civil penalty for the first violation and a \$5,000 civil penalty for the second and all subsequent violations. (Section 69(b)(2) of the Act)
- f) On or after January 1, 1998, no person shall engage in the business of selling drycleaning solvents in this State without a certificate of registration issued by the Department of Revenue. (Section 67 of the Act) Any person who violates Section 67 of the Act shall be liable for a civil penalty of \$100 per day for each day the person is not registered to sell drycleaning solvents. (Section 69(b)(3) of the Act)

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

Section 1500.60 Appeals

- a) Only a person who is the owner or operator of a drycleaning facility as defined by the Act or a person who engages in the business of selling drycleaning solvents as defined by the Act shall have standing to appeal final decisions under the Act. Any written decision issued by the Administrator of the Council shall be considered a final decision. Any written decision issued by the Administrator may be appealed to the Council. Any decision by the Council may be appealed to the Council's administrative law judge/hearing officer (see subsection (h)). Any

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decision not timely appealed shall become a final administrative decision without the necessity of a final administrative decision being issued and shall be deemed to be a final administrative decision. (Section 20(g) of the Act)

- b) The person who has standing to appeal final decisions under the Act~~is the owner or operator of a drycleaning facility~~ shall notify the Administrator in writing of his/her intention to appeal a decision of the Administrator within ~~60~~180 days after receipt of the written action that is to be appealed.
- c) The Administrator will review the appeal and respond in writing to the person who has standing to appeal final decisions under the Act~~is the owner or operator of a drycleaning facility~~ within 30 days after receipt of the appeal.
- d) If the person who has standing to appeal final decisions under the Act~~is the owner or operator of a drycleaning facility~~ still disagrees with the Administrator's decision, that person may request further review by sending to the Council a written appeal within 60 days after the written action of the Administrator that is to be appealed. The notice shall be delivered to the Administrator for delivery to the Council. *Notice of the hearing shall be given not less than 7 days before the day fixed for the hearing. (Section 20(g) of the Act)*
- e) ~~The Administrator shall deliver notice of the appeal to the person who is the owner or operator of a drycleaning facility and the Council within 30 days after receipt of notice of the appeal. The Council shall set a hearing within 180 days after filing of the notice of appeal. A decision by the Council shall be issued no later than 120 days following a hearing by the Council. (Section 20(g) of the Act)~~
- e)f) The person who has standing to appeal final decisions under the Act~~is the owner or operator of a drycleaning facility~~ shall notify the Council of his/her intention to appeal the Council decision within 60 days after receipt of the written action of the Council that is to be appealed.
- f)g) The Council shall deliver notice of the appeal to the person who has standing to appeal final decisions under the Act~~is an owner or operator of a drycleaning facility~~ and the Council's administrative ~~law judge~~hearing officer within 30 days after receipt of notice of the appeal by that person.

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- ~~g)~~h) The appeal shall be with an administrative ~~law judge~~hearing officer as determined by the Council. The administrative ~~law judge~~hearing officer may be the Council's legal counsel or an attorney licensed to practice law in Illinois. The administrative ~~law judge~~hearing officer may be disqualified from hearing the appeal for bias or conflict of interest. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.
- ~~h)~~i) A hearing with the administrative ~~law judge~~hearing officer shall be held within 180 days after the filing of the notice of the appeal. Notice of the hearing shall be given not less than 7 days before the day fixed for the hearing.
- ~~i)~~j) A final decision by the administrative ~~law judge~~hearing officer shall be issued no later than 120 days following the close of the hearing before the administrative ~~law judge~~hearing officer.
- ~~j)~~k) The time restrictions in this appeal procedure may be waived by mutual agreement of the parties.
- ~~k)~~l) The decision of the administrative ~~law judge~~hearing officer shall be subject to judicial review in accordance with the Administrative Review Law [735 ILCS 5/Art. III].
- ~~l)~~m) Unless displaced by a particular provision of this Section, the Administrative Hearings Article of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] shall apply.
- ~~m)~~n) Recordkeeping. Books, records, documents or other evidence relating to an appeal, litigation or other dispute must be maintained for 3 years after the expiration date of the final disposition of the appeal, litigation or other dispute.

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

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- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
250.310	Amend
250.330	Amend
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) A Complete Description of the Subjects and Issues Involved: The Hospital Licensing Requirements regulate hospitals, including establishing minimum requirements for the organization of the medical staff and due process for when a physician's privileges or staff membership must be suspended or revoked. Part 250 also establishes minimum standards for written and oral orders for medication, treatments, and diagnostic tests, including exceptions for influenza and pneumococcal vaccines.

Public Act 96-445, enacted by the General Assembly in 2009, amends the Hospital Licensing Act to require, when a hospital or its medical staff imposes a summary suspension on a physician, the staff's governance committee to meet as soon as possible to review the suspension and recommend whether it should be affirmed, lifted, expunged, or modified. It also forbids a summary suspension from being implemented without actual documentation or other reliable information that an immediate danger exists. The Public Act also adds provisions regarding peer review.

Public Act 96-343, enacted by the General Assembly in 2009, requires that a hospital's staff-approved medical approval policy include procedures for identifying patients who are aged 65 years or older, procedures for offering flu vaccines "when available" between September 1 and April 1 and pneumococcal vaccines upon admission or discharge to patients who are aged 65 or older, and procedures to ensure that patients or their guardians receive information on the risks and benefits of vaccines. Hospitals also are required to provide a copy of the influenza and pneumococcal immunization policy to the Department upon request.

This rulemaking implements both PA 96-445 and PA 96-343.

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

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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

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
250.285	New	34 Ill. Reg. 7858; June 11, 2010
250.290	New	34 Ill. Reg. 7858; June 11, 2010
250.1090	Amend	34 Ill. Reg. 7858; June 11, 2010
250.1300	Amend	34 Ill. Reg. 7858; June 11, 2010
250.1305	Amend	34 Ill. Reg. 7858; June 11, 2010
250.1830	Amend	34 Ill. Reg. 7858; June 11, 2010

- 11) Statement of Statewide Policy Objective: 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:

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- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Hospitals
 - B) Reporting, bookkeeping or other procedures required for compliance: Personnel records
 - 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 Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section

- 250.110 Application for and Issuance of Permit to Establish a Hospital
- 250.120 Application for and Issuance of a License to Operate a Hospital
- 250.130 Administration by the Department
- 250.140 Hearings
- 250.150 Definitions
- 250.160 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section

- 250.210 The Governing Board
- 250.220 Accounting
- 250.230 Planning
- 250.240 Admission and Discharge
- 250.250 Visiting Rules
- 250.260 Patients' Rights
- 250.265 Language Assistance Services
- 250.270 Manuals of Procedure
- 250.280 Agreement with Designated Organ Procurement Agencies

SUBPART C: THE MEDICAL STAFF

Section

- 250.310 Organization
- 250.315 House Staff Members
- 250.320 Admission and Supervision of Patients
- 250.330 Orders for Medications and Treatments
- 250.340 Availability for Emergencies

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SUBPART D: PERSONNEL SERVICE

- Section
- 250.410 Organization
- 250.420 Personnel Records
- 250.430 Duty Assignments
- 250.435 Health Care Worker Background Check
- 250.440 Education Programs
- 250.450 Personnel Health Requirements
- 250.460 Benefits

SUBPART E: LABORATORY

- Section
- 250.510 Laboratory Services
- 250.520 Blood and Blood Components
- 250.525 Designated Blood Donor Program
- 250.530 Proficiency Survey Program (Repealed)
- 250.540 Laboratory Personnel (Repealed)
- 250.550 Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

- Section
- 250.610 General Diagnostic Procedures and Treatments
- 250.620 Radioactive Isotopes
- 250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

- Section
- 250.710 Classification of Emergency Services
- 250.720 General Requirements
- 250.725 Notification of Emergency Personnel
- 250.730 Community or Areawide Planning
- 250.740 Disaster and Mass Casualty Program
- 250.750 Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

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Section

250.810	Applicability of Other Parts of These Requirements
250.820	General
250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
250.850	Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860	Medical Direction
250.870	Nursing Care
250.880	Additional Allied Health Services
250.890	Animal-Assisted Therapy

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section

250.910	Nursing Services
250.920	Organizational Plan
250.930	Role in hospital planning
250.940	Job descriptions
250.950	Nursing committees
250.960	Specialized nursing services
250.970	Nursing Care Plans
250.980	Nursing Records and Reports
250.990	Unusual Incidents
250.1000	Meetings
250.1010	Education Programs
250.1020	Licensure
250.1030	Policies and Procedures
250.1035	Domestic Violence Standards
250.1040	Patient Care Units
250.1050	Equipment for Bedside Care
250.1060	Drug Services on Patient Unit
250.1070	Care of Patients
250.1075	Use of Restraints
250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control
250.1110	Mandatory Overtime Prohibition
250.1120	Staffing Levels

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250.1130 Nurse Staffing by Patient Acuity

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section

- 250.1210 Surgery
- 250.1220 Surgery Staff
- 250.1230 Policies & Procedures
- 250.1240 Surgical Privileges
- 250.1250 Surgical Emergency Care
- 250.1260 Operating Room Register and Records
- 250.1270 Surgical Patients
- 250.1280 Equipment
- 250.1290 Safety
- 250.1300 Operating Room
- 250.1305 Visitors in Operating Room
- 250.1310 Cleaning of Operating Room
- 250.1320 Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

Section

- 250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section

- 250.1510 Medical Records
- 250.1520 Reports

SUBPART M: FOOD SERVICE

Section

- 250.1610 Dietary Department Administration
- 250.1620 Facilities
- 250.1630 Menus and Nutritional Adequacy
- 250.1640 Diet Orders
- 250.1650 Frequency of Meals
- 250.1660 Therapeutic (Modified) Diets

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- 250.1670 Food Preparation and Service
- 250.1680 Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section

- 250.1710 Housekeeping
- 250.1720 Garbage, Refuse and Solid Waste Handling and Disposal
- 250.1730 Insect and Rodent Control
- 250.1740 Laundry Service
- 250.1750 Soiled Linen
- 250.1760 Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section

- 250.1810 Applicability of other Parts of these regulations
- 250.1820 Maternity and Neonatal Service (Perinatal Service)
- 250.1830 General Requirements for All Maternity Departments
- 250.1840 Discharge of Newborn Infants from Hospital
- 250.1850 Rooming-In Care of Mother and Infant
- 250.1860 Special Programs
- 250.1870 Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section

- 250.1910 Maintenance
- 250.1920 Emergency electric service
- 250.1930 Water Supply
- 250.1940 Ventilation, Heating, Air Conditioning, and Air Changing Systems
- 250.1950 Grounds and Buildings Shall be Maintained
- 250.1960 Sewage, Garbage, Solid Waste Handling and Disposal
- 250.1970 Plumbing
- 250.1980 Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

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Section

- 250.2010 Definition
- 250.2020 Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section

- 250.2110 Service Requirements
- 250.2120 Personnel Required
- 250.2130 Facilities for Services
- 250.2140 Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section

- 250.2210 Applicability of other Parts of these Regulations
- 250.2220 Establishment of a Psychiatric Service
- 250.2230 The Medical Staff
- 250.2240 Nursing Service
- 250.2250 Allied Health Personnel
- 250.2260 Staff and Personnel Development and Training
- 250.2270 Admission, Transfer and Discharge Procedures
- 250.2280 Care of Patients
- 250.2290 Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
- 250.2300 Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section

- 250.2410 Applicability of these Standards
- 250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing Facility
- 250.2430 Preparation of Drawings and Specifications – Submission Requirements
- 250.2440 General Hospital Standards
- 250.2442 Fees
- 250.2443 Advisory Committee
- 250.2450 Details

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250.2460	Finishes
250.2470	Structural
250.2480	Mechanical
250.2490	Plumbing and Other Piping Systems
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SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section	
250.2610	Applicability of these Standards
250.2620	Codes and Standards
250.2630	Existing General Hospital Standards
250.2640	Details
250.2650	Finishes
250.2660	Mechanical
250.2670	Plumbing and Other Piping Systems
250.2680	Electrical Requirements

SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section	
250.2710	Special Care and/or Special Service Units
250.2720	Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section	
250.2810	Applicability of Other Parts of These Requirements
250.2820	Establishment of an Alcoholism and Intoxication Treatment Service
250.2830	Classification and Definitions of Service and Programs
250.2840	General Requirements for all Hospital Alcoholism Program Classifications
250.2850	The Medical and Professional Staff
250.2860	Medical Records
250.2870	Referral
250.2880	Client Legal and Human Rights

250.APPENDIX A	Codes and Standards (Repealed)
250.EXHIBIT A	Codes (Repealed)
250.EXHIBIT B	Standards (Repealed)

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250.EXHIBIT C	Addresses of Sources (Repealed)
250.ILLUSTRATION A	Seismic Zone Map
250.TABLE A	Measurements Essential for Level I, II, III Hospitals
250.TABLE B	Sound Transmission Limitations in General Hospitals
250.TABLE C	Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
250.TABLE D	General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
250.TABLE E	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
250.TABLE F	General Pressure Relationships and Ventilation of Certain Hospital Areas
250.TABLE G	Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15,

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1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 34 Ill. Reg. 2528, effective January 27, 2010; amended at 34 Ill. Reg. 3331, effective February 24, 2010; amended at 34 Ill. Reg. _____, effective _____.

SUBPART C: THE MEDICAL STAFF

Section 250.310 Organization

- a) The medical staff shall be organized in accordance with written bylaws, rules and regulations; approved by the ~~governing board~~**Governing Board**. The bylaws, rules and regulations shall specifically provide but not be limited to:
 - 1) establishing written procedures relating to the acceptance and processing of initial applications for medical staff membership, granting and denying of medical staff reappointment, and medical staff membership or clinical privileges disciplinary matters in accordance with subsection (b) of this Section for county hospitals as defined in Section 15-1(c) of the Illinois Public Aid Code [305 ILCS 5/15-1], or subsection (c) of this Section for all other hospitals. The procedures for initial applicants at any particular hospital may differ from those for current medical staff members. However, the procedures at any particular hospital shall be applied equally to each practitioner eligible for medical staff membership as defined in Section 250.150 of this Part. The procedures shall provide that, *prior to the granting of any medical staff privileges to an applicant, or renewing a current medical staff member's privileges, the hospital shall request of the Director of the Department of Financial and Professional Regulation*

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information concerning the licensure status and any disciplinary action taken against the applicant's or medical staff member's license. This provision shall not apply to medical personnel who enter a hospital to obtain organs and tissues for transplant from a deceased donor in accordance with the Illinois Anatomical Gift Act [755 ILCS 50]. This provision shall not apply to medical personnel who have been granted disaster privileges pursuant to the procedures and requirements established in this Section. (Section 10.4 of the Act);

- 2) identifying divisions and departments as are warranted (as a minimum, active and consulting divisions are required);
- 3) identifying officers as are warranted;
- 4) establishing committees as are warranted to assure the responsibility for such functions as pharmacy and therapeutics, infection control, utilization review, patient care evaluation, and the maintenance of complete medical records;
- 5) assuring that active medical staff meetings are held regularly, and that written minutes of all meetings are kept;
- 6) reviewing and analyzing the clinical experience of the hospital at regular intervals – the medical records of patients to be the basis for such review and analysis;
- 7) identifying conditions or situations ~~that~~^{which} require consultation, including consultation between medical staff members in complicated cases;
- 8) examining ~~of~~ tissue removed during operations by a qualified pathologist and requiring that the findings are made a part of the patient's medical record;
- 9) keeping completed medical records;
- 10) maintaining a Utilization Review Plan, which shall be in accordance with the Conditions of Participation for Hospitals in the Medicare Program;

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- 11) establishing Medical Care Evaluation Studies;
- 12) establishing policies requiring a physician as first assistant to major and/or hazardous surgery, including written criteria to determine when an assistant is necessary;
- 13) assuring, through credentialing by the medical staff, that a qualified surgical assistant, whether a physician or non-physician, assists the operating surgeon in the operating room;
- 14) determining additional privileges that may be granted a staff member for the use of his/her employed allied health personnel in the hospital in accordance with policies and procedures recommended by the medical staff and approved by the governing authority. The policies and procedures shall include, at least, requirements that the staff member requesting this additional privilege shall submit for review and approval by the medical staff and the governing authority of the hospital:
 - A) a curriculum vitae of the identified allied health personnel, and
 - B) a written protocol with a description of the duties, assignments and/or functions, including a description of the manner of performance within the hospital by the allied health personnel in relationship with other hospital staff;
- 15) establishing a mechanism for assisting medical staff members in addressing physical and mental health problems;
- 16) implementing a procedure for preserving medical staff credentialing files in the event of the closure of the hospital; and
- 17) establishing a procedure for granting disaster privileges.
 - A) When the emergency management plan has been activated and the hospital is unable to handle patients' immediate needs, it shall:
 - i) identify in writing the individuals responsible for granting disaster privileges;

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- ii) describe in writing the responsibilities of the individuals granting disaster privileges. The responsible individual is not required to grant privileges to any individual and is expected to make such decisions on a case-by-case basis at his or her discretion;
 - iii) describe in writing a mechanism to manage individuals who receive disaster privileges;
 - iv) include a mechanism to allow staff to readily identify individuals who receive disaster privileges;
 - v) require that medical staff address the verification process as a high priority and begin the verification process of the credentials and privileges of individuals who receive disaster privileges as soon as the immediate situation is under control.
- B) The individual responsible for granting disaster privileges may grant disaster privileges upon presentation of any of the following:
- i) a current picture hospital ID card;
 - ii) a current license to practice and a valid picture ID issued by a state, federal or regulatory agency;
 - iii) identification indicating that the individual is a member of a Disaster Medical Assistance Team (DMAT) or an Illinois Medical Emergency Response Team (IMERT);
 - iv) identification indicating that the individual has been granted authority to render patient care, treatment and services in disaster circumstances (such authority having been granted by a federal, state or municipal entity); or
 - v) presentation by current hospital or medical staff members with personal knowledge regarding practitioner's identity.

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- C) *Any hospital and any employees of the hospital or others involved in granting privileges that, in good faith, grants disaster privileges pursuant to Section 10.4 of the Act to respond to an emergency shall not, as a result of his, her, or its acts or omissions, be liable for civil damages for granting or denying disaster privileges except in the event of willful and wanton misconduct, as that term is defined in Section 10.2 of the Act.*
- D) *Individuals granted privileges who provide care in an emergency situation, in good faith and without direct compensation, shall not, as a result of his or her acts or omissions, except for acts or omissions involving willful and wanton misconduct, as that term is defined in Section 10.2 of the Act, on the part of the person, be liable for civil damages. (Section 10.4 of the Act)*
- b) The medical staff bylaws for county hospitals as defined in Section 15-1(c) of the Illinois Public Aid Code shall include at least the following:
- 1) The procedures relating to evaluating individuals for staff membership, whether the practitioners are or are not currently members of the medical staff, shall include procedures for determination of qualifications and privileges, criteria for evaluation of qualifications, and procedures requiring information about current health status, current license status in Illinois, and biennial review of renewed license.
 - 2) The procedure shall grant to current medical staff members at least: written notice of an adverse decision by the Governing Board; an explanation and reasons for an adverse decision; the right to examine and/or present copies of relevant information, if any, related to an adverse decision; an opportunity to appeal an adverse decision; and written notice of the decision resulting from the appeal. The procedures for providing written notice shall include timeframes for giving such notice.
- c) The medical staff bylaws for *all hospitals except county ~~hospitals~~hospital* shall include at least the following *provisions for granting, limiting, renewing, or denying medical staff membership and clinical staff privileges*:
- 1) *Minimum procedures for initial applicants for medical staff membership shall include the following:*

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- A) *Written procedures relating to the acceptance and processing of initial applicants for medical staff membership.*
 - B) *Written procedures to be followed in determining an applicant's qualifications for being granted medical staff membership and privileges.*
 - C) *Written criteria to be followed in evaluating an applicant's qualifications.*
 - D) *An evaluation of an applicant's current health status and current license status in Illinois.*
 - E) *A written response to each applicant that explains the reason or reasons for any adverse decision (including all reasons based in whole or in part on the applicant's medical qualifications or any other basis, including economic factors).*
- 2) *Minimum procedures with respect to medical staff and clinical privilege determinations concerning current members of the medical staff shall include the following:*
- A) *A written explanation of the reasons for an adverse decision including all reasons based on the quality of medical care or any other basis, including economic factors.*
 - B) *A statement of the medical staff member's right to request a fair hearing on the adverse decision before a hearing panel whose membership is mutually agreed upon by the medical staff and the hospital governing board~~Hospital Governing Board~~. The hearing panel shall have independent authority to recommend action to the hospital governing board~~Hospital Governing Board~~. Upon the request of the medical staff member or the hospital governing board~~Hospital Governing Board~~, the hearing panel shall make findings concerning the nature of each basis for any adverse decision recommended to and accepted by the hospital governing board~~Hospital Governing Board~~.*

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- i) *Nothing in subsection (c)(2)(B) of this Section limits a hospital's or medical staff's right to summarily suspend, without a prior hearing, a person's medical staff membership or clinical privileges if the continuation of practice of a medical staff member constitutes an immediate danger to the public, including patients, visitors, and hospital employees and staff. ~~A fair hearing shall be commenced within 15 days after the suspension and completed without delay.~~*
- ii) *In the event that a hospital or the medical staff imposes a summary suspension, the Medical Executive Committee, or other comparable governance committee of the medical staff as specified in the bylaws, must meet as soon as is reasonably possible to review the suspension and to recommend whether it should be affirmed, lifted, expunged, or modified if the suspended physician requests such review.*
- iii) *A summary suspension may not be implemented unless there is actual documentation or other reliable information that an immediate danger exists. This documentation or information must be available at the time the summary suspension decision is made and when the decision is reviewed by the Medical Executive Committee.*
- iv) *If the Medical Executive Committee recommends that the summary suspension should be lifted, expunged, or modified, this recommendation must be reviewed and considered by the hospital governing board, or a committee of the board, on an expedited basis.*
- v) *Nothing in this subsection (c)(2)(B) shall affect the requirement that any requested hearing must be commenced within 15 days after the summary suspension and completed without delay unless otherwise agreed to by the parties.*
- vi) *A fair hearing shall be commenced within 15 days after the*

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suspension and completed without delay, except that, when the medical staff member's license to practice has been suspended or revoked by the Department of Financial and Professional Regulation, no hearing shall be necessary.

vii)ii) *Nothing in subsection (c)(2)(B) of this Section limits a medical staff's right to permit, in the medical staff bylaws, summary suspension of membership or clinical privileges in designated administrative circumstances as specifically approved by the medical staff. This bylaw provision must specifically describe both the administrative circumstance that can result in a summary suspension and the length of the summary suspension. The opportunity for a fair hearing is required for any administrative summary suspension. Any requested hearing must be commenced within 15 days after the summary suspension and completed without delay. Adverse decisions other than suspension or other restrictions on the treatment or admission of patients may be imposed summarily and without a hearing under designated administrative circumstances as specifically provided for in the medical staff bylaws as approved by the medical staff.*

viii)iii) *If a hospital exercises its option to enter into an exclusive contract and that contract results in the total or partial termination or reduction of medical staff membership or clinical privileges of a current medical staff member, the hospital shall provide the affected medical staff member 60 days prior notice of the effect on his or her medical staff membership or privileges. An affected medical staff member desiring a hearing under subsection (c)(2)(B) of this Section must request the hearing within 14 days after the date he or she is so notified. The requested hearing shall be commenced and completed (with a report and recommendation to the affected medical staff member, hospital governing board~~Hospital Governing Board~~, and medical staff) within 30 days after the date of the medical staff member's request. If agreed upon by both the medical staff and the hospital governing board~~Hospital Governing~~*

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Board, the medical staff bylaws may provide for longer time periods.

- C) All peer review used for the purpose of credentialing, privileging, disciplinary action, or other recommendations affecting medical staff membership or exercise of clinical privileges, whether relying in whole or in part on internal or external reviews, shall be conducted in accordance with the medical staff bylaws and applicable rules, regulations, or policies of the medical staff. If external review is obtained, any adverse report utilized shall be in writing and shall be made part of the internal peer review process under the bylaws. The report shall also be shared with a medical staff peer review committee and the individual under review. If the medical staff peer review committee or the individual under review prepares a written response to the report of the external peer review within 30 days after receiving such report, the governing board shall consider the response prior to the implementation of any final actions by the governing board which may affect the individual's medical staff membership or clinical privileges. Any peer review that involves willful or wanton misconduct shall be subject to civil damages as provided for under Section 10.2 of the Act.
- D)~~C)~~ A statement of the member's right to inspect all pertinent information in the hospital's possession with respect to the decision.
- E)~~D)~~ A statement of the member's right to present witnesses and other evidence at the hearing on the decision.
- F)~~E)~~ A written notice and written explanation of the decision resulting from the hearings.
- G)~~F)~~ A written notice of a final~~final~~ adverse decision by the Hospital Governing Board.
- H)~~G)~~ Notice given 15 days before implementation of an adverse medical staff membership or clinical privileges decision based substantially on economic factors. This notice shall be given after the medical

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staff member exhausts all applicable procedures under subsection (c)(2)(B)(~~viii~~) of this Section, and under the medical staff bylaws in order to allow sufficient time for the orderly provision of patient care.

~~DH~~ *Nothing in subsection (c)(2) of this Section limits a medical staff member's right to waive, in writing, the rights provided in subsection (c)(2)(A)-(HG) of this Section upon being granted the written exclusive right to provide particular services at a hospital, either individually or as a member of a group. If an exclusive contract is signed by a representative of a group of physicians, a waiver contained in the contract shall apply to all members of the group unless stated otherwise in the contract. (Section 10.4(b) of the Act)*

3) *Every adverse medical staff membership and clinical privilege decision based substantially on economic factors shall be reported to the Hospital Licensing Board before the decision takes effect. The reports shall not be disclosed in any form that reveals the identity of any hospital or physician. These reports shall be utilized to study the effects that hospital medical staff membership and clinical privilege decisions based upon economic factors have on access to care and the availability of physician services. (Section 10.4(b) of the Act)*

d) *Regardless of any other categories (divisions of the medical staff) having privileges in the hospital, there shall be an active staff, which ~~shall~~ must include physicians and may also include podiatrists and dentists, properly organized, ~~whowhich~~ perform all the organizational duties pertaining to the medical staff. These duties include:*

- 1) *Maintenance of the proper quality of all medical care and treatment of inpatients and outpatients in the hospital. Proper quality of medical care and treatment includes:*
 - A) *availability and use of accurate diagnostic testing for the types of patients admitted;*
 - B) *availability and use of medical, surgical, and psychiatric treatment for patients admitted;*

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- C) availability and use of consultation, diagnostic tools and treatment modalities for the care of patients admitted including the care needed for complications thatwhich may be expected to occur; and
 - D) availability and performance of auxiliary and associate staff with documented training and experience in diagnostic and treatment modalities in use by the medical staff and documented training and experience in managing complications thatwhich may be expected to occur.
- 2) Organization of the medical staff, including adoption of rules and regulations for its government (which require the approval of the governing body), election of its officers or recommendations to the governing body for appointment of the officers, and recommendations to the governing body upon all appointments to the staff and grants of hospital privileges.
 - 3) Other recommendations to the governing body regarding matters within the purview of the medical staff.
- e) The medical staff may include one or more divisions in addition to the active staff, but this in no way modifies the duties and responsibilities of the active staff.
 - f) For the purpose of this Section only:
 - 1) *Adverse decision means a decision reducing, restricting, suspending, revoking, denying, or not renewing medical staff membership or clinical privileges.*
 - 2) *Economic factor means any information or reasons for decisions unrelated to quality of care or professional competency.*
 - 3) *Privilege means permission to provide medical or other patient care services and permission to use hospital resources, including equipment, facilities and personnel that are necessary to effectively provide medical or other patient care services. This definition shall not be construed to require a hospital to acquire additional equipment, facilities, or personnel to accommodate the granting of privileges. (Section 10.4(b) of the Act)*

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

Section 250.330 Orders for Medications and Treatments

- a) No medication, treatment or diagnostic test shall be administered to a patient except on the written order of a member of the medical staff, a house staff member under the supervision of a member of the medical staff, or allied health personnel with clinical privileges recommended by the hospital medical staff and granted by the hospital governing boardbody, with the exception of influenza and pneumococcal polysaccharide vaccines, which may be administered per medical staff-approved hospital policy that includes an assessment for contraindications.
- 1) The staff-approved influenza and pneumococcal immunization policy shall include but not be limited to the following:
- A) Procedures for identifying patients age 65 or older and, at the discretion of the hospital, other patients at risk;
- B) Procedures for offering immunization against influenza virus when available between September 1 and April 1, and against pneumococcal disease upon admission or discharge, to patients age 65 or older, unless contraindicated; and
- C) Procedures for ensuring that patients offered immunization, or their guardians, receive information regarding the risks and benefits of vaccination.
- 2) The hospital shall provide a copy of its influenza and pneumococcal immunization policy to the Department upon request. (Section 6.25 of the Act)
- b) Verbal orders shall be signed before the member of the medical staff, the house staff member or allied health personnel with clinical privileges recommended by the hospital medical staff and granted by the hospital governing boardbody leaves the area. Telephone orders shall be used sparingly and countersigned as soon as practicable pursuant to a hospital policy approved by the medical staff.
- c)b) Members of the Medical Staff, house staff members or allied health personnel

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with clinical privileges recommended by the hospital medical staff and granted by the hospital governing ~~board~~body shall give orders for medication and treatment only to the licensed, registered or certified professional persons who are authorized by law to administer or dispense the medication or treatment in the course of practicing their identified specific discipline.

~~d)~~e) The medical directors of the laboratory, radiology or other diagnostic services may respectively authorize the performance of diagnostic tests and procedures at the request of other than members of the medical staff in accordance with policies approved by the medical staff and ~~governing board~~Board.

~~e)~~d) The medical director of the physical therapy or rehabilitation department may authorize the provision of physical therapy or rehabilitation services or treatments at the request of other than members of the medical staff in accordance with policies approved by the medical staff and ~~governing board~~Board.

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

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- 1) Heading of the Part: Illinois Affordable Housing Tax Credit Program
- 2) Code Citation: 47 Ill. Adm. Code 355
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
355.103	Amendment
355.106	Amendment
355.107	Amendment
355.203	Amendment
355.204	Amendment
355.205	Amendment
355.207	Amendment
355.208	Amendment
355.211	Amendment
355.301	Amendment
355.302	Amendment
355.303	Amendment
355.306	Amendment
355.307	Amendment
355.308	Amendment
355.309	Amendment
355.310	Amendment
355.311	Amendment
355.401	Amendment
355.403	Amendment
355.404	Amendment
355.408	Amendment
355.501	Amendment
355.502	Amendment
355.503	Amendment
355.504	Amendment
355.601	Amendment
- 4) Statutory Authority: Authorized by Section 7.28 of the Illinois Housing Development Act (20 ILCS 3805/7.28)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking involves the administration of the affordable housing tax credit program.

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- 6) Published Studies or reports, and sources of underlying data, used to make this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes, with respect to Section 103 only.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create, expand or modify a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Kristi S. Poskus
401 North Michigan Avenue, Suite 700
Chicago, Illinois 60611

Telephone: 312/836-7416
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed rulemaking will have a favorable impact on small to midsize real estate developers, contractors, municipalities, and employers participating in the employer assisted housing program.
 - B) Reporting, bookkeeping or other procedures required for compliance: No new requirements
 - C) Types of professional skills necessary for compliance: No new requirements
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The Authority did not anticipate

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a need to file the proposed amendments prior to the July Regulatory Agenda. Certain participants in the tax credit program and members of the General Assembly requested an emergency rule, which was filed in April. The Authority determined it is in its best interest to address other amendments to the tax credit program while completing the rulemaking process for the emergency amendments.

- 15) Does this rulemaking require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 355
ILLINOIS AFFORDABLE HOUSING TAX CREDIT PROGRAM

SUBPART A: GENERAL RULES

- Section
- 355.101 Authority
- 355.102 Purpose and Objectives
- 355.103 Definitions
- 355.104 Compliance with Federal Law
- 355.105 Forms and Procedures for the Program
- 355.106 Fees and Charges
- 355.107 Amendment
- 355.108 Severability
- 355.109 Gender and Number
- 355.110 Titles and Captions

SUBPART B: AFFORDABLE HOUSING TAX CREDIT ALLOCATIONS

- Section
- 355.201 Authority to Allocate Affordable Housing Tax Credits
- 355.202 Transfer of Agency Affordable Housing Tax Credit Ceiling
- 355.203 Application Process
- 355.204 Agency Review
- 355.205 Approval or Rejection by Agency
- 355.206 Sponsor Participation
- 355.207 Regulatory Agreement for Rental Projects
- 355.208 ~~Affordable Housing~~ Project Documentation and Certification
- 355.209 Affordable Housing Tax Credit Allocation
- 355.210 Recapture of Affordable Housing Tax Credits
- 355.211 ~~Rescission of Reservation~~~~Return and Reallocation~~ of Affordable Housing Tax Credits

SUBPART C: DONATIONS

Section

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355.301	Acceptable Types of Donations
355.302	Aggregation of Donations
355.303	Minimum Donation Amount
355.304	Cash
355.305	Securities
355.306	Real Property
355.307	Personal Property
355.308	Limitation on Donations
355.309	Transfer of Affordable Housing Tax Credits
355.310	Material Participation of Sponsor
355.311	Donations from State and Local Governments

SUBPART D: PROJECTS

Section

355.401	Single Family Project Requirements
355.402	Down Payment and Closing Cost Assistance (Repealed)
355.403	Employer-Assisted Housing Projects
355.404	Recapture Agreement
355.405	Multifamily Housing Projects
355.406	Set-Aside for Technical Assistance and General Operating Support
355.407	Limitations on Amount of Technical Assistance and General Operating Support
355.408	Technical Assistance – Home Ownership Counseling

SUBPART E: COMPLIANCE MONITORING

355.501	Compliance Monitoring
355.502	Monitoring Fees
355.503	Books and Records
355.504	Furnishing Information

SUBPART F: REPORTS

355.601	Agency Reports
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AUTHORITY: Section 7.28 of the Illinois Housing Development Act [20 ILCS 3805/7.28].

SOURCE: Adopted by emergency rulemaking at 25 Ill. Reg. 15636, effective November 29, 2001, for a maximum of 150 days; adopted at 26 Ill. Reg. 5902, effective April 15, 2002; emergency

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amendment at 26 Ill. Reg. 7325, effective April 26, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13220, effective August 20, 2002; emergency amendment at 27 Ill. Reg. 5033, effective March 10, 2003, for a maximum of 150 days; emergency expired August 6, 2003; amended at 27 Ill. Reg. 14310, effective August 21, 2003; amended at 31 Ill. Reg. 5797, effective March 30, 2007; emergency amendment at 34 Ill. Reg. 6521, effective April 21, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL RULES

Section 355.103 Definitions

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Affordable Housing Project": A housing project that is either:

a rental project in which at least 25% of the units that have rents ([paid for by or on behalf of tenants and](#) including tenant-paid heat) that do not exceed, on a monthly basis, 30% of the gross monthly income of a Household earning the maximum income for a Low-Income Household in the geographical area in which the Affordable Housing Project is located and that are occupied by persons and families who qualify as Low-Income Households; or

a unit for sale to Low-Income Households and who will pay no more than 30% of their gross household income for mortgage principal, interest, property taxes, and property insurance upon the purchase of the unit.

"Affordable Housing Restrictions": The income and occupancy restrictions for an Affordable Housing Project [or an Employer-Assisted Housing Project](#) required by Section 7.28 and this Part, or those set forth in the Application for the Affordable Housing Project [or the Employer-Assisted Housing Project](#), whichever are more stringent.

"Affordable Housing Tax Credits": Affordable Housing Tax Credits, as authorized by Section 7.28 [of the Act](#) and Section 214 of the Illinois Income Tax Act [[35 ILCS 5/214](#)].

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"Affordable Housing Tax Credit Ceiling": The aggregate amount of Affordable Housing Tax Credits available for Allocation in a State fiscal year.

"Agency": The Authority, the City of Chicago or any other municipality that may subsequently be designated by law as an agency for the Allocation of Affordable Housing Tax Credits.

"Agency Affordable Housing Tax Credit Ceiling": That portion of the Affordable Housing Tax Credit Ceiling that is available for Allocation by an Agency. That amount is 24.5% of the Affordable Housing Tax Credit Ceiling for the City of Chicago, and 75.5% of the Affordable Housing Tax Credit Ceiling for the Authority.

"Agency Head": The Executive Director of the Authority or the Housing Commissioner of the City of Chicago.

"Allocation": An award by an Agency of Affordable Housing Tax Credits in connection with ~~an Affordable Housing Project, an Employer-Assisted Housing Project or Technical Assistance.~~

"Applicant": The Sponsor (and any other affiliated entities) applying for an Allocation.

"Application": An application to an Agency for a Reservation and an Allocation submitted by an Applicant, including the required supporting documentation.

"Authority": The Illinois Housing Development Authority.

"Certificate": The certificate issued by an Agency evidencing an Allocation. The Certificate shall be issued to the Donor unless otherwise directed by the Donor pursuant to Section 309 of this Part and shall state the effective date of the Allocation.

"Compliance Period": The period during which ~~an Affordable Housing~~ Project is obligated to comply with the Affordable Housing Restrictions, as set forth in the Application. The Compliance Period for ~~aneach~~ Affordable Housing Project shall be a minimum of 10 years from the date of the issuance of the initial certificate of occupancy from the municipality in which the Affordable Housing Project is located (or the like, as acceptable to the Agency in its discretion, for

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Affordable Housing Projects that are rehabilitated and when the municipality does not re-issue a certificate of occupancy), except for: The Compliance Period for a Single Family Project or an Employer-Assisted Housing Project Projects in which a Sponsor provides construction subsidies, ~~or~~ down payment and closing cost assistance or homeownership counseling to Low-Income Households or, for Employer-Assisted Housing Projects, Moderate-Income Households purchasing a Single Family Residence, ~~in which case the Compliance Period~~ shall be 5 years from the date of the closing of the purchase of the Single Family Residence. The Compliance Period in connection with the purchase of a Single Family Residence may be reduced as provided in Section 355.404 of this Part., and

~~Hardship cases, as provided in Section 355.404 of this Part.~~

"Donation": Money, securities, ~~or~~ real property, or personal property that is provided without consideration to a Sponsor and that is used for:

costs associated with purchasing, rehabilitating, constructing, or providing or obtaining financing for an Affordable Housing Project, including fees for attorneys, architects, accountants, surveyors and appraisers;

Technical Assistance; or

General Operating Support of the Sponsor; or

an Employer-Assisted Housing Project.

"Donor": An individual or entity, other than the Federal government, the State government, any local municipality or any agency, board commission, corporation or authority of the Federal government, the State government or any local government, except as provided in Section 355.311 of this Part, making a Donation. For purposes of this definition and related provisions of this Part, any school district within the State of Illinois will not be deemed to be a local municipality or agency, board, commission, corporation or authority or the Federal government, the State government or any local government.

"Employer-Assisted Housing Project": A project that involves Donations made to a Sponsor that are used for down payment and closing cost assistance, reduced-interest mortgages, mortgage guarantee programs, rental subsidies, or individual development account savings plans that are:

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provided by the Sponsor to the employers' employees to assist them to secure housing near the employer's work place; and

restricted to housing near such work place; and

restricted to employees who qualify as Moderate-Income Households.

"General Operating Support": Any cost incurred by a Sponsor, directly or indirectly, in connection with an Affordable Housing Project or an Employer-Assisted Housing Project. Such costs may include a proportionate amount of the general overhead expenses of the Sponsor.

"Gross Household Income": The total annualized income of a Household from whatever source derived and before taxes or withholdings.

"Household": A single person, family or unrelated persons living together.

"Initial Closing Date": The date ~~by~~ which the Agency has determined that the Sponsor and the Project have met all legal requirements of the Program. As applicable to Projects, an Agency may consider whether the Sponsor and the Project have satisfied the requirements of any other funding sources for the Project for the funding of an Affordable Housing Project have been met, as determined by the funding sources for the Affordable Housing Project, and the funds are made available to the Affordable Housing Project for distribution.

"Low-Income Household": A Household whose adjusted income is less than or equal to 60% of the median income of the geographical area of the Household's prospective residence, adjusted for family size, as such adjusted income and median income for the geographical area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437).

"Material Participation": An individual or entity that provides personal services to tenants or prospective tenants of a Multifamily Housing Project or rental Single Family Project, or professional services to a Multifamily Housing Project, on a regular, continuous, and substantial basis for more than 300 hours during each year during the Compliance Period. The~~This~~ requirement for Material Participation, as established in Sections 355.206 and 355.310 of this Part, will be

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satisfied if the Sponsor is the owner, or holds a controlling interest in the entity that is the owner, of the project; or is the managing general partner, or holds a controlling interest in the entity that is the managing general partner, of a limited partnership that is the owner of the project; or is the managing member, or holds a controlling interest in the entity that is the managing member, of the limited liability company that is the owner of the project.

"Members": The Members of the Authority.

"Moderate-Income Household": A Household whose adjusted income is less than 120% of the median income of the geographical area of the Household's Employer-Assisted Housing Project, adjusted for family size, as such adjusted income and median income for the geographical area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437).

"Multifamily Housing Project": An Affordable Housing Project comprised of one or more buildings (other than Single Family Residences) containing an aggregate of five or more rental units.

"Program": The Illinois Affordable Housing Tax Credit Program.

"Project": An Affordable Housing Project, Employer-Assisted Housing Project, or Technical Assistance.

"Recapture Agreement": The Recapture Agreement to be recorded against a Single Family Residence in connection with a Very Low-Income, Low-Income or, for Employer-Assisted Housing Projects, Moderate-Income Household's purchase of the Single Family Residence.

"Regulatory Agreement": The Illinois Affordable Housing Tax Credit Regulatory Agreement to be recorded against rental Affordable Housing Projects and Employer-Assisted Housing Projects, as applicable.

"Reservation": An Agency's conditional reservation of Affordable Housing Tax Credits for a Sponsor, as may be amended from time to time. A Reservation shall be valid for a period no longer than 1224 months from the date of the Reservation Letter unless extended pursuant to Section 355.205(d) of this Part. ~~If the~~

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~~Affordable Housing Tax Credits so reserved have not been allocated within that 24-month period, the Reservation shall expire and shall not be renewed.~~

"Reservation Letter": The letter from an Agency to a Sponsor conditionally reserving Affordable Housing Tax Credits.

"Section 7.28": Section 7.28 of the Act.

"Single Family Project": An Affordable Housing Project consisting of:

the construction of Single Family Residences; or

the rehabilitation of a 2, 3, or 4 unit building; upon completion of rehabilitation, the units are sold or rented; or

the rehabilitation of Single Family Residences, which are then sold or rented; or

the rehabilitation of buildings containing more than 4 units; upon completion of rehabilitation, the units are sold as condominiums; or

the financing of Single Family Residences using junior mortgages with a below market interest rate; or

construction subsidies to lower the purchase price of Single Family Residences; ~~or-~~

[down payment and closing cost assistance.](#)

"Single Family Residence": A house, condominium, townhouse or other residence used for occupancy by a single Household as its primary residence.

"Sponsor": A not-for-profit organization that is:

[organized under the laws of this State or any other state and:](#)

[for an Affordable Housing Project, has as one of its purposes the development of affordable housing; or](#)

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~~for an Employer-Assisted Housing Project or Technical Assistance, has as one of its purposes either the development of affordable housing or home ownership education organized under the General Not For Profit Corporation Act of 1986 [805 ILCS 105] for the purpose of constructing or rehabilitating affordable housing units in this State; or~~

organized for the purpose of constructing or rehabilitating affordable housing units and has been issued a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation under provisions of the Internal Revenue Code; or

an organization designated as a community development corporation by the United States Government under Title VII of the Economic Opportunity Act of 1964; or

a limited liability company that has a not-for-profit organization as its sole member.

"State": The State of Illinois.

"Technical Assistance": Any cost incurred by a Sponsor for:

~~planning for an Affordable Housing Project or an Employer-Assisted Housing Project;~~ or

assistance with an Application; or

~~homeownership counseling services provided to prospective purchasers of a Single Family Residence in connection with a Single Family Project or an Employer-Assisted Housing Project, except as provided in Section 355.408 of this Part.~~

"Very Low-Income Household": A Household whose adjusted income is less than or equal to 50% of the median income of the geographical area of the Household's prospective residence, adjusted for family size, as such adjusted income and median income for the geographical area are determined from time to

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time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437).

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

Section 355.106 Fees and Charges

In connection with an Application, an Agency may collect a fee from the Applicant in an amount not to exceed ~~\$2,500~~⁵⁰⁰, payable when the Application is submitted. In connection with a Reservation, an Agency may collect a fee from the Applicant in an amount not to exceed ~~53~~⁵% of the Reservation, payable by the due date specified in the Reservation Letter. The Agency may assess a modification fee for changes in the Sponsor or owner, the name of the Sponsor or owner or the characteristics of ~~an Affordable Housing~~ Project, such as unit type, distribution or population to be served in an amount not to exceed \$1,500, payable when the request for a modification is submitted. An Agency may assess a fee in connection with an extension of time to obtain a Donation, in accordance with Section 355.205 of this Part, in an amount not to exceed \$1,500, payable when the request for an extension is submitted. An Agency may assess a fee in connection with a request to increase the amount of the Affordable Housing Tax Credits in an amount not to exceed \$1,500, payable when the request for an extension is submitted, plus an amount not to exceed 5% of the Reservation associated with the increase in the amount of Affordable Housing Tax Credits, payable by the due date specified in the Reservation Letter. An Agency may assess an annual compliance fee in amounts not to exceed: \$125 for Projects containing one to 10 affordable units per year; \$250 for Projects containing 11 to 19 affordable units per year; and \$20 per affordable unit per year for Projects containing 20 or more affordable units per year. All compliance fees are payable as determined by the Agency. Applicants and Sponsors shall pay an Agency in advance for expenses related to any third party studies, including but not limited to appraisals, in connection with an Application for Affordable Housing Tax Credits.

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

Section 355.107 Amendment

This Part may be supplemented, amended, or repealed by the Members from time to time and in such manner as they may determine consistent with this Part, the Act, including but not limited to Section 7.28 of the Act, Section 214 of the Illinois Income Tax Act [35 ILCS 5/214] and other applicable provisions of law. This Part shall not constitute or create any contractual rights.

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

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SUBPART B: AFFORDABLE HOUSING TAX CREDIT ALLOCATIONS

Section 355.203 Application Process

A Sponsor may apply for an Allocation by submitting an Application on forms prescribed by an Agency that may require the following information:

- a) The name and location of the proposed ~~Affordable Housing~~ Project;
- b) The name, address and telephone number of the Sponsor and the proposed ~~ownersowner~~ of the ~~Affordable Housing~~ Project, and, if known ~~and applicable~~, the attorney, accountant, architect, general contractor and consultant for the ~~Affordable Housing~~ Project;
- c) A copy of the Sponsor's current Articles of Incorporation, certified by the Secretary of State or equivalent official of the state of incorporation;
- d) A history of the Sponsor's experience in developing ~~affordable~~ housing, ~~and low-income housing in particular~~;
- e) A complete description of the proposed ~~Affordable Housing~~ Project, including but not limited to the site, the number and type of units ~~or Single Family Residences~~ and, ~~if applicable~~, a rent schedule for the ~~Affordable Housing~~ Project, and identifying any proposed tenant ~~or homeownership~~ populations with special housing needs;
- f) The amount of the proposed financing for the ~~Affordable Housing~~ Project, including letters of interest or commitments from prospective lenders;
- g) The ~~type of nature and~~ amount of ~~and nature of~~ the ~~Donation or~~ proposed or anticipated Donation, ~~including the legal and financial interests of the Sponsor, seller, buyer and developer entities in the Donation transaction and a description of the flow of funds into the Project, including any financing provided by the Sponsor, if applicable~~;
- h) For a Multifamily Housing Project or a rental Single Family Project, the percentage of units to be reserved for Low-Income Households and Very Low-Income Households;

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- i) The estimated total cost of the proposed ~~Affordable Housing~~ Project, including, ~~as applicable,~~ the cost of land acquisition, the cost of construction, the amount of projected reserves, architects' fees, attorneys' fees, accountant's fees, surveyor's fees, title insurance and all other costs associated with the ~~Affordable Housing~~ Project;
- j) A schedule for the proposed ~~Affordable Housing~~ Project showing the anticipated Initial Closing Date and the anticipated date of completion;
- k) The amount of General Operating Support requested, if any, and the purposes for which it will be used;
- l) The amount of Technical Assistance requested, if any, and the purposes for which it will be used;
- m) The amount of Affordable Housing Tax Credits requested;
- n) A certification from the Sponsor ~~certifying~~ to the Agency that all information contained in the Application and all accompanying information is true, accurate, and complete, to the best of the Sponsor's knowledge; ~~and~~
- o) If a Donation has occurred, a notarized affidavit from the Donor acknowledging the Donation to the Sponsor or such other documentation evidencing the Donor's knowledge of the making of a Donation and eligibility for receipt of a Certificate, as determined acceptable by an Agency in its discretion; and
- po) Any additional documentation of the information provided in the Application that the Agency may require in order to confirm the information in the Application, including but not limited to such as a legal description of the Affordable Housing Project-site, etc.

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

Section 355.204 Agency Review

The Agency shall review each complete Application and approve or reject it. The Agency's review of an Application shall include, but not be limited to, the following criteria (where applicable):

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- a) Section 7.28 Requirements. The ability of the ~~Affordable Housing~~ Project to meet the requirements of Section 7.28 and this Part throughout the Compliance Period;
- b) Financial Feasibility. The financial feasibility of the ~~Affordable Housing~~ Project, taking into consideration the existing housing for ~~Very-Low Income Households, Low-Income Households and, for Employer-Assisted Housing Projects, Moderate-Income Households~~ Very Low Income Households in the geographical area in which the ~~Affordable Housing~~ Project will be located, the cost of the ~~Affordable Housing~~ Project, the projected income and operating expense of the ~~Affordable Housing~~ Project, and all sources of financing for the ~~Affordable Housing~~ Project, including owner's equity;
- c) Sponsor's Ability. The ability of the Sponsor to successfully construct the ~~Affordable Housing Project~~ Multifamily Housing Project or the rental Single Family Project and place it in service, taking into consideration the construction or other schedule submitted with the Application, the Sponsor's experience in the development, construction and/or rehabilitation of housing, and the size and scope of the Affordable Housing Project; or the ability of the Sponsor to provide the Technical Assistance; or the ability of the Sponsor to implement the Employer-Assisted Housing Project;
- d) Site Control. Evidence of site control, satisfactory to the Agency, for the Affordable Housing Project, which shall include, but not be limited to, a purchase contract, an option to purchase, or a letter of intent from a prospective Donor of real property or from a governmental agency;
- e) Donations. The amount of the Donation and the nature of the Donation transaction; or the amount of the proposed or anticipated Donation and the Sponsor's plan for obtaining the proposed or anticipated Donation;
- f) Location. The need for housing for ~~Very~~ Very Low-Income, ~~and Very~~ and, for Employer-Assisted Housing Projects, Moderate-Income Households ~~Households~~ in the geographical area in which the ~~Affordable Housing~~ Project will be located, based on census data, social surveys, published data, or on-site inspections; and the location of other ~~Affordable Housing~~ Projects for which the Agency has allocated or reserved Affordable Housing Tax Credits;

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- g) Housing Stock. The likelihood that the ~~Affordable Housing~~ Project will increase the quality and quantity of housing stock and redevelop blighted areas or prevent the occurrence of slum conditions;
- h) Preservation. The likelihood that the ~~Affordable Housing~~ Project will preserve housing projects in danger of being lost as affordable housing stock;
- i) Involuntary Displacement. For Multifamily Housing Projects or rental Single Family Projects involving rehabilitation, the Sponsor must minimize involuntary displacement of current tenants who are Low-Income and Very Low-Income Households, taking into consideration their safety during rehabilitation and the scope and nature of the proposed rehabilitation;
- j) Special Needs Populations. The availability and accessibility of the ~~Affordable Housing~~ Project for special needs populations, including, but not limited to, homeless or displaced individuals, persons with physical, mental or developmental disabilities, persons with alcohol or substance abuse problems, and persons with AIDS and related diseases;
- k) Compliance Period. Whether the Compliance Period of the ~~Affordable Housing~~ Project exceeds the minimum requirements of Section 7.28;
- l) Lower Income Households. The ability of the ~~Affordable Housing~~ Project to serve Households with incomes less than the maximum income for ~~Very Low-Income, or Very Low-Income~~ or, for Employer-Assisted Housing Projects, Moderate-Income Households for the geographical area in which the ~~Affordable Housing~~ Project will be located.

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

Section 355.205 Approval or Rejection by Agency

- a) Upon an Agency's completion of its review of an Application, the Agency shall notify the Sponsor in writing of its approval or rejection of the Application.
- b) Upon the approval of an Application, the Agency shall issue a Reservation Letter conditionally reserving Affordable Housing Tax Credits. The amount of the Affordable Housing Tax Credits reserved shall be 50% of the amount of the approved amount of the Donation or the actual Donation, whichever is less.

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- c) The Reservation Letter shall set forth the terms and conditions upon which the Affordable Housing Tax Credits will be allocated to the [Affordable Housing Project](#), including, but not limited to:
- 1) ~~Full compliance by both the Sponsor and, if applicable, the proposed Affordable Housing Project, Technical Assistance or Employer Assisted Housing Project, with the requirements of Section 7.28 and this Part;~~ 2) Certification from the Sponsor ~~certifying~~ to the Agency that the Sponsor and the [Affordable Housing Project](#) ~~is or~~ will be in full compliance with the requirements of Section 7.28 and this Part and will continue to be in compliance during the Compliance Period;
 - 23) Certification from the Sponsor [to the Agency](#) that there will be no material change in the Sponsor, the Sponsor's ownership structure, [the ownership structure of the Affordable Housing Project](#), or the structure of the [Affordable Housing Project](#) without the prior written approval of the Agency; and
 - 34) If applicable, execution of either a Regulatory Agreement, as required by Section 355.207 of this Part, or one or more Recapture Agreements, as required by Section 355.404 of this Part.
- d) The Sponsor shall have 12 months from the date of the Reservation Letter to obtain a Donation. ~~However,~~ Affordable Housing Projects and Employer-Assisted Housing Projects may submit a written request for an extension ~~of the Donation Period for of~~ an additional 12 months as approved by the Agency [in the Agency's discretion; provided, however, that the Sponsor shall pay the fee for the extension as set forth in Section 355.106 of this Part. If the extension is not granted, the Sponsor may re-apply for the Affordable Housing Tax Credits or the Affordable Housing Tax Credits may be reserved or allocated to other Projects.](#) For Technical Assistance, the Sponsor shall have 12 months from the ~~date~~[Date](#) of the Reservation Letter to obtain a Donation.

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

Section 355.207 Regulatory Agreement for Rental Projects

The Sponsor and the owner of each Affordable Housing Project that involves the rental of

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housing units shall enter into a Regulatory Agreement with the allocating Agency before the Agency makes an Allocation in connection with that Affordable Housing Project. Under the Regulatory Agreement, the owner of the Affordable Housing Project shall be required to adhere to the Affordable Housing Restrictions for a period equal to the Compliance Period, and agree not to transfer the ownership, or materially change the ownership structure of the owner of the Affordable Housing Project, without the prior written approval of the Agency. The Regulatory Agreement shall be recorded in the Office of the Recorder of Deeds in the county where the Affordable Housing Project is located as a restrictive covenant on the Affordable Housing Project. The Regulatory Agreement shall cease to apply in the event of a foreclosure, transfer of title by deed in lieu of foreclosure or similar event, unless the allocating Agency determines that such foreclosure, transfer of title by deed-in-lieu of foreclosure or similar event has occurred pursuant to an arrangement between the owner of the Affordable Housing Project and any lenders or any other party, a purpose of which is to terminate the occupancy restrictions set forth in the Regulatory Agreement.

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

Section 355.208 ~~Affordable Housing~~ Project Documentation and Certification

On or before the Initial Closing Date of ~~an Affordable Housing~~ Project, the Sponsor shall provide to the Agency the following documentation:

- a) a certification of the amount of the Donation, a notarized affidavit from each Donor acknowledging the Donation to the Sponsor or such other documentation evidencing the Donor's knowledge of the making of a Donation and eligibility for receipt of a Certificate as determined acceptable by an Agency in its discretion, and documentation as the Agency shall require under Sections 355.304, 355.305, 355.306 and 355.307 of this Part to substantiate the facts set forth in the certification;
- b) the name and address of the Sponsor;
- c) the total number of units or Single Family Residences, as applicable, in the Project;
- d) the number of units or Single Family Residences, as applicable, in the Project to be occupied by Very Low-Income, and Very Low-Income and, for Employer-Assisted Housing Projects, Moderate-Income Households;

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- e) the type of Households to be served (such as elderly or special needs);
- f) for Multifamily Housing Projects, the number of bedrooms in each unit; and
- g) the amount of Affordable Housing Tax Credits allocated for General Operating Support and Technical Assistance, and the uses of such General Operating Support and Technical Assistance.

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

Section 355.211 Rescission of Reservation~~Return and Reallocation~~ of Affordable Housing Tax Credits

An Agency may rescind a Reservation of Affordable Housing Tax Credits if a Sponsor that has received a Reservation ~~and that~~ is unable to obtain a Donation within the time periods set forth in Section 355.205(d) of this Part or if the Sponsor has not complied with the terms and conditions of the Reservation Letter. In such a case, an Agency use the Affordable Housing Tax Credits reserved for the Sponsor by such Reservation may return these Affordable Housing Tax Credits to the Agency that issued the Reservation. If a return of the Affordable Housing Tax Credits occurs during the State fiscal year in which such Affordable Housing Tax Credits were reserved, such Agency may reserve to other Projects and reallocate any Affordable Housing Tax Credits that have been rescinded; provided however, that the Affordable Housing Tax Credits must be reserved during the State fiscal year in which the Affordable Housing Tax Credits were originally reserved~~returned or recaptured.~~

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

SUBPART C: DONATIONS

Section 355.301 Acceptable Types of Donations

Donations may only be made in the form of cash, securities, ~~or~~ real property or personal property. Provision of services of any kind shall not constitute a Donation. Upon receipt of a Donation, a Sponsor shall notify the allocating Agency and provide to the Agency documentation evidencing both the Donation and its value, which must be determinable as of the date of the Donation. Documentation evidencing the Donation shall include a notarized affidavit from each Donor acknowledging the Donation to the Sponsor or such other documentation evidencing the Donor's knowledge of the making of a Donation and eligibility for receipt of a Certificate, as determined acceptable by an Agency in its discretion.

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

Section 355.302 Aggregation of Donations

Subject to Section 355.303, a Sponsor may aggregate a number of Donations into a single Donation in connection with an Allocation. For Employer-Assisted Housing Projects, a Sponsor may aggregate a number of Donations from multiple employers into a single source of funds for use in assisting eligible employees secure housing near their work place. Each Donor shall receive a Certificate evidencing the Donor's share of the aggregate Allocation~~The Certificate issued in connection with the Allocation shall state the aggregate amount of the Donation; however, the Affordable Housing Tax Credits may be divided among the Donors of the individual Donations, as determined by the Sponsor.~~

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

Section 355.303 Minimum Donation Amount

Except in the case of the transfer of a portion of a Certificate as set forth in Section 355.309 of this Part, the minimum amount of a Donation shall be \$10,000. Individual Donations in an aggregated Donation, including Donations for which the Affordable Housing Tax Credits are transferred as permitted under Section 355.309 of this Part, may be less than \$10,000; however,~~and~~ the aggregated Donation must be at least \$10,000.

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

Section 355.306 Real Property

Donations of real property be: the fee simple interest in such real property; the beneficial interest of a land trust if a land trust holds title to such real property; a ground lease with a minimum term of 50 years leasing the real property to the Sponsor; or a sale of the fee simple interest on real property at a discount ("Discounted Sale"). Donations of a fee simple interest in real property shall be evidenced by a copy of the recorded deed conveying the fee simple title of the real property to the Sponsor and a title search or equivalent documentation showing that the Donor held fee simple title to the real property as of the date of the transfer. A Donation of a ground lease shall be evidenced by a copy of the ground lease under which the real property is leased. A Donation of real property held in a land trust shall be evidenced by the document transferring the beneficial interest in the land trust to the Sponsor and a copy of the land trust agreement, certified by the land trustee, showing that the Sponsor is the sole beneficiary of the

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land trust. The value of the real property or the leasehold interest in a ground lease shall be determined on or within 6 months prior to the date of the Donation by a current independent appraisal done by a State-licensed appraiser, as approved by the Agency, based on the market value~~highest and best use~~ of the real property as it is currently zoned and in its then current condition and use and subject to any existing economic encumbrances (unless an economic encumbrance is expiring, has expired, or would otherwise terminate upon transfer of the property). The appraisal may be ordered by the Agency and shall be completed at the Sponsor's expense. ~~The appraiser must be an Agency-approved appraiser, completed within 6 months prior to the date of the Donation. The valuation of the property or leasehold interest must be based on existing legal restrictions.~~ An Agency may, in its discretion, have another appraisal done by a State-licensed appraiser, as approved by the Agency, and at the expense of the Sponsor with payment required in advance; in such a case, the value shall be the lesser of the two appraisals. In a Discounted Sale, the Agency must be provided with a copy of the contract of sale and, the settlement statement, and the Agency may order an appraisal of the real property at the expense of the Sponsor. The amount of Donation shall be the difference between the appraised value of the real property and the sale price. No appraisal shall be provided to the Applicant or Sponsor, unless the Applicant or Sponsor has reimbursed the Agency for the expense of the appraisal.

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

Section 355.307 Personal Property

A Donation of personal property, including trade fixtures, such as construction or other materials and equipment sold in the ordinary course of business, shall be valued at the lesser of its fair market value or its cost to the Donor, and may include costs incurred in making the transfer, such as delivery costs, but excluding sales tax. For personal property such as art, antique furniture, coin collections or jewelry, the value may be established by an appraisal done by a qualified appraiser approved by the Agency. In the case of ~~personal~~such property, an Agency may, in its discretion, have another appraisal done by a qualified appraiser approved by the Agency; in such a case, the value of the property shall be the lesser of the two appraisals.

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

Section 355.308 Limitation on Donations

Funds used by a prospective Donor to acquire an ownership interest in an Affordable Housing Project shall not qualify as a Donation. Donations may not take place prior to 3 years before the Initial Closing Date unless otherwise approved by the allocating Agency in the Agency's

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[discretion.](#)

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

Section 355.309 Transfer of Affordable Housing Tax Credits

A Donor that has received a Certificate may transfer all or a portion of the Affordable Housing Tax Credits represented by this Certificate to [the purchaser of land that has been designated solely for Affordable Housing Projects in accordance with the Act and this Part or to another Donor who has also made a Donation in accordance with the Act and this Part. Any taxpayer claiming credit pursuant to this Section must do so in accordance with Section 214 of the Illinois Income Tax Act \[35 ILCS 5/214\].](#) ~~another individual or entity if an individual or entity has purchased land for the Affordable Housing Project or has made a Donation to an Affordable Housing Project.~~ An individual or entity receiving a transfer of Affordable Housing Tax Credits in an amount less than \$100,000 must make a Donation, [in accordance with the Act and this Part, for an Affordable Housing Project](#) of at least 10% of the amount of the transferred Affordable Housing Tax Credits. An individual or entity receiving a transfer of Affordable Housing Tax Credits in an amount equal to or greater than \$100,000 must make a minimum Donation, [in accordance with the Act and this Part,](#) of \$10,000. The Certificate shall indicate the name of the original Donor and the name of the entity to which the Certificate is transferred. [An Agency shall not transfer the Certificate nor all or a portion of the Affordable Housing Tax Credits represented by the Certificate to another individual or entity absent a notarized letter of direction from the original Donor.](#)

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

Section 355.310 Material Participation of Sponsor

No transfer of cash, securities, real property or personal property, [including trade fixtures,](#) to a Sponsor shall be a Donation unless the Sponsor is committed to Material Participation in the Multifamily Housing Project [or rental Single Family Project](#) for the full term of the Compliance Period.

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

Section 355.311 Donations from State and Local Governments

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[Sponsors](#)~~Agencies~~ may accept Donations from the State government, local municipalities and agencies, boards, commissions, corporations or authorities of State governments and municipalities in the form of the following:

- a) money, provided that the money does not come directly or indirectly from any Federal source or any State program providing funding either related to affordable housing or services provided in connection with affordable housing; and further provided that the money does not have to be repaid with funds from the operation of the ~~Affordable Housing~~ Project;
- b) the value of waived permit fees or other customary charges, such as water and sewer permit fees, hook up charges or impact fees, when the waiver is made in a manner that achieves a reduction in the cost of construction of an Affordable Housing Project or an Employer-Assisted Housing Project;
- c) real property, as described in Section 355.306 of this Part; and
- d) loans made at a below-market interest rate. The value of the Donation shall be the present value, as of the date of the Donation, of the difference of the market rate interest that would be paid over the term of the loan and the actual interest to be paid over the term of the loan.

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

SUBPART D: PROJECTS

Section 355.401 Single Family Project Requirements

An Agency may make Allocations for Single Family Projects. In each Single Family Project, other than Employer Assisted Housing Projects, all of the units or Single Family Residences shall be sold or rented to Low-Income Households.

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

Section 355.403 Employer-Assisted Housing Projects

An Agency may make Allocations for Employer-Assisted Housing Projects. \$2,000,000 of the Affordable Housing Tax Credit Ceiling for a State fiscal year shall be reserved for Employer-Assisted Housing Projects. Of this ceiling, 24.5% shall be available for allocation by the City of

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Chicago and 75.5% shall be available for allocation by the Authority. If those funds are not reserved for Employer-Assisted Housing Projects by March 31 of that State fiscal year, the funds shall be available for Reservation and Allocation for Affordable Housing Projects, Technical Assistance or General Operating Support.

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

Section 355.404 Recapture Agreement

Each Household receiving assistance or a subsidy under a Single Family Project or Employer-Assisted Housing Project in connection with the purchase of a Single Family Residence shall ~~execute~~ enter into a Recapture Agreement for the benefit of ~~with~~ the Sponsor. The Recapture Agreement shall be recorded in the Office of the Recorder of Deeds in the county in which the Single Family Residence is located as a restrictive covenant ~~create a lien~~ on the Single Family Residence. The Recapture Agreement ~~and~~ shall provide that, if the Single Family Residence is transferred during the term of the Compliance Period, other than by will, inheritance or a transfer by law to a joint tenant owner, the Household shall repay to the Sponsor a pro-rated portion of any funds provided as a grant or subsidy toward the purchase of the Single Family Residence. In cases of hardship to a Very Low-Income, Low-Income ~~or, for Employer-Assisted Housing Projects, Moderate-Income~~ Household, such as serious illness or loss of employment, an Agency may reduce ~~shorten~~ the Compliance Period.

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

Section 355.408 Technical Assistance – Home Ownership Counseling

An Agency ~~Head~~ may ~~determine that his or her Agency will~~ allocate Affordable Housing Tax Credits for Technical Assistance for Donations to entities that provide home ownership counseling services. The Allocations may be in connection with the purchase of a Single Family Residence or an Employer-Assisted Housing Project; however, all Allocations for Technical Assistance in connection with ~~unconnected to~~ a particular Affordable Housing Project shall be pursuant to Section 355.407 of this Part. All such home ownership counseling services shall be provided to Households that qualify as Low-Income Households or, in the case of Employer-Assisted Housing Projects, Moderate-Income Households as of the date of the provision of the services.

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

SUBPART E: COMPLIANCE MONITORING

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Section 355.501 Compliance Monitoring

The allocating Agency will annually monitor the compliance of each ~~Affordable Housing~~ Project ~~providing rental housing~~.

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

Section 355.502 Monitoring Fees

An Agency may assess an annual fee for compliance monitoring of ~~Affordable Housing~~ Projects. If an Agency decides to charge such a fee, the amount of such fee shall be established on July 1 of the year in which such decision is made. An Agency may redetermine the amount of its compliance monitoring fee as of each July 1. The Agency shall determine the amount of the fee, or the amount of the redetermined fee, based on the cost to the Agency of compliance monitoring of ~~Affordable Housing~~ Projects for the previous State fiscal year.

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

Section 355.503 Books and Records

The books and records of each Sponsor and each ~~Affordable Housing~~ Project shall be subject to inspection, examination and copying by the allocating Agency and its authorized representatives or agents at such times as the allocating Agency reasonably requires for the purpose of determining whether the Sponsor and ~~the such Affordable Housing~~ Project ~~are~~ in compliance with Section 7.28 ~~of the Act~~ and this Part.

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

Section 355.504 Furnishing Information

Each Sponsor shall furnish such information and operating reports as the allocating Agency shall require in connection with the monitoring of the Sponsor; and ~~if applicable~~, the Sponsor's ~~Affordable Housing Project or Employer Assisted Housing~~ Project for compliance with Section 7.28 ~~of the Act~~ and this Part.

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

SUBPART F: REPORTS

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Section 355.601 Agency Reports

Each Agency shall submit quarterly reports to the Authority setting forth the Agency's activities under the Program for that quarter. The report shall include the following information:

- a) the amount of Affordable Housing Tax Credits reserved or allocated since the date of the last report;
- b) the name and address of each Sponsor;
- c) For each Affordable Housing Project:
 - 1) the amount of Affordable Housing Tax Credits reserved or allocated;
 - 2) the total number of units or Single Family Residences in the Affordable Housing Project;
 - 3) the number of units or Single Family Residences to be occupied by Low-Income and Very Low-Income Households;
 - 4) the type of Households to be served (such as elderly or special needs); and
 - 5) for Multifamily Housing Projects, the number of bedrooms in each unit;
- d) For each Affordable Housing Project, the amount of Affordable Housing Tax Credits reserved or allocated for General Operating Support and Technical Assistance, and the Sponsor's use of that General Operating Support and Technical Assistance;
- e) In connection with Technical Assistance for home ownership counseling services, the amount of Affordable Housing Tax Credits reserved or allocated and the number of Low-Income, ~~and~~ Very Low-Income and, for Employer-Assisted Housing Projects, Moderate-Income Households receiving counseling; and
- f) In connection with an Employer-Assisted Housing Project, the amount of Affordable Housing Tax Credits reserved or allocated and the number of Very Low-Income, Low-Income and Moderate-Income Households that received assistance.

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

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- 1) Heading of the Part: Predatory Lending Database Program
- 2) Code Citation: 47 Ill. Adm. Code 390
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
390.103	Amendment
390.201	Amendment
- 4) Statutory Authority: Authorized by the Illinois Housing Development Act [20 ILCS 3805/7.19] and the Residential Real Property Disclosure Act [765 ILCS 77/80]
- 5) A Complete Description of the Subjects and Issues Involved: These amendments involve the expansion of the program area of the Predatory Lending Database Program.
- 6) Published Studies or reports, and sources of underlying data, used to make this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendments do not create, expand or modify a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Kristi S. Poskus
401 North Michigan Avenue, Suite 700
Chicago, Illinois 60611

Telephone: 312/836-7416

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have a favorable impact on HUD-certified housing counseling agencies and citizens purchasing homes and in need of counseling in the program area.
- B) Reporting, bookkeeping or other procedures required for compliance: No new requirements
- C) Types of Professional skills necessary for compliance: No new requirements
- 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 Authority did not anticipate a need to file the proposed amendments prior to the July Regulatory Agenda. Certain participants in the predatory lending database program and members of the General Assembly requested an emergency rule, which was filed in April.
- 15) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 390
PREDATORY LENDING DATABASE PROGRAM

SUBPART A: GENERAL RULES

Section	
390.101	Authority
390.102	Purpose and Objectives
390.103	Definitions
390.104	Compliance with Federal Law
390.105	Forms and Procedures for the Program
390.106	Fees and Charges
390.107	Authority Administrative Expenses
390.108	Amendment
390.109	Severability
390.110	Gender and Number
390.111	Titles and Captions

SUBPART B: DISTRIBUTION OF FUNDS

390.201	Distribution of Appropriated Funds
390.202	Staged Distribution

SUBPART C: GRANTS TO HUD-CERTIFIED
HOUSING COUNSELING AGENCIES

390.301	Agency Eligibility
390.302	Eligible Grant Activities
390.303	Application Cycle
390.304	Application Requirements
390.305	Review of Applications
390.306	Grant Administration
390.307	Funding of Grants
390.308	Reporting Requirements for Agencies
390.309	Books and Records

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AUTHORITY: Implementing and authorized by the Illinois Housing Development Act [20 ILCS 3905/7.19] and the Residential Real Property Disclosure Act [765 ILCS 77/80].

SOURCE: Emergency rules adopted at 32 Ill. Reg 16013, effective September 15, 2008, for a maximum of 150 days; adopted at 33 Ill. Reg. 1499, effective January 7, 2009; emergency amendment at 34 Ill. Reg. 6532, effective April 21, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL RULES

Section 390.103 Definitions

As used in this Part, the following words or terms mean:

"Act": Residential Real Property Disclosure Act [765 ILCS 77].

"Agency" or "Agencies": HUD-certified housing counseling agencies selected for participation in the Program.

"Appropriation": The annual Appropriation of funds to the Illinois Department of Revenue for the Authority by the Illinois General Assembly for the Program.

"Authority": The Illinois Housing Development Authority.

"Application": The application for a grant completed by an Agency.

"Commitment": A contract executed by the Authority and an Agency under which the Authority agrees to provide funding to the Agency under the Program. Each Commitment shall contain a provision to the effect that the Authority shall not be obligated to provide funds under the Commitment if the Authority has not received sufficient funds from an Appropriation.

"Department": The Illinois Department of Financial and Professional Regulation.

"File Review": The interview performed by the Agency pursuant to Section 70 of the Act.

"Grant": A portion of the Appropriation distributed to an Agency to administer the Program.

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"HUD-certified Counseling" or "Counseling": In-person counseling provided by a counselor employed by a HUD-certified housing counseling agency to all borrowers, or documented telephone counseling when a hardship would be imposed on one or more borrowers. A hardship shall exist in instances in which the borrower is confined to his or her home due to medical conditions, as verified in writing by a physician, or the borrower resides 50 miles or more from the nearest participating HUD-certified housing counseling agency. In instances of telephone counseling, the borrower must supply all necessary documents to the counselor at least 72 hours prior to the scheduled telephone counseling session.

"Initial Distribution": The first portion of the Grant distributed to an Agency as a lump sum.

"Maintenance Distribution": The second portion of the Grant distributed to an Agency quarterly.

"Members": The members of the Authority.

"Pilot Program": The predatory lending database pilot program established by PA 94-280, effective January 1, 2006, and as expanded by PA 96-856, effective July 1, 2010.

"Program": The Predatory Lending Database Grant Program administered by the Department of Financial and Professional Regulation.

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

SUBPART B: DISTRIBUTION OF FUNDS

Section 390.201 Distribution of Appropriated Funds

The Authority will distribute grants to Agencies providing housing counseling services within the geographic boundaries of Cook County, Kane County, Peoria County, and Will County. Grant awards to Agencies under the Program will be based on the Agency's current capacity, qualifications, proposed geographic service area, experience performing File Reviews under the Pilot Program, when applicable, and other requirements outlined in Section 390.304 of this Part and the Application. Agencies need not have performed File Reviews prior to application in order to qualify for a Grant.

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

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- 1) Heading of the Part: Home Inspector License Act
- 2) Code Citation: 68 Ill. Adm. Code 1410
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1410.10	Amendment
1410.100	Amendment
1410.110	Amendment
1410.120	Amendment
1410.140	Amendment
1410.150	Amendment
1410.160	Amendment
1410.170	Amendment
1410.180	Repealed
1410.200	Amendment
1410.210	Amendment
1410.220	Amendment
1410.230	Amendment
1410.300	Amendment
1410.310	Amendment
1410.320	Amendment
1410.330	Amendment
1410.340	Amendment
1410.350	Amendment
1410.400	Amendment
1410.410	Amendment
1410.420	Amendment
1410.500	Amendment
1410.510	Amendment
1410.520	Amendment
1410.530	Amendment
1410.540	Amendment
1410.550	Amendment
1410.560	Amendment
1410.570	Amendment
1410.580	Amendment
- 4) Statutory Authority: Home Inspector License Act [225 ILCS 441]

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- 5) Effective Date of Rulemaking: June 3, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 7, 2009; 33 Ill. Reg. 11366
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In the proposed amendments, Section 1410.200(e)(2)(B) added language that required a home inspector to include their own recommendations as part of their final submitted report on how to correct or monitor any deficiencies found in any systems and/or components that were inspected. The Department changed this provision to only require that the home inspector recommend whether or not a reported deficiency needs to be corrected or monitored.

The definition of "Field Inspection Events" in Section 1410.10 was reworded for clarification purposes in order to clarify that the Field Inspection Event shall be conducted with a licensed home inspector. Also the definition of "Unprofessional Conduct" in Section 1410.10 of the proposed rule was removed.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The adopted amendments are intended to further clarify various aspects of the original rules, including: Standards of Practice, Grounds for Discipline, Education Provider Application; Requirements, and Pre-License Course Curriculum. Section 1410.10 was amended by adding additional definitions pertaining to education. Section 1410.100 was made consistent with the operation for other agency professions and the Licensing Division relating to exam time frames being only 1 year to make application after examination. Section 1410.160 was amended to provide

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mandatory courses and elective courses for continuing education practices. Section 1410.200, Standards of Practice was amended for clarification purposes regarding residential components of inspections. Section 1410.300 was amended for the safety of the general public by allowing a Licensee to share any crucial information stemming from a home inspection that may pose a danger. The amendments also include numerous non-substantive changes, including changing references throughout the entire Part from "OBRE" to "IDFPR" "OBRE" to "Division" and "Commissioner" to "Director" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.

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

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, Illinois 62786

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

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VIII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION~~OFFICE OF BANKS AND REAL ESTATE~~

PART 1410

HOME INSPECTOR LICENSE ACT

SUBPART A: DEFINITIONS AND APPLICABILITY OF THIS PART

Section

- 1410.10 Definitions
- 1410.20 Applicability of this Part

SUBPART B: LICENSING EDUCATION REQUIREMENTS

Section

- 1410.100 Application for a Home Inspector
- 1410.110 Application for a Home Inspector Entity License
- 1410.120 Application for Non-Resident Home Inspector License by Reciprocity
- 1410.130 Expiration of Home Inspector Licenses
- 1410.140 Renewal of Home Inspector Licenses
- 1410.150 Pre-License Education Requirements
- 1410.160 Continuing Education Requirements
- 1410.170 Issuance of Certificate of Licensure
- 1410.180 Exemptions (Repealed)

SUBPART C: STANDARDS OF PRACTICE AND BUSINESS REQUIREMENTS

Section

- 1410.200 Standards of Practice
- 1410.210 Notification of Name Change
- 1410.220 Assumed Name
- 1410.230 Address Change; Street Address
- 1410.240 Work Log of Inspections
- 1410.250 Entities must Utilize Licensed Home Inspectors
- 1410.260 Disclosure of a Conflict of Interest

SUBPART D: ENFORCEMENT PROVISIONS

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Section

- 1410.300 Grounds for Discipline
- 1410.310 Felony Convictions; Discipline of Other Professional License; Notification
- 1410.320 Cooperation Required with ~~the Division~~ OBRE
- 1410.330 Administrative Warning Letter
- 1410.340 Additional Education; Reporting Requirements
- 1410.350 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan

SUBPART E: ADMINISTRATIVE PROVISIONS

Section

- 1410.400 Fees
- 1410.410 Duties of the Liaison
- 1410.420 Granting of Variances

SUBPART F: EDUCATION PROVIDER AND COURSE REQUIREMENTS

Section

- 1410.500 Education Provider Application; Requirements
- 1410.510 Pre-License Education Course Requirements of Education Providers
- 1410.520 Pre-License Course Curriculum
- 1410.530 Example of Acceptable Pre-License Education Program
- 1410.540 Continuing Education Course Requirements of Education Providers
- 1410.550 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation other than as a Student
- 1410.560 Distance Education
- 1410.570 Expiration Date and Renewal for Education Providers and Pre-License and Continuing Education Courses
- 1410.580 Continuing Education Reporting
- 1410.590 Transcript or Certificate of Completion

SUBPART G: HEARINGS

Section

- 1410.600 Hearings

AUTHORITY: Implementing and authorized by the Home Inspector License Act [225 ILCS 441].

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SOURCE: Emergency rules adopted at 26 Ill. Reg. 13317, effective August 22, 2002, for a maximum of 150 days; adopted at 27 Ill. Reg. 1513, effective January 17, 2003; amended at 27 Ill. Reg. 14180, effective August 15, 2003; amended at 34 Ill. Reg. 8063, effective June 3, 2010.

SUBPART A: DEFINITIONS AND APPLICABILITY OF THIS PART

Section 1410.10 Definitions

Unless otherwise clarified by this Part, definitions set forth in the Act also apply ~~for~~ the purposes of this Part.

"Act" means the Home Inspector License Act [225 ILCS 441].

"Board" means the Home Inspector Advisory Board.

"Classroom ~~Hourhour~~" or "~~Hourhour~~" ~~as it pertains to the education requirements~~ means classroom attendance for a minimum of 50 minutes of lecture or its equivalent through a distance-learning program approved by ~~the Division~~~~OBRE~~.

"Compensation" means the valuable consideration or the intention or expectation of receiving valuable consideration given by one person or entity to another person or entity in exchange for the performance of some activity or service. Compensation shall include the transfer of valuable consideration, including without limitation the following:

commissions;

referral fees;

bonuses;

prizes;

merchandise;

finder fees;

performance of services;

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coupons or gift certificates;

discounts;

rebates;

a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statute;

retainer fee; or

salary.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Professional Regulation, with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Field Inspection Event" means an examination and evaluation of the exterior and interior components of an actual residential real property conducted by a candidate for a home inspection license under the supervision of a licensed home inspector with at least 5 years experience. Field Inspection Events are conducted for the purpose of learning inspection methodology, techniques, communication and observation skills and describing observed conditions. A licensed home inspector can supervise a maximum of 5 licensure candidates in each Field Inspection Event.

"License" means a certificate of authority, permit or registration issued by the Division OBRE.

"Licensee" means a person who has been issued a license under the Act or this Part.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

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"Standards of Practice" or "Standards" means the guidelines for the appropriate conduct of home inspections described in Subpart C.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

SUBPART B: LICENSING AND EDUCATION REQUIREMENTS

Section 1410.100 Application for a Home Inspector License

Each initial applicant for a Home Inspector License shall submit to the Division~~OBRE~~:

- a) An application, provided by the Division~~OBRE~~, that is signed and fully completed by the applicant and is submitted to the Division no longer than one year after the date of the licensure examination;
- b) The required fee set forth in Section 1410.400~~as provided by this Part~~;
- c) Proof of successful completion of the pre-license education requirements, as provided by the Act and this Part ~~or has verified meeting the waiver requirements provided by Section 5-15 of the Act~~; and
- d) ~~Proof~~proof of successful completion of the licensure examination authorized by the Division pursuant to 225 ILCS 441/5-10(4)~~OBRE~~.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.110 Application for a Home Inspector Entity License

An entity who desires to practice as a home inspector or provide home inspections in the State of Illinois in the form of a corporation, limited liability company~~Limited Liability Company~~ or a legally formed partnership shall submit to the Division~~OBRE~~:

- a) An application, provided by the Division~~OBRE~~, that is signed and fully completed by the applicant;
- b) The required fee set forth in Section 1410.400, payable to the Department~~as provided by this Part~~;

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- c) A list of all owners, partners, officers, members, managers or directors of the entity; and
- d) Articles of Incorporation, Articles of Organization or other evidence of legal formation or authority.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.120 Application for Non-Resident Home Inspector License by Reciprocity

An initial applicant who desires a Home Inspector License by reciprocity and holds a valid Home Inspector License issued by a proper licensing authority of another jurisdiction with which, that the Division~~OBRE~~ has a valid reciprocal agreement shall submit to the Division~~OBRE~~:

- a) An application, provided by the Division~~OBRE~~, that is signed and fully completed by the applicant;
- b) The required fee set forth in Section 1410.400, payable to the Department as provided by this Part; and
- c) A certificate of good standing from the applicant's licensing authority.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.140 Renewal of Home Inspector Licenses

- a) Each applicant for renewal of a Home Inspector License issued pursuant to Sections ~~1410.100+00~~ and ~~1410.120+20~~ of this Part shall submit to the Division~~OBRE~~:
 - 1) A renewal~~An~~ application, provided by the Division~~OBRE~~, that is signed and fully completed by the applicant;
 - 2) The required fee set forth in Section 1410.400, payable to the Department as provided by this part; and
 - 3) Proof of successful completion of the continuing education requirements of Section 1410.160 as provided by this Part.

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- b) Each applicant for renewal of a home inspector entity license issued pursuant to Section ~~1410.110~~~~110 of this Part~~ shall:
- 1) submit to ~~the Division~~~~OBRE~~:
 - A) ~~A renewal~~~~An~~ application, provided by ~~the Division~~~~OBRE~~, that is signed and fully completed by the applicant; ~~and~~
 - 2) ~~A certificate of good standing or authorization to conduct business in Illinois from the Secretary of State of Illinois; and~~
 - B) The fee as provided by this Part, ~~payable to the Department.~~
 - 2) ~~The licensed entity shall be in good standing and comply with all requirements of the Secretary of State of Illinois.~~
- c) Any person who fails to ~~submit a renewal application and~~ renew his or her license by the expiration date of the license may renew ~~the his or her~~ license for a period of 2 years following the expiration date of ~~the his or her~~ license by submitting to ~~the Division~~~~OBRE~~:
- 1) ~~A renewal~~~~An~~ application, provided by ~~the Division~~~~OBRE~~, that is signed and fully completed by the applicant;
 - 2) The fee ~~required~~ and late penalty ~~set forth in Section 1410.400 as provided by this Part~~; and
 - 3) ~~Proof~~~~proof~~ of successful completion of the continuing education requirements ~~of Section 1410.160 as provided by this Part.~~
- d) Any person who fails to submit a renewal application within 2 years ~~after~~~~of~~ the expiration date shall not be eligible to renew his or her license, and must meet the requirements of a new applicant ~~as required by the Act and this Part.~~

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.150 Pre-License Education Requirements

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a) Any person who makes application for a Home Inspector License shall be required, as a prerequisite to examination, to have successfully completed 60 ~~classroom~~ hours of pre-license instruction in a course of study pursuant to Subpart F ~~of this Part~~. Pre-license education requirements shall only be accepted from education providers and courses approved by the Division OBRE, except as provided in subparagraph (b) of this Section.

- b) ~~OBRE may accept evidence of successful completion of pre-license education credit or partial credit from courses taken after January 1, 2001 and prior to January 1, 2003. An applicant who wishes to obtain credit for pre-license education courses not licensed by OBRE shall submit to OBRE prior to June 30, 2003:~~
- 1) ~~An application, provided by OBRE, to request approval for pre-license education credit signed and fully completed by the applicant;~~
 - 2) ~~A certificate of successful completion provided by the education provider or any other evidence to be considered by OBRE; and~~
 - 3) ~~The fee as provided in Section 1410.400.~~

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.160 Continuing Education Requirements

- a) A home inspector who makes application to renew his or her Home Inspector License shall successfully complete the equivalent of 6 hours per year of approved continuing education pursuant to Subpart F, preceding the renewal; for example, a total of 12 hours of approved continuing education must be completed during each ~~for a~~ 2 year renewal cycle. A minimum of 6 hours of continuing education must be approved as mandatory courses, as defined by Subpart F ~~Continuing education may be obtained anytime during the pre-renewal period.~~
- b) If a home inspector was issued an initial license for less than one year prior to the expiration of the license, ~~then~~ no continuing education is required for that renewal. If a home inspector has held a license for more than one year prior to the expiration, but less than two years, ~~then~~ 6 hours of approved continuing education is required. A minimum of 3 hours of continuing education must be approved as mandatory courses, as defined by Subpart F.

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c) Continuing education may be obtained anytime during the pre-renewal period.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.170 Issuance of Certificate of Licensure

~~The Division~~OBRE shall issue a certificate of licensure and a pocket card to all home inspectors approved for licensure under ~~the~~this Act and this Part. The certificate shall include the name and license number of the home inspector or home inspector entity, address, and the date of expiration.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.180 Exemptions (Repealed)

~~As set forth in Section 5-5(c)(2) of the Act, nothing in the Home Inspector License Act or this Part shall limit or prohibit a person who has been issued a valid license, registration, certification or other credential by a regulatory authority of the State of Illinois that authorizes a person to engage in a practice or hold oneself out to engage in an activity or use any title for which such a license, registration, certification or credentials were issued.~~

(Source: Repealed at 34 Ill. Reg. 8063, effective June 3, 2010)

SUBPART C: STANDARDS OF PRACTICE AND BUSINESS REQUIREMENTS

Section 1410.200 Standards of Practice

a) The following are terms commonly used in the writing of home inspection reports. For the purposes of this Section, the terms listed below shall mean:

- 1) Alarm Systems: Warning devices, installed or free-standing, including but not limited to: carbon monoxide detectors, flue gas and other spillage detectors, security equipment, ejector pumps and smoke alarms.
- 2) Automatic Safety Controls: Devices designed and installed to protect systems and components from unsafe conditions.
- 3) Client: A person or person who engages or seeks to engage the services of a home inspector for an inspection assignment.

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- ~~43~~) Component: A part of a system.
- ~~54~~) Decorative: Ornamental; not required for the operation of the essential systems and components of a home.
- ~~65~~) Describe: To report a system or component by its type or other observed, significant characteristics to distinguish it from other systems or components.
- ~~7~~) Dismantle: To take apart or remove any component, device or piece of equipment that would not be taken apart or removed by a homeowner in the course of normal and routine home owner maintenance.
- ~~8~~) Further Evaluation: Examination and analysis by a qualified professional, tradesperson or service technician beyond that provided by the home inspection.
- ~~96~~) Home Inspection: As defined in Section 1-10 of the Act.
- ~~107~~) Home Inspection Report: A written evaluation prepared and issued by a home inspector, upon completion of a home inspection, that meets the standards of practice ~~as~~ established by this Subpart~~OBRE~~.
- ~~11~~) Household Appliances: Kitchen, laundry and similar appliances, whether installed or free-standing.
- ~~128~~) Inspect: To visually examine readily accessible systems and components of a building in accordance with this Subpart~~these Standards of Practice~~, using normal operating controls and opening readily accessible access panels.
- ~~13~~) Installed: Attached in such a manner that removal requires tools.
- ~~14~~) Normal Operating Controls: Devices such as, but not limited to, thermostats, switches or faucets intended to be operated by the homeowner.

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- 15) Readily Accessible: Available for visual inspection without requiring moving of personal property, dismantling, destructive measures, or any action that will likely involve risk to persons or property.
- 16) Readily Operable Access Panel: A panel provided for homeowner inspection and maintenance that is within normal reach, can be removed by one person, and is not sealed in place.
- 17) Recreational Facilities: Spas, saunas, steam baths, swimming pools, and exercise, entertainment, athletic, playground or other similar equipment and associated accessories.
- 18) Report: To communicate in writing.
- 19) Representative Number: One component per room for multiple similar interior components, such as windows, doors and electric outlets, and one component on each side of the building for multiple similar exterior components.
- 209) Roof Drainage Systems: Components used to carry water off a roof and away from a building.
- 2140) Significantly Deficient: Unsafe or not functioning.
- 22) Shut Down: A state in which a system or component cannot be operated by normal controls.
- 2344) Solid Fuel Burning Appliances: A hearth and fire chamber or similar prepared place in which a fire may be built and ~~that~~which is built in conjunction with a chimney; or a listed assembly of a fire chamber, its chimney and related factory-made parts designed for unit assembly without requiring field construction.
- 2412) Structural Component: A component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).
- 2543) System: A combination of interacting or interdependent components, assembled to carry out one or more functions.

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- 26) Technically Exhaustive Inspection: An investigation that involves dismantling or the extensive use of advance techniques, measurements, instruments, testing, calculations or other means.
- 2714) Under-floor~~Under Floor~~ Crawl Space: The area within the confines of the foundation and between the ground and the underside of the floor.
- 2815) Unsafe: A condition in a system or component that ~~poses~~is a significant risk of personal injury or property damage during normal, day-to-day use. The risk may be due to damage, deterioration, improper installation or a change in accepted residential construction standards.
- 29) Wiring Methods: Includes identification of electrical conductors or wires such as, but not limited to, non-metallic sheathed cable (Romex), armored cable (BX) or knob and tube.
- b) ~~This Subpart defines~~~~These Standards of Practice define~~ the practice of home inspection in the State of Illinois and ~~shall~~:
- 1) ~~Provides~~Provide home inspection guidelines; and
 - 2) ~~Defines~~Define certain terms relating to ~~these~~ home inspections.
- c) The purpose of ~~this Subpart~~~~these standards of practice~~ is to establish a minimum and uniform standard for licensed home inspectors to provide the client with information regarding the condition of the systems and components of the home as inspected at the time of the home inspection. The home inspectors shall observe readily visible and accessible installed systems and components listed as part of a home inspection, unless the system or component is limited and/or excluded under the signed written agreement with the client.
- d) Home inspectors or home inspector entities shall enter into a written agreement with the client or duly authorized representative prior to the home inspection that includes at a minimum:
- 1) The purpose of the inspection;
 - 2) The date of the inspection;

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- 3) The name, address and license ~~numbers~~number of the home inspector ~~and~~or home inspector entity;
 - 4) The fee for services performed;
 - 5) A statement that the inspection will be performed in accordance with these Standards;
 - 6) A list of the systems and components to be inspected;
 - 7) Limitations or exclusions of systems or components being inspected; and
 - 8) The signature of the client or his or her duly authorized representative, and the signature of the home inspector or the duly authorized representative of a home inspector entity.
- e) At the conclusion of the home inspection, a home inspector shall submit a written report, which can be in electronic format (including electronic signature), to the client or duly authorized representative within 2 business days (Monday through Friday, excluding legal holidays)~~48 hours~~ that includes the home inspector's signature and license number and license expiration date and shall:
- 1) Describe the systems and components that were inspected;
 - 2) Report on those systems and components inspected that, in the opinion of the inspector, are significantly deficient including~~;~~~~and~~
 - A) A reason why, if not self evident, the system or component is significantly deficient.
 - B) Whether the reported deficiency should be corrected or monitored.
 - C) Disclosure of~~Disclose~~ any systems or components designated for inspection~~;~~ that were present at the time of the home inspection~~;~~ but were not inspected with~~and~~ a reason why they were not inspected.
- f) These Standards are not intended to limit home inspectors from:

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- 1) Including other inspection services, systems or components in addition to those defined in these ~~Standards~~standards of practice; ~~and~~
 - 2) Specifying repairs, provided the inspector is appropriately qualified and willing to do so; and
 - 3) Excluding systems and components ~~in the written agreement~~ from the inspection if the exclusion is specified in the written agreement.
- g) When, pursuant to written agreement with a client, the structural system/foundation is inspected, the home inspector shall:
- 1) Inspect the structural components, including the foundation and framing; ~~and~~
 - 2) Describe the foundation and report the methods used to inspect the under-floor crawl space; ~~or basement area,~~ floor, wall, ceiling, roof ~~and;~~ structure~~structure~~ and report the methods used to inspect the attic; ~~and;~~
 - 3) Report visible signs of water and moisture penetration into the building or signs of condensation on building components.
- h) When, pursuant to the written agreement with a client, the exterior is inspected, the home inspector shall:
- 1) Inspect the exterior wall covering; ~~flashing and;~~ trim; ~~all exterior doors;~~ attached decks, balconies, stoops, steps, porches; and their associated railings; ~~the eaves, soffits;~~ and fascias ~~if~~where accessible from the ground level; ~~the vegetation, grading, surface drainage;~~ and retaining walls on the property when any of these are likely to adversely affect the building; ~~walkways;~~ patios; ~~and driveways leading to dwelling entrances; and~~
 - 2) Describe the exterior wall covering.
- i) When, pursuant to the written agreement with a client, the roof system is inspected, the home inspector shall:
- 1) Inspect the roof covering, ~~the~~ roof drainage systems, ~~the~~ flashings, ~~the~~ skylights, chimneys, and roof penetrations; and

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- 2) Describe the roof covering and report the methods used to inspect the roof.
- j) When, pursuant to the written agreement with a client, the plumbing system is observed, the home inspector shall describe in detail the interior water supply and distribution systems, including ~~all~~-fixtures and faucets, drains, waste and vent systems; ~~including all fixtures, the~~ water heating equipment ~~and, the~~ vent systems; flues; and chimneys; ~~the~~ fuel storage and fuel distribution systems; ~~the~~ drainage sumps, sump pumps; and related piping; ~~and the~~ location of main water and main fuel shut-off valves.
- k) When, pursuant to the written agreement with a client, the electrical system is inspected, the home inspector shall:
- 1) Inspect the service drop; ~~the~~ service entrance conductors, cables; and raceways; ~~the~~ service equipment and main disconnects; ~~the~~ service grounding; ~~the~~ interior components of service panels and subpanels; ~~the~~ conductors; ~~overcurrent, the over-current~~ protection devices; a representative number of installed lighting fixtures, switches; and receptacles; ~~and, the~~ ground fault circuit interrupters;
 - 2) Describe the amperage and voltage rating of the service, the location of main disconnects and subpanels ~~and~~; the wiring methods; and
 - 3) Report on the presence of solid conductor aluminum branch circuit wiring and on the absence of carbon monoxide and smoke detectors.
- l) When, pursuant to the written agreement with a client, the heating system is inspected, the home inspector shall:
- 1) Inspect the permanently installed heating equipment, including fans, pumps, ducts and piping; their supports, registers, radiators and convectors; and, the visible vent systems, flues; and chimneys; and
 - 2) Describe the energy source; ~~and~~ the heating method by theirs distinguishing characteristics.
- m) When, pursuant to the written agreement with a client, the cooling system is inspected, the home inspector shall:

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- 1) inspect the permanently installed central and through-wall cooling equipment; and
 - 2) describe the energy source; and the cooling method by theirs distinguishing characteristics.
- n) When, pursuant to the written agreement with a client, the interior is inspected, the home inspector shall:
- 1) Inspect~~inspect~~ the walls, ceilings; and floors; ~~the~~ steps, stairways, balconies and their railings; ~~the~~ countertops, installed cabinets, doors and windows; and garage doors and garage door operators; and.
 - 2) Report visible signs of water and moisture penetration into the building or signs of condensation on building components.
- o) When, pursuant to the written agreement with a client, the insulation and ventilation are inspected, the home inspector shall:
- 1) inspect the insulation and vapor retarders in unfinished spaces, the ventilation of attics and foundation areas, and the mechanical ventilation systems in attics, kitchens, bathrooms and laundry; and
 - 2) describe the insulation and vapor retarders in unfinished spaces and; the absence of insulation in unfinished spaces at conditioned surfaces.
- p) When, pursuant to the written agreement with a client, the fireplaces and solid fuel burning appliances are inspected, the home inspector shall:
- 1) Inspect the system components, ~~the~~ vent systems, flues; and chimneys; and
 - 2) Describe the fireplaces, solid fuel burning appliances, and ~~the~~ chimneys.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.210 Notification of Name Change

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It is the responsibility of each licensee ~~issued a license under this Act~~ to notify the Division ~~OBRE~~ in writing, within ~~fifteen (15)~~ days ~~after~~ any change of name. For example, if the licensee has had a name change either by court order or due to a change in marital status, the licensee shall notify the Division ~~OBRE~~ of the name change, together with a certified copy of the marriage certificate or portions of the court order relating to the name change, and indicate ~~under~~ the name under which the license ~~should~~ ~~shall~~ be issued.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.220 Assumed Name

If a licensee operates under any name other than that appearing on his or her license, he or she shall submit to the Division ~~OBRE~~ a certified copy of his or her registration under the Assumed Business Name Act [805 ILCS 405] at the time of application or within 30 days after the registration.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.230 Address Change; Street Address

It is the responsibility of each licensee to notify the Division ~~OBRE~~ in writing, of a change of address within ~~fifteen (15)~~ days ~~after the~~ ~~such~~ change. A licensee may use a Post Office Box number (for example, P.O. Box 1001), as a mailing address, but must additionally notify the Division ~~OBRE~~ of a street address of the licensee's residence or business location.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

SUBPART D: ENFORCEMENT PROVISIONS

Section 1410.300 Grounds for Discipline

A rebuttable presumption of dishonest, unethical or unprofessional conduct shall arise whenever a home inspector, while performing a home inspection or developing a home inspection report, commits one or more of the following acts or omissions and fails to provide a credible explanation upon request:

- a) The licensee expresses an opinion ~~not~~ ~~without being~~ based on practical experience or education and honest conviction.

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- b) The licensee fails to act in good faith in dealing with a client.
- c) The licensee discloses any information concerning the results of a home inspection without the approval of the client, unless conditions that threaten health, safety or welfare exist that require emergency action. If any dangerous situations exist, the home inspector is required to report those findings to the home owner.
- d) The licensee accepts compensation from more than one interested party for the same service without the consent of all interested parties.
- e) The licensee offers or accepts commissions or allowances, directly or indirectly, from other parties dealing with a client while providing a home inspection.
- f) The licensee fails to promptly disclose in writing to a client any interest in a business or the subject property that may affect or have the potential to affect the client.
- g) The licensee allows an interest in any business to affect the quality of the results of a home inspection.
- h) The licensee fails to disclose in writing to the client prior to the home inspection any limitations or exclusions of systems or components being inspected.
- i) The licensee aids or assists another in the violation of the Act or this Part.
- j) The licensee fails to satisfy a material term of a consent to administrative supervision order or consent order.
- k) The licensee aids, assists, or facilitates another to use or appropriate credentials or a license for the purpose of preparing a home inspection report knowing that such person to be unlicensed.
- l) The licensee advises a client as to whether the client should or should not engage in a real estate transaction or provides an opinion of value regarding the residential real property that is the subject of the home inspection.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

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Section 1410.310 Felony Convictions; Discipline of Other Professional License; Notification

- a) A licensee ~~who holds a valid license issued under the Act~~ shall notify the Division~~OBRE~~ in writing within 30 days from the date of conviction of any crime described in Section 15-10(a)(4) of the Act. In addition to the notice, the licensee shall provide to the Division~~OBRE~~ all court records, including but not limited to indictments, information, plea agreements, pre-trial sentencing motions, investigations and orders, as well as judgment and sentencing orders, or other information as required by the Division~~OBRE~~ to determine fitness for licensure.
- b) A licensee ~~who holds a valid license issued under the Act~~ who has had another professional license disciplined as described in Section 15-10(a)(9) of the Act shall notify the Division~~OBRE~~ in writing within 30 days after any adverse temporary or final order. In addition to the notice, the licensee shall provide all adverse orders, whether by consent or otherwise, plea agreements, motions or pleadings ~~in which~~wherein a licensee has made a written statement or admission of culpability in the violation of a professional regulation or standard, or other information as required by the Division~~OBRE~~ to determine fitness for licensure.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.320 Cooperation Required with the Division~~OBRE~~

Pursuant to Section 15-10(a)(16) of the Act, all licensees are required to fully cooperate with any audit, investigation, interrogatory, examination or request for information regarding any aspect of the licensee's home inspection practice or application for licensure. Full cooperation includes, but is not necessarily limited to:

- a) Providing to the Division~~OBRE~~ a complete copy of a signed home inspection report as it was transmitted to the client, including file memoranda, work files ~~and~~; supporting and/or verification documentation ~~that are~~ required to be maintained by the Act;
- b) Providing to the Division~~OBRE~~ continuing education certificates or work logs ~~that are~~ required to be maintained by the Act or this Part; or
- c) Providing to the Division~~OBRE~~ a complete response to any written interrogatory or request for clarification submitted to a licensee or applicant.

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(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.330 Administrative Warning Letter

The Division~~OBRE~~ may issue an administrative warning letter with or without a compliance agreement that may include a fee required under Section 1410.400~~pursuant to this Part~~. A compliance agreement may include conditions in order to maintain the Standards of Practice~~standards of professional conduct~~, the competency of a licensee, and the protection of the public. Administrative warning letters with or without a compliance agreement are not considered to be discipline and are not subject to the Freedom of Information Act [5 ILCS 140].

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.340 Additional Education; Reporting Requirements

The Division~~OBRE~~ may require a licensee, pursuant to a compliance agreement or order, to complete remedial education, additional continuing education or pre-license education coursework, provide any reports, records or other documents pertaining to home inspection practice that the Division~~OBRE~~ may deem necessary to maintain the Standards of Practice~~and standards of professional conduct~~, the competency of a licensee, and for the protection of the public.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.350 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan

- a) If the Division~~OBRE~~ receives certification that a licensee is in violation of Section 15-40, 15-45 or 15-50 of the Act, the Division~~OBRE~~ shall notify the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery, that the licensee may be refused renewal of the license at its expiration date, unless the licensee provides to the Division~~OBRE~~ certification that the licensee has eliminated the arrearage or has arranged for payment of the obligations in a manner satisfactory to the appropriate administering agency.
- b) If the Division~~OBRE~~ receives certification that an applicant is in violation of Section 15-40, 15-45 or 15-50 of the Act, the Division~~OBRE~~ shall notify thesueh

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applicant, by certified or registered mail, return receipt requested, or other signature restricted delivery, of its intent to deny the applicant a license under the Act, unless the applicant provides to ~~the Division~~~~OBRE~~ proof that the applicant has eliminated the arrearage or has arranged for payment of the obligations in a manner satisfactory to the appropriate administering agency.

- c) For the purposes of this Section, "certification" shall mean:
- 1) a verified statement by the appropriate administering agency of ~~the~~~~such~~ delinquency, failure to file or failure to pay; or
 - 2) a finding by an administrative body, after notice to the licensee or applicant, of evidentiary proceedings or a court of competent jurisdiction that the licensee or applicant is delinquent in child support or is liable to pay a certain amount for Illinois taxes or is delinquent or has defaulted on an Illinois-guaranteed student loan obligation.
- d) A licensee or applicant may participate in a hearing, but the basis for the hearing shall only be for the purpose of proving that the petitioner is not the person for which ~~such~~-failure to pay or arrearage information was received, that the petitioner has executed a formal, written payment plan with the appropriate administering agency, signed by both parties, or that the petitioner has satisfied the outstanding debt. Collateral attack of the certification is not permitted.
- e) A license will be eligible for reinstatement, renewal or issuance upon a showing that the certified failure to file, failure to pay delinquency or default has been satisfied, and by completing the appropriate application and paying ~~the~~~~any~~ fees ~~required by Section 1410.400~~~~provided in this Part~~.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

SUBPART E: ADMINISTRATIVE PROVISIONS

Section 1410.400 Fees

- a) Initial application fee for a Home Inspector License pursuant to Sections 5-10 and 5-12 of the Act and Sections 1410.100, 1410.110, 1410.120 and 1410.130 of this Part.

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- 1) The application fee for an initial license as a home inspector shall be \$250.
 - 2) The application fee for an initial license as a home inspector entity shall be \$250.
- b) Renewal application fee for a Home Inspector License pursuant to Sections 5-16 and 5-17 of the Act and Section 1410.130 of this Part.
- 1) The application fee to renew a license as a home inspector shall be calculated at \$200 per year, for a total of \$400 per renewal.
 - 2) The application to renew a home inspector entity license shall be calculated at \$200 per year, for a total of \$400 per renewal.
 - 3) The application fee to renew a home inspector or home inspector entity license, that has expired, ~~as a home inspector or a home inspector entity~~ shall be the sum of all lapsed renewal fees, plus a \$50 late fee.
- c) Initial application fee for a license as an education provider, a pre-license course, and a continuing education course.
- 1) The application fee for a license as an education provider pursuant to Section 20-5 of the Act and Section 1410.570 of this Part shall be \$1,000, plus course application fees.
 - 2) The application fee for a certificate of approval license for a pre-license course pursuant to Section 20-10 of the Act and Section 1410.570 of this Part shall be \$100.
 - 3) The application fee for a certificate of approval license for a continuing education course pursuant to Section 20-10 of the Act and Section 1410.570 of this Part shall be \$50.
- d) Application fee to renew a license as an education provider, or a certificate of approval for a pre-license course ~~or, and~~ a continuing education course.
- 1) The application fee to renew a license as an education provider shall be calculated at \$500 per year, for a total of \$1,000 per renewal.

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- 2) The application fee to renew an education provider license, that has expired, ~~as an education provider~~ shall be the sum of all lapsed renewal fees, plus a \$50 late fee.
 - 3) The application fee to renew a certificate of approval for a pre-license course license ~~as a pre-license course~~ shall be calculated at \$50 per year, for a total of \$100 per renewal.
 - 4) The application fee to renew ~~ana license that has~~ expired certificate of approval for, as a pre-license course shall be the sum of all lapsed renewal fees, plus a \$50 late fee.
 - 5) The application fee to renew ~~a license as a~~ certificate of approval for a continuing education course shall be calculated at \$25 per year, for a total of \$50 per renewal.
 - 6) The application fee to renew ~~ana license, that has~~ expired certificate of approval for, as a continuing education course shall be the sum of all lapsed renewal fees, plus a \$50 late fee.
- e) For the purposes of determining if a license has expired under this Section, the Division ~~OBRE~~ shall consider the license expired, if the postmark ~~post-mark~~ on the renewal application is a date later than the expiration date, or, if delivered other than by mail, the license shall be considered expired, if the renewal application is received by the Division ~~OBRE~~ on a date after the expiration date.
- f) General
- 1) All fees paid pursuant to the Act and this Part are non-refundable.
 - 2) The fee for the issuance of a duplicate license certificate or pocket card, for the issuance of a replacement license certificate or pocket card, that has been lost or destroyed, or for the issuance of a license certificate or pocket card with a name or address change, other than during the renewal period, shall be \$25.
 - 3) The fee for a certification of a licensee's record for any purpose shall be \$25.

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- 4) The fee for a decorative wall license showing registration shall be the cost of producing the license.
- 5) The fee for a roster of persons licensed under the Act shall be the cost of producing the roster.
- 6) The fee for an applicant to take the examination for a Home Inspector License shall be the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.
- 7) The fee for requesting a waiver of any education requirement provided by the Act and this Part shall be \$50.
- 8) The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce ~~the~~ such copy.
- 9) The fee for certifying any record, for example, a copy of a disciplinary order or application, shall be \$1 per page.
- 10) ~~The Division~~OBRE may charge an administrative fee not to exceed \$2,000 as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1410.330 ~~of this Part~~.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.410 Duties of the Liaison

- a) The ~~Director~~Commissioner may delegate the authority of ~~the Division~~OBRE and ~~the Commissioner~~ to the liaison to the Home Inspector Advisory Board, as provided in Section 25-15 of the Act. The liaison may excuse responsibilities that~~Such delegation may~~ include, but areis not limited to, the following:
 - 1) Determine the course of an investigation based upon his or her knowledge, training and experience;

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- 2) Determine whether a complaint shall be closed without an investigation, given the allegations; ~~or~~ evidence of a violation of the Act and this Part;
 - 3) Close a complaint without any action;
 - 4) Issue an administrative warning letter or; cease and desist letter, or request that an attorney issue ~~those~~such letters;
 - 5) Enter into compliance agreements;
 - 6) Refer a complaint for prosecution; or
 - 7) Act upon a request for a variance from this Part.
- b) The authority, once delegated, shall continue until ~~such time as~~ it is amended or withdrawn.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.420 Granting of Variances

The ~~Director~~Commissioner of the Office of Banks and Real Estate may grant variances from this Part~~these rules~~ in individual cases ~~in which~~where he or she finds:

- a) the provision from ~~which~~that the variance is granted is not statutorily mandated;
- b) the granting of the variance would not be contrary to the public welfare; and
- c) the rule from that the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

SUBPART F: EDUCATION PROVIDER AND COURSE REQUIREMENTS

Section 1410.500 Education Provider Application; Requirements

- a) In accordance with Section 20-5 of the Act, any person or entity seeking approval to provide pre-license and/or continuing education courses shall submit an

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application, on forms provided by ~~the Division~~OBRE, that is signed by the applicant and fully completed, along with the appropriate fee required by ~~Section 1410.400~~this Part.

- b) The program of pre-license and/or continuing education ~~delivered by~~for a licensed education provider shall:
- 1) be approved by the provider's governing and/or supervising body;
 - 2) utilize qualified instructors; and
 - 3) offer courses that are approved ~~by the Division~~and licensed, and conform to the standards established in this Subpart.
- c) Facilities
- 1) An education provider must provide an office for the maintenance of all records, office equipment and office space necessary for customer service.
 - 2) The premises, equipment and facilities of the education provider shall comply with applicable community, state or federal fire codes, building codes, and health and safety standards.
 - 3) The education provider is subject to inspection prior to approval or at any time thereafter by authorized representatives of ~~the Division~~OBRE. Inspections shall be conducted during regular business hours, ~~without prior notice, to ensure proper methods of instruction are being used and to confirm the content of approved courses being taught, with at least 48 hours advance notice.~~
 - 4) No education provider shall maintain an office, or conduct education courses in a private residence, except ~~field inspection events practical lab instruction~~ may be ~~conducted~~given in a private residence ~~or similar residential structure.~~
 - 5) An education provider shall only conduct ~~education~~ courses in locations that are conducive to learning.
- d) Administration

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- 1) No licensed education provider shall advertise that it is endorsed, recommended, or accredited by the Division OBRE. The education provider may indicate that it is licensed by and the course of study has been approved ~~and licensed by~~ the Division OBRE.
- 2) Each education provider shall provide a prospective student, prior to enrollment, with information that specifies the course of study to be offered, the tuition, the provider's policy regarding ~~refunds~~ refund policies, any additional fee for supplies, materials or books, and other matters that are material to the relationship between the provider and the student.
- 3) Each education provider shall maintain for each student a record that ~~includes~~ shall include the course of study undertaken, dates of attendance, and a transcript of courses satisfactorily completed. All records shall be maintained by the education provider for ~~a period of~~ 5 years and shall be made available to the student or to the Division OBRE upon request, during regular business hours. An education provider may charge a student the cost of reproducing copies of a transcript.
- 4) Each education provider shall, upon request by the Division OBRE, provide evidence of financial resources available to equip and maintain its program, as documented by, for example, a current balance sheet or an income statement.
- 5) Any out-of-state education providers shall reimburse the Division OBRE for all reasonable expenses incurred by the Division OBRE while inspecting its facilities.
- 6) Each education provider shall notify the Division OBRE of all proposed changes in its ownership ~~of the education provider~~ at least 30 days prior to the change in ownership.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.510 Pre-License Education Course Requirements of Education Providers

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- a) For the purposes of this ~~Section~~~~section~~, a course shall be defined as a course of instruction; that meets the curriculum requirements of this Part, and shall be at least 15 hours in length.
- b) Each course shall ~~conform with~~~~meet~~ the appropriate course curriculum prescribed by ~~Section 1410.520~~~~this Part~~.
- c) Each course shall include an examination of a minimum of 25 questions for each 15 hours of instruction; for example, a 15 hour course would require a 25 question examination ~~and~~; a 30 hour course would require a 50 question examination. The questions shall be either multiple choice or true/false or a combination of ~~multiple choice and true/false~~~~the same~~. Open book examinations shall not be accepted. No student shall be deemed to have successfully completed the course; unless he or she has scored a minimum of 70% on the course examination.
- d) ~~The Division~~~~OBRE~~ shall only grant approval for courses; ~~and~~ that are a part of an overall pre-license education program for a Home Inspector License. An education provider must have a complete 60 hour pre-license program approved by ~~the Division~~~~OBRE~~.
- e) Each education provider who seeks approval of a course shall submit to ~~the Division~~~~OBRE~~ an application, on forms provided by ~~the Division~~~~OBRE~~, that is signed by the applicant and fully completed. ~~The application~~; ~~and~~ shall include, but ~~is~~ ~~not~~ ~~be~~-limited to, an outline and course description for each course, materials to be used in instruction, an examination with answer key, and the appropriate fee ~~required by Section 1410.400~~~~pursuant to this Part~~.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.520 Pre-License Course Curriculum

- a) Pre-license education course work to obtain a license as a home inspector shall consist of a minimum of 60 hours of instruction ~~and a minimum of 5 field inspection events~~; ~~of which no less than 40 hours shall be classroom instruction and no less than 10 hours shall be practical lab instruction~~. The content for pre-license instruction courses shall not be repetitive and shall represent a progression of instruction in that the ~~student's~~~~home inspector's~~ knowledge is increased in ~~topics that include~~; ~~the following topics~~; ~~including~~ but ~~are~~ not limited to:

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- 1) Exteriors: Exterior study must contain the following, atas a minimum.
 - A) Identification and inspection of exposed foundations.
 - B) Identification and inspection of siding and exterior wall covering material, flashing, and trim, including: aluminum~~Aluminum~~, brick, vinyl, steel asphalt~~Asphalt~~, hardboard, stucco, wood and~~;~~ exterior insulation finish system.
 - C) Identification and inspection of gutter and drainage control systems.
 - D) Inspection of porches, steps and railings, rails including the structural composition.
 - E) Identification and implications ~~of~~ vegetation, grading and surface drainage, including: retaining walls, walkways and driveways leading to a dwelling entrance.
- 2) Interiors: Interior study must contain the following, atas a minimum:
 - A) Identification and inspection of wall, ceiling and floor defects.
 - B) Identification and inspection of step, stair and railing defects.
 - C) Identification and inspection of countertop, cabinet and island defects, as they pertain~~it pertains~~ to a kitchen or other type room.
 - D) Identification and inspection of interior and exterior door defects.
 - E) Identification and inspection of window defects and operation.
 - F) Identification and inspection of garage door defects, garage door opener defects, and garage structure defects, including fire safety and habitability.
- 3) Roofing: Roofing study must contain the following, atas a minimum:

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- A) Identification of the ~~type~~ and ~~style~~ of roofs.
 - B) Identification and inspection of the roofing materials used, including: asphalt, cedar shake, cedar shingle, tar, residential rolled roofing, clay ~~or~~ concrete tiles, slate, metal, and asbestos.
 - C) Identification and inspection of skylights and flashing.
 - D) Identification of chimneys and other penetrations, including proper height and composition.
- 4) Plumbing: Plumbing study must contain the following, ~~at~~ a minimum:
- A) Identification and description of the main distribution system, including all fixtures, ~~and~~ faucets and materials.
 - B) Identification and description of all drain, waste and vent systems, including all fixtures and materials.
 - C) Identification and description of water heating systems.
 - D) Identification and description of fuel distribution systems and materials.
 - E) Description and identification of all drainage control devices, including sump pumps, ejector pumps or other related piping.
 - F) Identification of water source and sewer distribution.
- 5) Electrical: Electrical study must contain the following, ~~at~~ a minimum:
- A) Identification and inspection of the main service, including the size, location, overcurrent protection, such as a breaker or a fuse, service, entrance conductors, cables, and raceways.
 - B) Identification and inspection of the branch distribution, including fuse boxes, breaker boxes, and ~~subpanels~~.

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- C) Identification and inspection of all overcurrent protection devices and wire type identification.
 - D) Identification and inspection of installed lighting fixtures, switches, and receptacles.
 - E) Identification and inspection of safety devices, including ground fault circuit interrupters.
- 6) Heating, ventilation and air conditioning (HVAC): HVAC study must include the following, atas a minimum:
- A) Identification and inspection of the installed heating equipment, including: gas forced air, fuel oil forced air, heat pumps, electric forced air, and hydronic heating equipment, as well asand the distribution related to the various types.
 - B) Identification and inspection of fuel sources and distribution.
 - C) Identification and inspection of flue pipes and spent gas removal systems.
 - D) Identification and inspection of all related safety devices.
 - E) Identification and inspection of installed cooling systems, including central and window mounted systems.
- 7) Structural: Structural study must contain the following, atas a minimum:
- A) Identification and inspection of all structural components, including floor and wall framing.
 - B) Identification and inspection of all foundation support systems, including: poured concrete, concrete block, brick, stone and, wood, and all related perimeter footing systems.
 - C) Identification and inspection of water related or seepage related sources.

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- D) Identification and inspection of flood control devices.
 - E) Identification and inspection of roof structure and systems related to composition.
 - F) Identification and inspection of under-roof and under-floor ventilation.
 - G) Identification and inspection of insulation and vapor protection systems.
- 8) Miscellaneous Appliances: Appliance study must contain the following, at a minimum:
- A) Identification of all fireplaces, solid fuel burning appliances, chimneys and vents.
 - B) Identification and inspection of all major appliances, including, but not limited to range, stove, oven, refrigerator, window air conditioner, washer, ~~dryer~~drier, trash compactor, and garbage disposal, and other appliances that may be ~~a~~ part of a transaction.
- 9) Applicable Law~~laws~~: Illinois specific law study must contain, at a minimum:
- A) Specific knowledge and understanding of the Illinois Home Inspector License Act and this Part~~Administrative Rule~~.
 - B) General knowledge and understanding of Illinois Human Rights Act [775 ILCS 5].
 - C) General knowledge and understanding of contract law.
- 10) Standards of Practice: Standards of practice study must contain the following, at a minimum:
- A) Required disclosures to a client.
 - B) Required report content.

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- C) Competent report writing.
- D) Specific knowledge of business practices and standards of practice.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.530 Example of Acceptable Pre-License Education Program

Examples of an acceptable pre-license education program and courses are:

- a) 15 hour course of classroom instruction.
 - 1) Exteriors;
 - 2) Interiors; and
 - 3) Roofing.
- b) 15 hour course of classroom instruction.
 - 1) Plumbing;
 - 2) Electrical; and
 - 3) HVAC.
- c) 15 hour course of classroom instruction.
 - 1) Structural;
 - 2) Miscellaneous Appliances;
 - 3) Applicable Laws; and
 - 4) Standards of Practice.
- d) 5 field inspection events in residential real property~~15-hour practical lab instruction.~~

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(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.540 Continuing Education Course Requirements of Education Providers

- a) A continuing education course shall be at least 3 hours in length and shall meet the course curriculum prescribed in Section 1410.550 ~~of this Subpart~~.
- b) Each education provider who seeks approval of a continuing education course shall submit to ~~the Division~~~~OBRE~~ an application, on forms provided by ~~the Division~~~~OBRE~~, that is signed by the applicant and fully completed. ~~The application, and~~ shall include, but ~~is not be~~ limited to, a course outline and description of the course, a minimum 25 question exam with answer key, the number of hours sought, and the appropriate fee ~~required by Section 1410.400 pursuant to this Part~~.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.550 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation other than as a Student

- a) Continuing education courses for a home inspector shall include course work ~~designed to that shall~~ increase ~~the home inspector's his or her~~ skill, knowledge and competency in home inspections and shall cover topics such as, but not limited to:
 - 1) ~~Mandatory courses, including, but not limited to:~~
 - ~~A)~~ Identifying and inspecting the following components and systems:
 - ~~iA)~~ Exteriors;
 - ~~iiB)~~ Interiors;
 - ~~iiiC)~~ Roofing;
 - ~~ivD)~~ Plumbing;
 - ~~vE)~~ Electrical;

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(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.560 Distance Education

- a) For pre-license education or continuing education, distance education is defined as any educational process based on the geographical separation of instructor and student, for example, instruction through CD ROM, on-line learning, correspondence courses, video conferencing, etc.
- b) Distance education courses ~~will~~may be approved ~~and licensed~~ by the Division~~OBRE~~, if:
 - 1) the education provider is ~~approved and~~ licensed by the Division~~OBRE~~;
 - 2) the distance education course meets the requirements for pre-license education and continuing education, as provided in the Act and this Part; and
 - 3) the education provider ~~establishes a mechanism for proctored proctors examination~~examination approved by the Division~~OBRE~~.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.570 Expiration Date and Renewal for Education Providers and Pre- License and Continuing Education Courses

- a) All education provider licenses and pre-license and continuing education course certificates of approval~~licenses shall~~ expire on December 31 of odd-numbered years.
- b) Education providers~~Every education provider~~ who wishes to renew their~~his, her or its~~ license and pre-license and continuing education course certificates of approval~~licenses~~ shall submit to the Division~~OBRE~~:
 - 1) an application, provided by the Division~~OBRE~~, that is signed and fully completed;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 2) any course materials requested by ~~the Division~~OBRE during the renewal application process; and
- 3) the fees ~~as~~ required by [Section 1410.400](#)~~this Part~~.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

Section 1410.580 Continuing Education Reporting

Each licensed education provider, pursuant to Section 20-5(e) of the Act, ~~licensed~~approved to offer approved continuing education courses shall submit to ~~the Division~~OBRE on or before the 15th of each month, a report of those licensees successfully completing the continuing education courses offered by the provider during the preceding calendar month.

- a) The monthly reports shall include, but not be limited to, the following information for each [home inspection](#) licensee:
 - 1) the ~~licensed home inspector's~~licensee's name, address, ~~social security number~~, and license number;
 - 2) the education provider's name and license number; and
 - 3) the continuing education course name and [certificate of approval](#)license number.
- b) If ~~an education~~ provider, during the preceding calendar month, offered no continuing education courses, the provider shall so report on forms provided by ~~the Division~~OBRE.
- c) The monthly reports shall be submitted in a computer readable format provided and specified by ~~the Division~~OBRE.
- d) There will be no processing fee for a monthly report submitted in the computer readable format provided and specified by ~~the Division~~OBRE. Each monthly report submitted on paper or in a format other than ~~the~~ computer readable format provided and specified by ~~the Division~~OBRE shall be accompanied by a processing fee of \$.50 per [home inspection](#) licensee, per course, listed on the report, payable by check to ~~the Department~~OBRE.

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- e) A monthly report received by ~~the Division~~OBRE with a postmark after the day it is due (the 15th ~~day~~ of the month) shall be accompanied by an administrative late fee of \$200, in addition to the fees set forth ~~in subsection (d)above~~.
- f) If an education provider fails to file monthly reports or a statement that no courses were offered, or fails to pay the required fees for ~~3~~three consecutive months, the courses offered by that school may be disqualified pursuant to the procedures set forth in the Act and this Part until all delinquent reports, processing fees, and administrative fees ~~as set forth in this Section~~ have been ~~submitted to and are~~ received by ~~the Division~~OBRE. ~~The Division~~OBRE shall send notice to the ~~education provider~~school of an informal conference before the Board, and of pending disqualification pursuant to the Act ~~or~~ this Part, by certified or registered mail, return receipt requested, or by other signature restricted delivery service.

(Source: Amended at 34 Ill. Reg. 8063, effective June 3, 2010)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Health Maintenance Organizations Code
- 2) Code Citation: 77 Ill. Adm. Code 240
- 3) Section Number: 240.60 Adopted Action:
Amendment
- 4) Statutory Authority: Health Maintenance Organization Act [215 ILCS 125]
- 5) Effective Date of Rulemaking: June 2, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 15, 2010; 34 Ill. Reg. 746
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period:

In Section 240.60(c)(1)(B), "random" was removed and "HMO policy" was changed to "HMO medical record review program".

In addition, various typographical, grammatical and form changes were made in response to JCAR comments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of the Rulemaking: The Minimum Health Care Standards for Health Maintenance Organizations (77 Ill. Adm. Code 240) establishes minimum standards for HMOs, including the minimum standards for reviewing, every two years, of participating physicians' medical records.

In this rulemaking, Section 240.60 (HMO Self-Evaluation Structure) is being amended to drop the requirement for a medical records review every two years. The two-year requirement presents a burden on physicians, especially those who are members of multiple managed care plans. Additionally, it is in conflict with the accreditation requirements of the Managed Care Reform and Patient Rights Act [215 ILCS 134].

- 16) Information and questions regarding this adopted amendment shall be directed to:

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

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 240

[MINIMUM HEALTH CARE STANDARDS FOR
HEALTH MAINTENANCE ORGANIZATIONS CODE](#)

SUBPART A: GENERAL PROVISIONS

Section	
240.10	Authority, Scope and Purpose
240.20	Definitions

SUBPART B: APPLICATION FOR HMO CERTIFICATE OF AUTHORITY

Section	
240.30	Submission of Application for HMO Certificate of Authority
240.40	Personnel, Organization and Provider Requirements
240.50	Provision of Care Requirements
240.60	HMO Self-Evaluation Structure

SUBPART C: HMO OPERATING REQUIREMENTS

Section	
240.80	General Operating Requirements
240.90	HMO Provider Site Medical Record Requirements
240.100	Required Information and Reports
240.110	Department Interventions
240.120	Fees

AUTHORITY: Implementing and authorized by the Health Maintenance Organization Act [215 ILCS 125].

SOURCE: Filed November 24, 1975; emergency amendment at 6 Ill. Reg. 10055, effective August 4, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14846, effective November 23, 1982; codified at 8 Ill. Reg. 7273; Part repealed, new Part adopted at 12 Ill. Reg. 15583, effective October 1, 1988; amended at 14 Ill. Reg. 2403, effective February 15, 1990; amended at 34 Ill. Reg. 8104, effective June 2, 2010.

DEPARTMENT OF PUBLIC HEALTH

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SUBPART B: APPLICATION FOR HMO CERTIFICATE OF AUTHORITY

Section 240.60 HMO Self-Evaluation Structure

- a) The application for an HMO Certificate of Authority shall contain a description of the actions that will be taken by the HMO to:
 - 1) Monitor, on an ~~ongoing~~~~-going~~ basis, the quality, availability and accessibility of care delivered under the auspices of the HMO, and
 - 2) Implement change, where necessary, based on problem identification, analysis and identification of corrective action.

- b) The application for an HMO Certificate of Authority shall contain a description of the quality assessment program adopted by the HMO, which shall meet the following requirements:
 - 1) The quality assessment program shall address both the medical and administrative aspects of the provision and delivery of health care services, such as availability, accessibility and continuity of care.
 - 2) ~~The HMO shall have~~~~There shall be~~ a written quality assessment plan that:
 - A) ~~Establishes~~~~establishes~~ goals, timeframes and objectives for the quality assessment program;
 - B) ~~Outlines~~~~outlines~~ the organizational structure that will be utilized in implementing the quality assessment monitoring activities and the recommendations that result from the quality assessment monitoring activities;
 - C) ~~Describes~~~~describes~~ the methodology and criteria that will be used to evaluate the health care services provided under the auspices of the HMO.
 - 3) Quality assessment monitoring activities shall include the following:
 - A) Problems or concerns relative to the care rendered to enrollees

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shall be identified. Enrollees' accessibility to health care providers, appropriateness of utilization, and concerns identified by the HMO's medical or administrative staff and enrollees shall be considered.

- B) Problems or concerns identified by the quality assessment activities shall be evaluated in accordance with the written plan's methodology and criteria to determine whether problems or concerns do indeed exist, and what the causes of the problems or concerns are.
 - C) An action plan shall be developed and implemented to correct the problems or concerns that have been verified. The action plan shall include an educational component ~~related to the area dealt with the action plan~~ for providers included in the action plan.
 - D) Follow-up measures shall be implemented to evaluate the effectiveness of the action plan.
 - E) ~~The HMO shall have~~ ~~There shall be~~ an ~~ongoing~~ ~~on-going~~ process for monitoring the continued effectiveness of action plans in preventing problems from reoccurring, and in preventing problems from developing.
- 4) ~~The~~ ~~There shall be physician participation in the~~ quality assessment program ~~shall include physician participation~~, and all medical decisions shall be made by the medical director or the HMO's peer review body.
 - 5) Reports of quality assessment activities shall be made to the governing board of the HMO ~~at a minimum~~, on a quarterly basis, ~~at a minimum~~.
 - A) Records and minutes shall be kept on meetings that pertain to quality assessment activities.
 - B) Copies of reports of quality assessment activities shall be forwarded to the administrators of the HMO.
 - C) The HMO shall make records and reports of quality assessment activities available for review by the Department, and the HMO

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shall submit the records to the Department upon request. In accordance with Sections 8-2101 and 8-2102 of the Code of Civil Procedure [\[735 ILCS 5\]\(Ill. Rev. Stat. 1987, ch. 110, pars. 8-2101 and 8-2102\)](#), these records and reports shall be used solely for the purpose of evaluating and improving the quality of care rendered to enrollees through the HMO, and shall therefore *not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person.* [\(Section 8-2102 of the Code of Civil Procedure\)](#)

- c) The application for an HMO Certificate of Authority shall contain a description of the medical record review program adopted by the HMO, which shall meet the following requirements:
- 1) ~~A~~ ~~There shall be a~~ written medical record review program ~~shall that~~
 - A) ~~Establish~~ ~~establishes~~ minimum chart standards ~~that which~~ shall be consistent with the medical record standards contained in this Part ~~(see~~ ~~See~~ Section 240.90);
 - B) ~~Provide~~ ~~provides~~ for a review and evaluation of the medical record documentation of ~~each~~ primary care ~~physicians pursuant to the HMO medical record review program, demonstrating that the HMO has assessed medical record practices;~~ ~~physician at least once every two years;~~ and
 - C) ~~Include~~ ~~includes~~ a program of correction and education that will be implemented when deficiencies relative to chart documentation are found. Such a program shall include a means for the follow-up and correction of deficiencies.
 - 2) Reports of medical record review activities shall be made, at a minimum, on a quarterly basis.
 - A) Records and minutes shall be kept on meetings that pertain to medical record review activities.
 - B) Copies of reports of medical record review activities shall be forwarded to the administrators of the HMO.

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- C) The HMO shall make records and reports of medical record review activities available for review by the Department, and the HMO shall submit the records to the Department upon request. In accordance with Sections 8-2101 and 8-2102 of the Code of Civil Procedure ([Ill. Rev. Stat. 1987, ch. 110, pars. 8-2101 and 8-2102](#)), these records and reports shall be used solely for the purpose of evaluating and improving the quality of care rendered to enrollees through the HMO, and shall therefore *not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person.* ([Section 8-2102 of the Code of Civil Procedure](#))
- 3) [The HMO shall provide](#)~~There shall be~~ an outline of the organizational structure that will be used in implementing the medical record review activities and the recommendations that result from the medical record review activities.
- d) The application for an HMO Certificate of Authority shall contain a description of the utilization review program adopted by the HMO, which shall meet the following requirements:
- 1) The utilization review program shall include procedures for the compilation of statistics ~~that~~[which](#) relate to health services information.
 - 2) The utilization review program shall review and evaluate health related statistical information, such as hospital admissions, ambulatory encounters, and the level of care utilized.
 - 3) [The HMO shall](#)~~There shall be an~~ outline ~~of~~ the organizational structure that will be used in implementing the utilization review program activities and the recommendations that result from the utilization review activities.
 - 4) Reports of utilization review activities shall be made to the governing board of the HMO at a minimum, on a quarterly basis.
- A) Records and minutes shall be kept on meetings that pertain to utilization review activities.

DEPARTMENT OF PUBLIC HEALTH

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- B) Copies of reports of utilization review activities shall be forwarded to the administrators of the HMO.
- C) The HMO shall make records and reports of utilization review activities available for review by the Department, and the HMO shall submit the records to the Department upon request. In accordance with Sections 8-2101 and 8-2102 of the Code of Civil Procedure (~~Ill. Rev. Stat. 1987, ch. 110, pars. 8-2101 and 8-2102~~), these records and reports shall be used solely for the purpose of evaluating and improving the quality of care rendered to enrollees through the HMO, and shall therefore *not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person.* ([Section 8-2102 of the Code of Civil Procedure](#))

(Source: Amended at 34 Ill. Reg. 8104, effective June 2, 2010)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JULY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Predatory Lending Database Program 47 Ill. Adm. Code 390

1) Rule Making:

- A) Description: Amend various sections to conform with updated law.
- B) Statutory Authority: Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 80 of the Residential Real Property Act [765 ILCS 77/80].
- C) Scheduled meeting/hearing dates: None.
- D) Date agency anticipates First Notice: June 2010
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Veronica Dzhafarov
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago, IL 60611
- Telephone: 312-836-5332
- G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Single Family Mortgage Purchase Program, 47 Ill Adm. Code 220

1) Rulemaking:

- A) Description: Repeal the rule.
- B) Statutory Authority: Mortgage Subsidy Bond Tax Act of 1980 (26 U.S.C. 103A) and authorized by Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23].

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JULY 2010 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: June 2010
 - E) Effect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

Veronica Dzhafarov
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago, IL 60611

Telephone: 312-836-5332
 - G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Illinois Affordable Housing Tax Credit Program, 47 Ill. Adm. Code 355
- 1) Rule Making:
 - A) Description: Amend various sections to conform with updated guidelines.
 - B) Statutory Authority: Section 7.28 of the Illinois Housing Development Act [20 ILCS 3805/7.28] and Section 214 of the Illinois Income Tax Act [35 ILCS 5/214].
 - C) Scheduled meeting/hearing dates: The Illinois Housing Development Authority intends to hold a public hearing during the first Notice Period.
 - D) Date agency anticipates First Notice: June 2010
 - E) Effect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JULY 2010 REGULATORY AGENDA

Veronica Dzhafarov
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago, IL 60611

Telephone: 312-836-5332

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Single Family Mortgage Purchase Program, II 47
Ill. Adm. Code 250

1) Rule Making:

A) Description: Repeal the rule.

B) Statutory Authority: Sections 7.19 and 7.23 of the Illinois Housing Development Act (Ill. Rev. Stat. 1981, ch. 67-1/2, pars. 307.19 and 307.23) [20 ILCS 3805/7.19 and 723].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: July 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Veronica Dzhafarov
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago, IL 60611

Telephone: 312-836-5332

G) Related rulemakings and other pertinent information: None

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JULY 2010 REGULATORY AGENDA

- e) Part(s) (Heading and Code Citation): Access to Public Records of the Illinois Housing Development Authority, 2 Ill. Adm. Code 1976
- 1) Rule Making:
- A) Description: Amend various sections to conform with updated law.
- B) Statutory Authority: Section 3 of the Illinois Freedom of Information Act [5 ILCS 140/3]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: July 2010
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Veronica Dzhafarov
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago, IL 60611

Telephone: 312-836-5332
- G) Related rulemakings and other pertinent information: None

PROPERTY TAX APPEAL BOARD

JULY 2010 REGULATORY AGENDA

a) Part (Heading and Code Citation): Practice and Procedure for Hearings Before the Property Tax Appeal Board, 86 Ill.Adm.Code 1910.

1) Rulemaking

- A) Description: The Property Tax Appeal Board anticipates amending the following rules:
Section 1910.20(b) – Update address of the Des Plaines office.
Section 1910.60(d) & (e) – Eliminate the requirement of filing a resolution of the governing board of the taxing body authorizing its legal representative to file a Request to Intervene.
Section 1910.75 – Update to reflect requirements of the Freedom of Information Act [5 ILCS 140].
- B) Statutory Authority: 35 ILCS 200/Art.7 and 35 ILCS 200/16-160 through 16-195.
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Fall 2010
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Louis G. Apostol, Executive Director
Property Tax Appeal Board
Rm. 402, Stratton Office Bldg.
401 S. Spring St.
Springfield, IL 62706

Telephone: 217/782-6076
Fax: 217/785-4425
louis.apostol@illinois.gov
- G) Related rulemaking and other pertinent information: None

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 June 2, 2010 through June 7, 2010 and have been scheduled for review by the Committee at its July 13, 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>
7/16/10	<u>Illinois Electronic Recording Commission</u> , Illinois Electronic Recording Commission (14 Ill. Adm. Code 1400)	4/16/10 34 Ill. Reg. 5588	7/13/10
7/17/10	<u>Department of Revenue</u> , Regional Transportation Authority Retailers' Occupation Tax (86 Ill. Adm. Code 320)	12/28/09 33 Ill. Reg. 17309	7/13/10
7/17/10	<u>Department of Revenue</u> , Regional Transportation Authority Service Occupation Tax (86 Ill. Adm. Code 330)	12/28/09 33 Ill. Reg. 17313	7/13/10
7/17/10	<u>Department of Revenue</u> , Regional Transportation Authority Use Tax (86 Ill. Adm. Code 340)	12/28/09 33 Ill. Reg. 17318	7/13/10
7/17/10	<u>Department of Financial and Professional Regulation</u> , Acupuncture Practice Act (68 Ill. Adm. Code 1140)	3/26/10 34 Ill. Reg. 3734	7/13/10
7/17/10	<u>Illinois Racing Board</u> , Trifecta (11 Ill. Adm. Code 306)	4/16/10 34 Ill. Reg. 5576	7/13/10
7/17/10	<u>Illinois Racing Board</u> , Superfecta (11 Ill. Adm. Code 311)	4/16/10 34 Ill. Reg. 5580	7/13/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

7/17/10	<u>Illinois Racing Board</u> , Horsemen's Bookkeeping System Licensees (11 Ill. Adm. Code 450)	4/16/10 34 Ill. Reg. 5584	7/13/10
7/18/10	<u>Department of Natural Resources</u> , Squirrel Hunting (17 Ill. Adm. Code 690)	4/9/10 34 Ill. Reg. 5102	7/13/10
7/18/10	<u>Department of Natural Resources</u> , The Taking of Wild Turkeys – Fall Gun Season (17 Ill. Adm. Code 715)	4/9/10 34 Ill. Reg. 5114	7/13/10
7/18/10	<u>Department of Natural Resources</u> , Camping on Department of Natural Resources Properties (17 Ill. Adm. Code 130)	4/16/10 34 Ill. Reg. 5519	7/13/10
7/18/10	<u>Department of Natural Resources</u> , The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)	4/9/10 34 Ill. Reg. 5121	7/13/10

PROCLAMATIONS

**2010-184
Village of Odin**

WHEREAS, the Village of Odin, in the County of Marion, in the great State of Illinois, will celebrate its sesquicentennial in the year 2010; and

WHEREAS, since its establishment in 1860, the Village of Odin has contributed to the quality of life in Illinois through its rich history and vibrant culture; and

WHEREAS, Thomas Deadmond, the first settler in what is now Odin Township began a long tradition for the industrious residents of Marion's Southern Illinois Village with a cabin for his family and an 80-acre farm; and

WHEREAS, the first building in Odin was built in 1855 by John Hill and served as a saloon, which was later followed by a post office, railroad depot, a woolen factory, a hay barn, a school and several churches; and

WHEREAS, the Village of Odin, a small farming and agricultural community has grown to be emblematic of the heart and soul of the hardworking people of Illinois; and

WHEREAS, today Illinois joins with the people of the Village of Odin in celebration of this significant milestone; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 29th, 2010 as **THE VILLAGE OF ODIN DAY** in Illinois, in support of this important accomplishment.

Issued by the Governor May 29, 2010

Filed with the Secretary of State June 3, 2010

**2010-185
Ed O'Bradovich Day**

WHEREAS, Edward O'Bradovich, a native of Hillside, starred in track and football at Proviso East High School in Maywood and went on to the University of Illinois, where he served as a stellar defensive lineman for the Fighting Illini in 1959 and 1960 and later was named to the Illinois All-Century team; and,

WHEREAS, Edward O'Bradovich was drafted by the Chicago Bears in 1962, became one of the legendary 'Monsters of the Midway,' and went on to spend his entire professional football career in Chicago; and,

PROCLAMATIONS

WHEREAS, Edward O'Bradovich earned a lasting place in Chicago Bears history and the hearts of Chicago Bears fans during the 1963 National Football League Championship game, played at Wrigley Field on December 29, when he intercepted a screen pass, rumbled downfield, and set up the Bears touchdown that secured the 14-10 championship victory over the New York Giants; and,

WHEREAS, Edward O'Bradovich, better known to fans as OB, played for the Chicago Bears for 10 years and after his retirement continued to remain close to the Chicago Bears, introducing both his former teammate Mike Ditka and longtime defensive star Dan Hampton at their inductions to the Pro Football Hall of Fame; and,

WHEREAS, Edward O'Bradovich had a successful career in business before joining fellow former Bear Doug Buffone as co-host of the Chicago Bears Post-Game show on WSCR-AM 670, giving heart to Bears fans with expert, passionate, and brutally honest assessments of the week's game; and,

WHEREAS, Edward O'Bradovich will celebrate his 70th birthday on Friday, May 21, 2010:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 21, 2010 as **ED O'BRADOVICH DAY** in Illinois, in recognition of his accomplishments on and off the football field, his unflagging passion for the game, and his heartfelt commitment to listeners and Bears fans throughout the Land of Lincoln.

Issued by the Governor May 21, 2010

Filed by the Secretary of State June 4, 2010

2010-186
Flag Honors

WHEREAS, on Wednesday, May 19, Police Officer Harry Andrew Ulferts of Amboy died at age 26 in a tragic motorcycle accident; and,

WHEREAS, Officer Ulferts, a National Guardsman, recently returned from a tour of duty in Afghanistan, where he served with the 333rd Military Police Company; and,

WHEREAS, besides serving his country in the National Guard, Officer Ulferts also served as a Police Officer in the communities of Amboy and Franklin Grove; and,

WHEREAS, Ulferts was following in the footsteps of his father, who retired after serving in the Dixon Police Department for thirty years; and,

PROCLAMATIONS

WHEREAS, a funeral will be held on Tuesday, May 25 for Officer Ulferts, who is survived by his parents:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on May 23, 2010 until sunset on May 25, 2010 in honor and remembrance of Officer Ulferts, whose selfless service and sacrifice is an inspiration.

Issued by the Governor May 21, 2010

Filed by the Secretary of State June 4, 2010

2010-187**Jack "Butch" Pascoe Day**

WHEREAS, since 2001, thousands of Illinois National Guard members and reservists have been called to active duty in the largest mobilization of U.S. servicemembers since World War II; and,

WHEREAS, the Illinois Military Family Relief Fund was created to provides monetary grants to the families of Illinois National Guard members and reservists who have been called to active duty, to help defray basic expenses while family breadwinners are away serving their country; and,

WHEREAS, due to the overwhelming success of the Illinois Military Family Relief Fund, dozens of other states have passed legislation modeled on the Illinois program; and,

WHEREAS, Jack "Butch" Pascoe, who served 26 years in the Army National Guard, has been a tireless advocate for Illinois servicemembers and their families, serving as Program Manager of the Illinois Military Family Relief Fund since 2006; and,

WHEREAS, under Jack "Butch" Pascoe's direction, the Illinois Military Family Relief Fund has distributed \$10.5 million in grants and approved funds for 20,000 applications from Illinois military families; and,

WHEREAS, Jack "Butch" Pascoe single-handedly administers this multi-million dollar program, consistently demonstrating his dedication to the Illinois Military Family Relief Fund and the people it serves:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 23, 2010, as **JACK "BUTCH" PASCOE DAY** in Illinois, in honor of his lifelong record of patriotism, his dedication to the Illinois Military Family Relief Fund, and his service to Illinois military men and women and their families.

Issued by the Governor May 21, 2010
Filed by the Secretary of State June 4, 2010

2010-188**Chicago Police Department Officer Thomas Wortham IV**

WHEREAS, on Wednesday, May 19, Chicago Police Department Officer Thomas Wortham IV was the victim of an attempted robbery, during which he announced his office, exchanged gunfire with the offenders, and was subsequently mortally wounded. He was 30; and

WHEREAS, Officer Wortham is the second officer from the Englewood District killed in the last year; and

WHEREAS, Officer Wortham had been on the force for three years, and had recently returned from a second tour of duty in Iraq; and

WHEREAS, Officer Wortham followed in the footsteps of his father, who is also a military veteran and a retired Chicago police Sergeant; and

WHEREAS, Officer Wortham, a graduate of Brother Rice High School, worked to fight crime in the neighborhood he grew up in, both as a Police Officer and as president of the Cole Park advisory council; and

WHEREAS, Officer Wortham was a conscientious and professional officer who will be remembered for the dedication and commitment to duty that he showed throughout his career; and

WHEREAS, funeral services for Officer Wortham, who is survived by his parents, will be held on Friday, May 28:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on May 26, 2010 until sunset on May 28, 2010 in honor and remembrance of Officer Wortham, whose selfless service and sacrifice is an inspiration.

PROCLAMATIONS

Issued by the Governor May 21, 2010
Filed by the Secretary of State June 4, 2010

2010-189**Nothing But Nets Day**

- WHEREAS, malaria affects approximately 300-500 million people each year; and
- WHEREAS, every 30 seconds a child in Africa dies from a malaria infection transmitted by a mosquito; and
- WHEREAS, long-lasting insecticide-treated nets are one of the most cost-effective and simple methods of preventing the spread of malaria; and
- WHEREAS, Nothing But Nets, a global grassroots campaign to save lives, provides individuals with an easy, tangible way to get involved in the global fight against malaria; and
- WHEREAS, each small donation to the United Nations Foundation's Nothing But Nets campaign helps to cover the cost of purchasing and distributing a net and educating a family on its use; and
- WHEREAS, the 400 students of Holy Family Catholic Academy (grades K-8) have raised \$30,000 to support Nothing But Nets. In addition to fundraising, the school has integrated Nothing But Nets fully into the curriculum for every subject matter and created videos for YouTube; and
- WHEREAS, on Wednesday, May 26th, the Nothing But Nets team will host a recognition ceremony and interactive malaria workshop to honor the students, the school and its families for their incredible effort towards this important global cause; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 26, 2010 as **NOTHING BUT NETS DAY** in Illinois, in recognition of the outstanding efforts of the students of Holy Family School, and in support of the Nothing But Nets Campaign.

Issued by the Governor May 24, 2010
Filed by the Secretary of State June 4, 2010

2010-190**Firefighter Kurt Meusel**

PROCLAMATIONS

WHEREAS, on Saturday, May 22, 2010, an ATV accident claimed the life of Firefighter Kurt Meusel of Scales Mound. He was 25; and,

WHEREAS, Firefighter Meusel was performing Search & Rescue efforts with the Scales Mound Fire Department when he was fatally injured in a rollover accident; and,

WHEREAS, throughout his career, Firefighter Meusel represented the Scales Mound Fire Department and the State of Illinois well; and

WHEREAS, funeral services will be held on Thursday, May 27, 2010 for Firefighter Meusel:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on May 25, 2010 until sunset on May 27, 2010 in honor and remembrance of Firefighter Meusel, whose selfless service and sacrifice is an inspiration.

Issued by the Governor May 24, 2010

Filed by the Secretary of State June 4, 2010

2010-191**Joe Mantegna and Ozzie Guillen Easter Seals Metropolitan Chicago Autism Awareness Day**

WHEREAS, autism spectrum disorders are developmental disabilities that directly affect nearly half a million men, women and children in the United States, severely impairing their ability to learn, communicate, control their behavior and connect with others; and,

WHEREAS, autism spectrum disorders also have a devastating impact on the families and friends who love children and adults with autism and related disabilities; and,

WHEREAS, Easter Seals Metropolitan Chicago is committed to providing services and support to people with autism spectrum disorders and their families, offering them help and hope as they struggle to find effective interventions and educational strategies that will help children with autism reach their full potential; and,

WHEREAS, Joe Mantegna, a Chicago native and a versatile award-winning actor, producer, writer and director, also is the father of Mia Mantegna, who has autism, and since her birth has become an effective and beloved advocate for children and families affected by autism spectrum disorders; and,

PROCLAMATIONS

WHEREAS, Ozzie Guillen, Chicago White Sox Manager, also serves as a member of the Board of Directors of Easter Seals Metropolitan Chicago and has generously devoted time and energy to helping people with autism spectrum disorders; and,

WHEREAS, Joe Mantegna and Ozzie Guillen, as beloved Chicago role models and activists on behalf of those with autism spectrum disorders, are joining forces with Easter Seals Metropolitan Chicago to raise public awareness about the disorders and to let everyone know that, although there is as yet no cure for autism, there is help and there is hope:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 1, 2010, as **JOE MANTEGNA AND OZZIE GUILLEN EASTER SEALS METROPOLITAN CHICAGO AUTISM AWARENESS DAY** in Illinois, to salute them for their effective, steadfast advocacy for people with autism spectrum disorders and to raise awareness of the many programs available to help people with autism and their families in the Land of Lincoln.

Issued by the Governor May 27, 2010

Filed by the Secretary of State June 4, 2010

2010-192**Children's Day**

WHEREAS, children hold a special place in our lives, and raising happy, healthy children is the greatest success any parent can hope to achieve and should be an important goal of every member of society, because children are profoundly influenced by the people and the environment around them.

WHEREAS, the strongest influence is often a child's family, but good schools and nurturing communities also play a vital role in helping children reach their full potential; and

WHEREAS, children are the future of Illinois and it is important that we take action to ensure that they are provided a positive start to life; and

WHEREAS, in Illinois, we place the utmost value on the safety and welfare of our children and we strongly support programs designed to advocate for their best interests; and

WHEREAS, it is important that all citizens work to promote an environment of hope and love for children; and

PROCLAMATIONS

WHEREAS, the State of Illinois is dedicated to ensuring the health, education and well-being of our children, and we pledge to continue our commitment to ensuring a bright future for all of our young people; and

WHEREAS, Children's Day focuses on inspiring parents to take positive action serve as better role models in society, and encourages individuals to consider our how their actions affect future generations; and

WHEREAS, the second Sunday in June has been set aside as a day to celebrate children, and reaffirm our commitment to their needs:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 13, 2010 as **CHILDREN'S DAY** in Illinois, and urge all members of the community to unite in participating in the education, recognition, and inspiration of our state's children.

Issued by the Governor May 27, 2010

Filed by the Secretary of State June 4, 2010

2010-193**Community Health Center Week**

WHEREAS, Community Health Centers are nonprofit, community-owned and operated health providers serving uninsured and medically underserved people in the State of Illinois; and

WHEREAS, Community Health Centers expand access to affordable, high quality, cost-effective health care and contain health care costs by fostering prevention and integrating in the delivery of primary care with aggressive outreach, patient education, translation and other enabling services; and

WHEREAS, Community Health Centers have made great strides in the Illinois health care system by maintaining high standards of accountability, demonstrating cost effectiveness and efficiency in the delivery of care, and empowering communities to address unmet health needs, reduce health disparities, and reduce preventable deaths, costly disabilities, and communicable diseases; and

WHEREAS, Community Health Centers are staffed by doctors, nurses, pharmacists and other health professionals who have chosen to serve in communities in need, helping to expand the reach of primary care and preventative health services; and

PROCLAMATIONS

WHEREAS, there is a continuing need to support implementation of Community Health Centers throughout the State of Illinois as part of Illinois' enduring commitment to the provision of quality primary health care; and

WHEREAS, Community Health Centers promote 100 percent access and zero health disparities to help achieve health care for all people:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 8-14, 2010 as **COMMUNITY HEALTH CENTER WEEK** in Illinois, in recognition of the contributions of community health centers in expanding access to health care and improving the health and future wellbeing of all people in our state.

Issued by the Governor May 27, 2010

Filed by the Secretary of State June 4, 2010

2010-194**Memorial Day**

WHEREAS, Memorial Day was designated as a national holiday for the purpose of cherishing and solemnly celebrating our memories of those who sacrificed their lives on the battlefield in service to our country; and,

WHEREAS, Memorial Day was first observed in 1868 upon the order of Illinois' own John A. Logan, national commander of the Grand Army of the Republic, who called on every American to raise the flag in honor of those lost and to "renew our pledges to aid and assist those whom they have left among us as sacred charges upon the Nation's gratitude,—the soldier's and sailor's widow and orphan;" and,

WHEREAS, Memorial Day today continues to serve as a reminder to every American that our freedom was bought and is preserved at a great cost, and that each of us owes a boundless debt of gratitude to those valorous men and women who have given their lives to defend our country on the battlefields, on the seas and in the skies around the world; and,

WHEREAS, Memorial Day 2010 offers everyone in the Land of Lincoln an opportunity to honor those brave men and women who have served, and continued to serve, as members of the United States Armed Forces; and,

WHEREAS, Memorial Day 2010 reminds us that we can acknowledge our debt to those who serve by flying the flag proudly, by paying our respects at the final resting places of those who fell in battle, and by supporting our men and women in uniform

PROCLAMATIONS

through the Illinois Military Family Relief Fund or other organizations dedicated to helping veterans and servicemembers;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim Monday, May 31, 2010, as **MEMORIAL DAY** in Illinois, and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise to noon on this day, and ask everyone in Illinois to honor the enduring legacy of our national heroes who gave their lives in defense of our nation and the undying American principles of justice, freedom, and democracy.

Issued by the Governor May 31, 2010

Filed by the Secretary of State June 4, 2010

2010-195**Daniel J. Edelman Day**

WHEREAS, Daniel J. Edelman founded the public relations firm of Edelman in October of 1952 to be headquartered in the City of Chicago, Illinois; and

WHEREAS, over the past 58 years Edelman has become the second largest public relations firm in the world with 53 offices employing more than 3200 employees worldwide; and

WHEREAS, Edelman has been a valued employer in the City of Chicago as well as a huge contributor to many Illinois statewide programs; and

WHEREAS, Edelman and its founder have given back to the City of Chicago by assisting such worthy institutions as the Lyric Opera, Art Institute of Chicago and Rehabilitation Institute; and

WHEREAS, Edelman has represented numerous Illinois companies starting with the Toni Company in Chicago in 1952 and adding other giants like Wrigley, Sara Lee, ReaLemon, Kraft, Abbott Laboratories and, most recently, United Airlines; and

WHEREAS, Edelman has served the Illinois Department of Commerce and Economic Opportunity since 1991 as its Illinois Office of Tourism public relations firm; and

WHEREAS, the founder and chairman Daniel J. Edelman will be celebrating his 90th birthday July 3, 2010:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 3, 2010 as **DANIEL J. EDELMAN DAY** in Illinois, and urge all citizens to join in honoring this great

PROCLAMATIONS

Chicagoan who has employed our citizens and helped to pave the way for our future generations by exemplifying the courage, determination and hard work necessary to start a family company and grow it to be one of the best in the world.

Issued by the Governor June 1, 2010

Filed by the Secretary of State June 4, 2010

ILLINOIS ADMINISTRATIVE CODE
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